

BILL HISTORY FOR ASSEMBLY BILL 671 (LRB—4016)

An Act to amend 814.61 (1) (a), 814.61 (1) (b), 814.70 (1) and 814.70 (3) (intro.); and to create 814.61 (1) (e) of the statutes; relating to: court fees charged in harassment actions.

2000

- 01–25. A. Introduced by Representatives **Berceau, Walker, La Fave, Ladwig, Richards, Reynolds, Young, Riley, Musser, Pocan, Albers, Lassa, Wasserman, Sherman, Boyle and Huber**; cosponsored by Senators **Risser, Plache, Erpenbach, Burke, George, Robson, Roessler, Darling and Huelsman**.
- 01–25. A. Read first time and referred to committee on Judiciary and Personal Privacy 600
- 03–16. A. Public hearing held.
- 03–16. A. Executive action taken.
- 03–16. A. Assembly amendment 1 offered by committee on Judiciary and Personal Privacy (**LRB a1440**) 774
- 03–16. A. Assembly amendment 2 offered by committee on Judiciary and Personal Privacy (**LRB a1725**) 774
- 03–20. A. Fiscal estimate received.
- 03–22. A. Report Assembly amendment 1 adoption recommended by committee on Judiciary and Personal Privacy, Ayes 9, Noes 0 799
- 03–22. A. Report Assembly amendment 2 adoption recommended by committee on Judiciary and Personal Privacy, Ayes 9, Noes 0 799
- 03–22. A. Report passage as amended recommended by committee on Judiciary and Personal Privacy, Ayes 9, Noes 0 799
- 03–22. A. Referred to committee on Rules 799
- 03–23. A. Representative Suder added as a coauthor 829
- 03–29. A. Representative Black added as a coauthor 881
- 03–29. A. Rules suspended to withdraw from committee on Rules and take up 889
- 03–29. A. Read a second time 889
- 03–29. A. Assembly amendment 1 to Assembly amendment 1 offered by Representatives **Berceau and Suder (LRB a1965)** 890
- 03–29. A. Assembly amendment 1 to Assembly amendment 1 **adopted** 890
- 03–29. A. Assembly amendment 1 **adopted** 890
- 03–29. A. Assembly amendment 2 **adopted** 890
- 03–29. A. Ordered to a third reading 890
- 03–29. A. Rules suspended 890
- 03–29. A. Read a third time and **passed** 890
- 03–29. A. Ordered immediately messaged 890
- 03–30. S. Received from Assembly.
- 03–30. S. Read first time and referred to committee on Judiciary and Consumer Affairs.
- 03–30. S. Rules suspended and taken up.
- 03–30. S. Read a second time.
- 03–30. S. Ordered to a third reading.
- 03–30. S. Rules suspended.
- 03–30. S. Read a third time and **concurred in**.
- 03–30. S. Ordered immediately messaged.

**1999
ENROLLED BILL**

99en AB-671

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

99 4/16/02

Amendments to above (if none, write "NONE"): AA1 AA2

as amended by AA1 hereto AA2
Items # AA #7, 8, 9 + 11 inserted
into identical AA2 language

Corrections - show date (if none, write "NONE"): None

Topic Court fees changed on
harassment, child abuse and
vulnerable adult actions

4/4/02

Rita / [Signature]

Date

Enrolling Drafter

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1999 ASSEMBLY BILL 671

January 25, 2000 - Introduced by Representatives BERCEAU, WALKER, LA FAVE, LADWIG, RICHARDS, REYNOLDS, YOUNG, RILEY, MUSSER, POCAN, ALBERS, LASSA, WASSERMAN, SHERMAN, BOYLE and HUBER, cosponsored by Senators RISSER, PLACHE, ERPENBACH, BURKE, GEORGE, ROBSON, ROESSLER, DARLING and HUELSMAN. Referred to Committee on Judiciary and Personal Privacy.

1 AN ACT *to amend* 814.61 (1) (a), 814.61 (1) (b), 814.70 (1) and 814.70 (3) (intro.);
 2 and *to create* 814.61 (1) (e) of the statutes; **relating to:** court fees charged in
 3 harassment actions. 1-3 ✓ AA2

Analysis by the Legislative Reference Bureau

Generally, under current law, when a person starts a civil action in circuit court, the person is required to pay a court filing fee of \$75. If the action affects the family, an additional fee is required. The court filing fee does not apply to paternity actions, some forfeiture actions and actions under the Uniform Interstate Family Support Act. Currently, if a person petitions a court for a domestic abuse injunction, no court filing fee is paid by the petitioner. In addition, the petitioner is not required to pay the court support services fee, the justice information system fee, the special prosecution clerks fee or the fees charged by the sheriff related to service of process. If the person who is the subject of the domestic abuse temporary restraining order (TRO) or injunction is convicted of violating that TRO or injunction, that person is required to pay the court filing fee, the court support services fee, the justice information system fee, the special prosecution clerks fee and the fees charged by the sheriff related to service of process.

This bill provides that a person who petitions a court for a harassment TRO or injunction is not required to pay the court filing fee, the court support services fee, the justice information system fee, the special prosecution clerks fee or the fees charged by the sheriff related to service of process. Instead, the person who is the

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subject of the harassment TRO or injunction is required to pay those fees if he or she is convicted of violating that TRO or injunction.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 814.61 (1) (a) of the statutes is amended to read:

2 814.61 (1) (a) Except as provided under pars. (c) ~~and~~, (d) and (e), at the
3 commencement of all civil actions and special proceedings not specified in ss. 814.62
4 to 814.66, \$75. Of the fees received by the clerk under this paragraph, the county
5 treasurer shall pay \$45 to the state treasurer for deposit in the general fund and shall
6 retain the balance for the use of the county. The state treasurer shall credit \$15 of
7 the \$45 to the appropriation under s. 20.680 (2) (j). 2-15 ✓ AA2

8 **SECTION 2.** 814.61 (1) (b) of the statutes is amended to read:

9 814.61 (1) (b) Except as provided in pars. (c) ~~and~~, (d) and (e), in addition to the
10 fee under par. (a), at the commencement of an action affecting the family as defined
11 in s. 767.02, a fee of \$20 to be deposited by the county treasurer in a separate account
12 to be used by the county exclusively for the purposes specified in s. 767.11.

13 **SECTION 3.** 814.61 (1) (e) of the statutes is created to read:

14 814.61 (1) (e) No fee charged under this subsection in any action commenced
15 under s. 813.125 may be collected from a petitioner under s. 813.125. The fee charged
16 under this subsection for petitions filed and granted under s. 813.125 shall be
17 collected from the respondent under s. 813.125 if he or she is convicted of violating
18 a temporary restraining order or injunction issued under s. 813.125 (3) or (4). 2-15 ✓ AA1

19 **SECTION 4.** 814.70 (1) of the statutes is amended to read:

20 814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a
21 summons or any other process for commencement of an action, a writ, an order of

2-16 (AA2)

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AA2
3-4

3-6 AAI

1 injunction, a subpoena or any other order, \$12 for each defendant or person. If there
 2 is more than one defendant or person to be served at a given address, \$6 for each
 3 additional defendant or person. No fee charged under this subsection in any action
 4 commenced under s. 813.12 or ~~813.125~~ may be collected from a petitioner under s.
 5 813.12 or ~~813.125~~. The fee charged under this subsection in any action commenced
 6 under s. 813.12 or ~~813.125~~ shall be collected from the respondent under s. 813.12 or
 7 ~~813.125~~ if he or she is convicted of violating a temporary restraining order or
 8 injunction issued under s. 813.12 (3) or (4) or ~~813.125 (3) or (4)~~.

SECTION 5. 814.70 (3) (intro.) of the statutes is amended to read:

10 814.70 (3) TRAVEL; CIVIL PROCESS. (intro.) For travel in serving any summons,
 11 writ or other process, except criminal warrants, and except that a fee under this
 12 subsection in any action commenced under s. 813.12 or ~~813.125~~ may not be collected
 13 from a petitioner but shall be collected from the respondent if he or she is convicted
 14 of violating a temporary restraining order or injunction issued under s. 813.12 (3) or
 15 ~~(4) or 813.125 (3) or (4)~~.

SECTION 6. Initial applicability.

(1) This act first applies to actions commenced on the effective date of this subsection.

(END)

3-8
AA1

3-12
AA2

3-15
AA1

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 671**

March 16, 2000 - Offered by COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 2, line 15: delete ". The" and substitute "if the petition alleges conduct
3 that is the same as or similar to conduct that is prohibited by s. 940.32. If no fee is
4 collected under this paragraph, the".

5 ✓ 2. Page 3, line 4: on lines 4 and 5, delete "or 813.125".

6 ✓ 3. Page 3, line 6: delete that line and substitute "under s. 813.12 shall be
7 collected from the respondent under s. 813.12".

8 ✓ 4. Page 3, line 7: delete "813.125".

9 ✓ 5. Page 3, line 8: delete that line and substitute "injunction issued under s.
10 813.12 (3) or (4) No fee charged under this subsection in any action commenced
11 under s. 813.125 may be collected from a petitioner under s. 813.125 if the petition
12 alleges conduct that is the same as or similar to conduct that is prohibited by s.
13 940.32. If no fee is collected under this subsection from a petitioner under s. 813.125.

ⓐ AAI to AAI

ⓓ X

ⓔ X

ⓕ ✓

ⓑ AAI to AAI

✓ 2-15

✓ 3-6

✓ 3-8



38 cent

1 the fee charged under this subsection in any action commenced under s. 813.125
2 shall be collected from the respondent under s. 813.125 if he or she is convicted of
3 violating a temporary restraining order or injunction issued under s. 813.125 (3) or
4 (4).

5 ✓ 6. Page 3, line 12: delete "or 813.125".

6 ✓ 7. Page 3, line 15: delete that line and substitute "(4), and except that a fee
7 under this subsection in any action commenced under s. 813.125 may not be collected
8 from a petitioner if the petition alleges conduct that is the same as or similar to
9 conduct that is prohibited by s. 940.32 but shall be collected from the respondent if
10 he or she is convicted of violating a temporary restraining order or injunction issued
11 under s. 813.125 (3) or (4).

3-15

(END)

G

X
C

AA1 + AA1

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 671**

March 29, 2000 - Offered by Representatives BERCEAU and SUDER.

1 At the locations indicated, amend the amendment as follows:

2 ✓ 1. Page 1, line 3: after "940.32" insert "or that is listed in s. 813.12 (1) (a) 1. to

3 ✓ A 4"

4 ✓ 2. Page 1, line 13: after "940.32" insert "or that is listed in s. 813.12 (1) (a) 1.

5 ✓ B to 4"

6 ✓ 3. Page 2, line 9: after "940.32" insert "or that is listed in s. 813.12 (1) (a) 1. to

7 ✓ C 4"

8 (END)

**ASSEMBLY AMENDMENT 2,
TO 1999 ASSEMBLY BILL 671**

March 16, 2000 - Offered by COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1, line 3: after "harassment" insert ", child abuse and vulnerable
3 adult".

4 ✓ 2. Page 2, line 15: delete "s. 813.125 may" and substitute "s. 813.122, 813.123
5 or 813.125 may".

6 ✓ 3. Page 2, line 15: delete "petitioner under s. 813.125" and substitute
7 "petitioner under s. 813.122, 813.123 or 813.125".

8 ✓ 4. Page 2, line 16: on lines 16 and 17, delete "s. 813.125" and substitute "s.
9 813.122, 813.123 or 813.125".

10 ✓ 5. Page 2, line 18: delete "813.125 (3) or (4)" and substitute "813.122 (4) or (5),
11 813.123 (4) or (5) or 813.125 (3) or (4)".

12 ✓ 6. Page 3, line 4: on lines 4 and 5, after "813.12" insert ", 813.122, 813.123".

✓ 3-4

cut 7.
1

~~7.~~ Page 3, line 6: delete "under s. 813.12 or 813.125" and substitute "under s.

1

~~813.12~~ 813.122, 813.123 or 813.125".

cut 8.
4

~~8.~~ Page 3, line 6: delete "respondent under s. 813.12" and substitute "respondent under s. 813.12, 813.122, 813.123".

5

~~9.~~ Page 3, line 8: delete "or 813.125 (3) or (4)" and substitute "813.122 (4) or

cut 9.
6

(5), 813.123 (4) or (5) or 813.125 (3) or (4)".

~~10.~~ Page 3, line 12: after "813.12" insert "813.122, 813.123".

cut 11.
9

~~11.~~ Page 3, line 15: delete "or 813.125 (3) or (4)" and substitute "813.122 (4) or (5), 813.123 (4) or (5) or 813.125 (3) or (4)".

10
5

(END)

DtOG inserted into identical language in AA1