

1999 DRAFTING REQUEST

Bill

Received: 12/02/1999

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Terese Berceau (608) 266-3784

By/Representing: Tom

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Fee waiver for harassment restraining orders

Instructions:

See fee waiver for domestic restraining orders - 814.61 (1) (d)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 12/06/1999	chanaman 12/07/1999	martykr 12/07/1999	_____	lrb_docadmin 12/07/1999		
/2	nelsorp1 01/04/2000	chanaman 01/05/2000	martykr 01/06/2000	_____	lrb_docadmin 01/06/2000	lrb_docadmin 01/12/2000	

FE Sent For:

Special FE Request letter
 Rec. 03-14-00
 From Jensen's Rep. Office
 <END>

1999 DRAFTING REQUEST

Bill

Received: 12/02/1999

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Terese Berceau (608) 266-3784

By/Representing: Tom

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Fee waiver for harassment restraining orders

Instructions:

See fee waiver for domestic restraining orders - 814.61 (1) (d)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 12/06/1999	chanaman 12/07/1999	martykr 12/07/1999	_____	lrb_docadmin 12/07/1999		
/2	nelsorp1 01/04/2000	chanaman 01/05/2000	martykr 01/06/2000	_____	lrb_docadmin 01/06/2000		

for Assm
per
RPN

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 12/02/1999

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Terese Berceau (608) 266-3784

By/Representing: Tom

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Fee waiver for harassment restraining orders

Instructions:

See fee waiver for domestic restraining orders - 814.61 (1) (d)

1/3 Wants to clarify that no payment of ct support fee under .634, justice info fee under .635 & sheriff fees under .70

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 12/06/1999	chanaman 12/07/1999	martykr 12/07/1999	_____	lrb_docadmin 12/07/1999		

FE Sent For:

*cm+
1/5
12*

Smk

*JA
Rmk
<END>*

1999 DRAFTING REQUEST

Bill

Received: 12/02/1999

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Terese Berceau (608) 266-3784

By/Representing: Tom

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Fee waiver for harassment restraining orders

Instructions:

Set fee waiver for domestic restraining orders - 814.61 (1) (d)

2390 ? 2077
60247
2495
813.125

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	nelsorp1	cmH 1 12/7	km 12/7	mgc 12/7 km			
FE Sent For:							

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4016/1

RPN.....

cm lt

1999 BILL

1 AN ACT ^{get out} relating to: court fees charged in harassment actions.

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 family support act. Currently, if a person petitions a court for a domestic abuse injunction, no court filing fee is paid by the petitioner. Instead, 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 filing fee. ^{Interstate} court

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. Instead, the person who is the subject of the harassment TRO or injunction is required to pay the filing fee if he or she court convicted of violating that TRO or injunction.

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

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

3 814.61 (1) (a) Except as provided under pars. (c) and, (d) and (e), at the
4 commencement of all civil actions and special proceedings not specified in ss. 814.62

BILL

1 to 814.66, \$75. Of the fees received by the clerk under this paragraph, the county
 2 treasurer shall pay \$45 to the state treasurer for deposit in the general fund and shall
 3 retain the balance for the use of the county. The state treasurer shall credit \$15 of
 4 the \$45 to the appropriation under s. 20.680 (2) (j).

History: 1981 c. 317; 1983 a. 27; 1983 a. 189 s. 329 (28); 1983 a. 228, 447, 538; 1985 a. 29, 169; 1987 a. 27 ss. 2143p, 3202 (24); 1987 a. 144, 355, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 191; 1991 a. 39, 221, 269; 1993 a. 16, 319, 326, 481, 491; 1995 a. 27, 201, 224, 269, 279, 289, 306; 1997 a. 27, 35, 285.

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

6 814.61 (1) (b) Except as provided in pars. (c) ~~and~~, (d) and (e), in addition to the
 7 fee under par. (a), at the commencement of an action affecting the family as defined
 8 in s. 767.02, a fee of \$20 to be deposited by the county treasurer in a separate account
 9 to be used by the county exclusively for the purposes specified in s. 767.11.

History: 1981 c. 317; 1983 a. 27; 1983 a. 189 s. 329 (28); 1983 a. 228, 447, 538; 1985 a. 29, 169; 1987 a. 27 ss. 2143p, 3202 (24); 1987 a. 144, 355, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 191; 1991 a. 39, 221, 269; 1993 a. 16, 319, 326, 481, 491; 1995 a. 27, 201, 224, 269, 279, 289, 306; 1997 a. 27, 35, 285.

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

11 814.61 (1) (e)

12 **SECTION 4.** 814.61 (1) (d) of the statutes is amended to read:

13 ~~814.61 (1) (d)~~ No fee charged under this subsection in any action commenced
 14 under s. 813.12⁵ may be collected from a petitioner under s. 813.12⁵. The fee charged
 15 under this subsection for petitions filed and granted under s. 813.12⁵ shall be collected
 16 from the respondent under s. 813.12⁵ if he or she is convicted of violating a temporary
 17 restraining order or injunction issued under s. 813.12⁵ (3) or (4).

History: 1981 c. 317; 1983 a. 27; 1983 a. 189 s. 329 (28); 1983 a. 228, 447, 538; 1985 a. 29, 169; 1987 a. 27 ss. 2143p, 3202 (24); 1987 a. 144, 355, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 191; 1991 a. 39, 221, 269; 1993 a. 16, 319, 326, 481, 491; 1995 a. 27, 201, 224, 269, 279, 289, 306; 1997 a. 27, 35, 285.

18 **SECTION 5. Initial applicability.**

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

21 (END)



1999 BILL

Insert Anc 1.
Insert Anc 2.
Insert Anc 3.

*Refer
to
act*

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

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. ~~Instead~~ 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.

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. Instead, the person who is the subject of the harassment TRO or injunction is required to pay ~~the court filing fee~~ if he or she is convicted of violating that TRO or injunction.

those fees

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

3 SECTION 1. 814.61 (1) (a) of the statutes is amended to read:
4 814.61 (1) (a) Except as provided under pars. (c) and, (d) and (e), at the
5 commencement of all civil actions and special proceedings not specified in ss. 814.62

BILL**SECTION 1**

1 to 814.66, \$75. Of the fees received by the clerk under this paragraph, the county
2 treasurer shall pay \$45 to the state treasurer for deposit in the general fund and shall
3 retain the balance for the use of the county. The state treasurer shall credit \$15 of
4 the \$45 to the appropriation under s. 20.680 (2) (j).

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

6 814.61 (1) (b) Except as provided in pars. (c) ~~and~~, (d) and (e), in addition to the
7 fee under par. (a), at the commencement of an action affecting the family as defined
8 in s. 767.02, a fee of \$20 to be deposited by the county treasurer in a separate account
9 to be used by the county exclusively for the purposes specified in s. 767.11.

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

11 814.61 (1) (e) No fee charged under this subsection in any action commenced
12 under s. 813.125 may be collected from a petitioner under s. 813.125. The fee charged
13 under this subsection for petitions filed and granted under s. 813.125 shall be
14 collected from the respondent under s. 813.125 if he or she is convicted of violating
15 a temporary restraining order or injunction issued under s. 813.125 (3) or (4).

16 **SECTION 4. Initial applicability.**

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

19 (END)

Insert
2.15
814.61 (1) (b) (c) (d) (e)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4016/2ins
RPN:cmh:km

1

insert anl. 1.

fee
no 91 In addition, the petitioner is not required to pay the ~~fee for~~ court support services, the justice information system fee, the special prosecution clerks fee or the fees charged by the sheriff related to service of process. *no 91*

2

3

insert anl. 2.

no 91, the court support services fee, the justice information system fee, ~~and~~ the special prosecution clerks fee and the fees charged by the sheriff related to service of process *no 91*

4

5

insert anl. 3.

no 91, the ~~fee for~~ 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 *no 91*

6

7

insert 2-15.

8

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

9

814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a

10

summons or any other process for commencement of an action, a writ, an order of

11

injunction, a subpoena or any other order, \$12 for each defendant or person. If there

12

is more than one defendant or person to be served at a given address, \$6 for each

13

additional defendant or person. No fee charged under this subsection in any action

14

commenced under s. 813.12 or 813.125 may be collected from a petitioner under s.

15

813.12 or 813.125. The fee charged under this subsection in any action commenced

16

under s. 813.12 or 813.125 shall be collected from the respondent under s. 813.12 or

17

813.125 if he or she is convicted of violating a temporary restraining order or

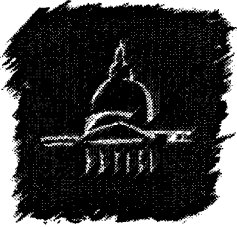
18

injunction issued under s. 813.12 (3) or (4) or 813.125 (3) or (4).

1 **SECTION 2.** 814.70 (3) (intro.) of the statutes is amended to read:
2 814.70 (3) TRAVEL; CIVIL PROCESS. (intro.) For travel in serving any summons,
3 writ or other process, except criminal warrants, and except that a fee under this
4 subsection in any action commenced under s. 813.12 or 813.125 may not be collected
5 from a petitioner but shall be collected from the respondent if he or she is convicted
6 of violating a temporary restraining order or injunction issued under s. 813.12 (3) or
7 (4) or 813.125 (3) or (4):

History: 1981 c. 317; 1983 a. 92; 1987 a. 181; 1993 a. 301, 319; 1995 a. 27, 225, 306, 417.

*end
of meet*



SCOTT R. JENSEN
ASSEMBLY SPEAKER

March 13, 2000

Stephen R. Miller, Chief
Legislative Reference Bureau
100 North Hamilton Street
Madison, Wisconsin

Chief Miller,

Please see to it a fiscal estimate is prepared regarding Assembly Bill 671.

Sincerely yours,

Scott R. Jensen
Assembly Speaker

SRJ/rjp

