

2001 ASSEMBLY BILL 308

April 12, 2001 – Introduced by Representatives POWERS, LA FAVE, AINSWORTH, M. LEHMAN, HUNDERTMARK, ALBERS, OLSEN, NASS, MUSSER, D. MEYER, TOWNSEND, WARD, JESKEWITZ and PETROWSKI, cosponsored by Senators ERPENBACH, HUELSMAN and SCHULTZ. Referred to Committee on Judiciary.

1 **AN ACT to repeal** 898.14; and **to amend** 818.05 of the statutes; **relating to:**
2 payment of the jail costs of a jailed debtor.

Analysis by the Legislative Reference Bureau

Under current law, a debtor may be committed to jail as the result of the execution of a judgment recovered in a civil action, such as for contempt of court for failure to appear before the court regarding a debt, or as the result of an arrest in a civil action, such as in an action to recover personal property that has been concealed from execution by the sheriff. If a debtor is committed to jail under one of these situations, the creditor, agent, or attorney involved in the underlying civil action is required to advance to the jailer, within 24 hours of the imprisonment, an amount sufficient to pay for the debtor's costs while in jail, including any medical and hospital costs. Under current law, this requirement to make an advance payment to the jailer for the debtor's jail costs does not apply if the debtor is jailed for failure to pay maintenance payments in a divorce or legal separation action.

This bill repeals the requirement that the creditor, agent, or attorney involved in the underlying civil action advance to the jailer, within 24 hours of the debtor's imprisonment, an amount sufficient to pay for the debtor's costs while in jail.

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

3 **SECTION 1.** 818.05 of the statutes is amended to read:

