

2001 ASSEMBLY BILL 862

February 26, 2002 – Introduced by Representatives RICHARDS, CARPENTER and HUBER, cosponsored by Senators BURKE and ROESSLER. Referred to Committee on Judiciary.

1 **AN ACT to renumber and amend** 814.60 (1); **to amend** 814.63 (1) (b); and **to**
2 **create** 814.59, 814.60 (1) (b), 814.60 (3), 814.63 (1) (a), 814.63 (6) and 814.75
3 of the statutes; **relating to:** collection of fees, fines, forfeitures, assessments,
4 and surcharges by credit or debit card, creating a late fine and forfeiture
5 registry, and creation of a fine or forfeiture collection fee.

Analysis by the Legislative Reference Bureau

Under current law, when a circuit court (court) imposes a fine or forfeiture on a person for the violation of a state law or local ordinance, the person is also required to pay certain assessments, fees, restitution payments, and surcharges, depending on the type of violation involved. For example, in a criminal case, the defendant is required to pay a \$20 fee to the court for all necessary filing, entering, or recording done by the court. Currently, the clerk of circuit court (clerk) is required to collect the amount owed and pay that amount to the county treasurer, but the clerk may contract with a collection agency to collect unpaid fines and forfeitures. The collection agency is paid for its services from the proceeds collected. The county treasurer, under current law, may retain 10% of the money received for the state for fines and penalties as fees for receiving those amounts and paying them to the state.

Under this bill, the clerk is required to collect an additional \$1 in all criminal and forfeiture actions, to be used by the clerk to fund efforts to collect unpaid assessments, fees, fines, forfeitures, restitution payments, and surcharges. The bill also allows the clerk to accept credit cards and debit cards for the payment of those

ASSEMBLY BILL 862

assessments, fees, fines, forfeitures, restitution payments, and surcharges. Finally, the bill requires the clerk to create a docket that lists the name, last-known address, and amount owed of each person who has not paid a fine, forfeiture, assessment, fee, restitution payment, or surcharge. The clerk must update the docket periodically and make it open to the public.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 814.59 of the statutes is created to read:

2 **814.59 Definitions.** In this subchapter:

3 **(1)** “Credit card” means a card or other similar device existing for the purpose
4 of obtaining money, property, or services on credit under an open-end credit
5 agreement.

6 **(2)** “Debit card” means a card or other similar device existing for the purpose
7 of obtaining money, property, or services through the use of a depository-institution
8 access device.

9 **(3)** “Depository-institution access device” means a terminal or other facility or
10 installation, attended or unattended, that is not located at the principal place of
11 business or at a branch or remote facility of a depository institution and through
12 which depository institutions and their customers may engage, by means of either
13 the direct transmission of electronic impulses to and from a depository institution or
14 the recording of electronic impulses or other indicia of a transaction for delayed
15 transmission to a depository institution, in transactions that are incidental to the
16 conduct of the business of a depository institution.

17 **(4)** “Open-end credit agreement” means an agreement under which credit is
18 extended on an account and under which all of the following are true:

ASSEMBLY BILL 862

1 (a) The debtor may make purchases or obtain loans, from time to time, directly
2 from the creditor or indirectly by use of a credit card, check, or other device, as the
3 plan may provide.

4 (b) The debtor has the privilege of paying the balance in full or in installments.

5 (c) The creditor may from time to time assess a charge, computed on any
6 outstanding unpaid balance.

7 **SECTION 2.** 814.60 (1) of the statutes is renumbered 814.60 (1) (a) and amended
8 to read:

9 814.60 (1) (a) In a criminal action, the clerk of circuit court shall collect a fee
10 of \$20 for all necessary filing, entering or recording, to be paid by the defendant when
11 judgment is entered against the defendant. Of the fees received by the clerk of circuit
12 court under this subsection paragraph, the county treasurer shall pay 50% to the
13 state treasurer for deposit in the general fund and shall retain the balance for the
14 use of the county.

15 **SECTION 3.** 814.60 (1) (b) of the statutes is created to read:

16 814.60 (1) (b) In a criminal action, in addition to the fee collected under par.
17 (a), the clerk of circuit court shall collect a surcharge of \$1, to be paid by the defendant
18 when judgment is entered against the defendant. The clerk of circuit court shall use
19 the amount received under this paragraph to fund efforts to collect fines,
20 assessments, fees, restitution payments, and surcharges imposed under this section.

21 **SECTION 4.** 814.60 (3) of the statutes is created to read:

22 814.60 (3) The clerk of circuit court may accept credit cards and debit cards for
23 the payment of the fine and of the assessments, fees, restitution payments, and
24 surcharges imposed under this section.

25 **SECTION 5.** 814.63 (1) (a) of the statutes is created to read:

ASSEMBLY BILL 862

1 814.63 (1) (a) In all forfeiture actions, the clerk of circuit court shall collect a
2 surcharge of \$1, to be paid by the defendant when judgment is entered against the
3 defendant. The clerk of circuit court shall use the amount received under this
4 paragraph to fund efforts to collect the forfeitures, assessments, fees, restitution
5 payments, and surcharges imposed under this section.

6 **SECTION 6.** 814.63 (1) (b) of the statutes is amended to read:

7 814.63 (1) (b) In all forfeiture actions in circuit court, in addition to the
8 surcharge collected under par. (a). the clerk of court shall collect a fee of \$25 to be paid
9 by the defendant when judgment is entered against the defendant.

10 **SECTION 7.** 814.63 (6) of the statutes is created to read:

11 814.63 (6) The clerk of circuit court may accept credit cards and debit cards for
12 the payment of the forfeiture and of the assessments, fees, restitution payments, and
13 surcharges imposed under this section.

14 **SECTION 8.** 814.75 of the statutes is created to read:

15 **814.75 Docket of persons who have not paid assessments, fees, fines,**
16 **forfeitures, or surcharges.** The clerk of circuit court shall create a docket that lists
17 the name and last-known address of each person who has failed to pay an
18 assessment, fee, fine, forfeiture, restitution payment, or surcharge under ss. 814.60
19 and 814.63, as well as the amount that the person owed at the time the entry was
20 made. The clerk shall periodically, but not less than annually, update the docket to
21 reflect changes in the amounts owed. The docket shall be open to the public.

22 **SECTION 9. Initial applicability.**

23 (1) This act first applies to assessments, fees, fines, forfeitures, restitution
24 payments, or surcharges imposed on the effective date of this subsection.

25 **SECTION 10. Effective date.**

