

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB671)

Received: 02/21/2000

Received By: nelsorp1

Wanted: Soon

Identical to LRB:

For: Terese Berceau (608) 266-3784

By/Representing: Don Dyke

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:

Court fees in harassment actions

Instructions:

Apply only to stalking types of actions

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>
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FE Sent For:

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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.

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

ASSEMBLY BILL 671

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).

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).

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

ASSEMBLY BILL 671

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).

9 **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):

16 **SECTION 6. Initial applicability.**

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

19 (END)



5004
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1440/1

RPN...: King

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 671

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 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

7 "under s. 813.12 shall be 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

10 "injunction issued under s. 813.12 (3) or (4). No fee charged under this
11 subsection in any action commenced under s. 813.125 may be collected from a
12 petitioner under s. 813.125 if the petition alleges conduct that is the same or similar
13 to conduct that is prohibited by s. 940.32. If no fee is collected under this subsection

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

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

6 ✓ 7. Page 3, line 15: delete that line and substitute

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

(END)



