

2001 DRAFTING REQUEST

Bill

Received: **10/23/2001**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Richards (608) 266-0650**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Richards@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Collection of fines and forfeitures by credit card and fee for those collections.

Instructions:

See Attached

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>
/P1	nelsorp1 11/15/2001	chanaman 12/14/2001 rschlue 12/18/2001	pgreensl 12/18/2001	_____	lrb_docadmin 12/18/2001		Local
/1	nelsorp1 02/11/2002	rschlue 02/12/2002	jfrantze 02/14/2002	_____	lrb_docadmin 02/14/2002	lrb_docadminS&L 02/14/2002	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

at introduction

<END>

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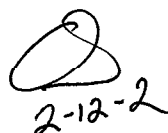
Instructions:

See Attached

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/P1	nelsorp1 11/15/2001	chanaman 12/14/2001 rschluet 12/18/2001	pgreensl 12/18/2001	_____	lrb_docadmin 12/18/2001		Local

FE Sent For:





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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Collection of fines and forfeitures by credit card and fee for those collection⁵

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/?	nelsorp1		12/18 PS	12/18 PST/RO			

FE Sent For:

<END>

implement a
③ collection assessment fee of \$1 on
all fines imposed by a county

\$ goes to clerk of ct. to fund
collection efforts. (reg. fund)

- no incentive for clerks to collect \$
 cuz it goes to sheriffs

~~As ~~formed~~ boards~~

Bill -- 3 elements

Rep. Richards

1) how clerks of courts collect fines by credit card

allow clerks or courts to process credit cards in their chambers so if you're fined, you can pay by credit card to collect the fine

2) ~~allow~~ ^{authorize/require} a late fine registry -- (similar to registry for people who don't pay child support)

a list that goes out each year to the media or ~~or~~ ^{Require} that the

list be distributed to the media - ~~every~~ ^{outside of} each year. Applies to any fine issued by a county (criminal) ~~and~~

Nelson, Robert P.

To: Richards, Jon
Subject: Request for draft regarding collection of fines by clerks.

I have a couple of questions regarding your drafting request:

1. I am unsure if the clerks need authority to accept credit cards. They probably have that authority now. Do you want to require them to accept credit cards as a way to make a payment of their fines.
2. Under current law, a criminal offender has to pay a fine, a clerk of circuit court fee, and some assessments and surcharges. Do you want to allow or require the clerk to accept a credit card for payment of all of these elements, or only the fine?
3. Circuit courts also collect forfeitures, related court fees and assessments and surcharges from offenders who violate an ordinance. Do you want to allow the clerk to accept credit card payments of forfeitures, related court fees and assessments and surcharges?
4. You want a registry of offenders who have failed to pay fines made public. Do you want each county to publish the list in their county, or just make it available to the media? What about the names of persons with unpaid forfeitures? What information should be provided, the name and address and amount owing?
yes
5. Your request creates a \$1 fee paid by criminal offenders and used by the clerk of circuit court to pay for fine collection. Do you want to create a \$1 fee in forfeiture cases to pay for forfeiture collections?
yes

*Talk Thaw.
Did not call back!
11/14
wants to let the clerk use
cr. cards for all the fines,
forfeitures & fees & assessment/surcharges*



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Please
fix request
sheet.

Gen

1 AN ACT ...; relating to: collection of fees, fines, forfeitures, assessments, and
2 surcharges by credit ^{or debit} card, creating a late fine and forfeiture registry, and
3 creation of a fine or forfeiture collection fee.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the *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:

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

5 **814.59 Definitions.** In this subchapter:

6 (1) insert 1-6

7 (2) " 1-7

8 (3) " 1-8

insert 2-2

insert 2-1

1

(4)

2

SECTION 2. 814.60 (1) of the statutes is renumbered 814.60 (1) (a)

3

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

4

814.60 (1) (b) In a criminal action, in addition to the fee collected under par.

5

(a), the clerk of circuit court shall collect a fee of \$1, to be paid by the defendant when

6

judgment is entered against the defendant. The clerk of circuit court shall use the

7

fees received under this paragraph to fund efforts to collect ~~unpaid~~ ^{assessments, fees, restitution payments, and} fines, ^{and} ~~and~~ ^{surcharges} imposed under ^{this section}

8

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

9

814.60 (3) The clerk of circuit court may accept credit cards and debit cards for ^{restitution payments,}

10

the payment of the fine and of the assessments, fees, and surcharges imposed under

11

this section.

12

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

13

814.63 (1) (a) In all forfeiture actions, the clerk of circuit court shall collect a

14

fee of \$1, to be paid by the defendant when judgment is entered against the

15

defendant. The clerk of circuit court shall use the fees received under this paragraph

16

to fund efforts to collect ^{the} ~~unpaid~~ forfeitures.

17

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

18

814.63 (1) (b) In all forfeiture actions in circuit court, in addition to the fee

19

collected under par. (a), the clerk of court shall collect a fee of \$25 to be paid by the

20

defendant when judgment is entered against the defendant.

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72.

21

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

22

814.63 (6) The clerk of circuit court may accept credit cards and debit cards ^{restitution payments,}

23

for the payment of the forfeiture and of the assessments, fees, and surcharges

24

imposed under ~~this section~~ ^{(1) and (3)} this section

SODS.

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

814.75 Docket of persons who have not paid assessments, fees, fines, forfeitures, or surcharges. (1) The clerk of circuit court shall create a docket that lists the name and last known address of each person who has failed to pay an assessment, fee, fine, forfeiture, or surcharge under ss. 814.60 and 814.63, as well as the amount that the person owed at the time the entry was made. The clerk shall periodically, but not less than annually, update the docket to reflect changes in the amounts owed. The docket shall be open to the public.

SECTION 9. Initial applicability.

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

SECTION 10. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.

(END)

restitution payments

restitution payments

Nelson, Robert P.

From: Marchant, Robert
Sent: Wednesday, November 07, 2001 11:26 AM
To: Nelson, Robert P.
Subject: credit card

Insert not on line

Bob--

I was wrong about the definitions. Use these as a model:

1-6 "Credit card" means a card or other similar device existing for the purpose of obtaining money, property, or services on credit under an open-end credit agreement.

1-7 "Debit card" means a card or other similar device existing for the purpose of obtaining money, property, or services through the use of a depository institution access device.

1-8 "Depository institution access device" means a terminal or other facility or installation, attended or unattended, that is not located at the principal place of business or at a branch or remote facility of a depository institution and through which depository institutions and their customers may engage, by means of either the direct transmission of electronic impulses to and from a depository institution or the recording of electronic impulses or other indicia of a transaction for delayed transmission to a depository institution, in transactions which are incidental to the conduct of the business of a depository institution.

2-1 "Open-end credit agreement" means an agreement pursuant to which credit is extended on an account and pursuant to which

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

2. The debtor has the privilege of paying the balance in full or in installments.

3. The creditor may from time to time assess a charge, computed on any outstanding unpaid balance.

Robert J. Marchant
Legislative Attorney
State of Wisconsin Legislative Reference Bureau
608-261-4454



under which all of the following are true:

close to S- 421.301 (27)(a)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4092/Plins
RPN:.....

INSERT 2-2

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

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

History: 1981 c. 317; 1983 a. 27; 1985 a. 36; 1987 a. 27, 339; 1989 a. 64, 107; 1991 a. 39; 1993 a. 16; 1995 a. 224, 227, 448; 1997 a. 27, 248; 1999 a. 9; 2001 a. 16.

(END of insert)

Nelson, Robert P.

From: Vasby, Tara
Sent: Thursday, February 07, 2002 1:20
To: Nelson, Robert P.
Subject: RE: Richards request LRB 4092

Robert,
Rep. Richards said that the draft was good. He'd like to circulate ASAP, so if you can have someone send over the electronic copy for introduction, that would be great. Thanks!

Tara J. Vasby
Leg. Assistant
Rep. Jon Richards

02/07/2002



Keep

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2001 BILL

Gen

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

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the local fiscal estimate, which will be printed as
an appendix to this bill.

insert
and

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

6 SECTION 1. 814.59 of the statutes is created to read:
7 **814.59 Definitions.** In this subchapter:
8 (1) "Credit card" means a card or other similar device existing for the purpose
9 of obtaining money, property, or services on credit under an open-end credit
10 agreement.

1 (2) "Debit card" means a card or other similar device existing for the purpose
2 of obtaining money, property, or services through the use of a depository-institution
3 access device.

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

12 (4) "Open-end credit agreement" means an agreement under which credit is
13 extended on an account and under which all of the following are true:

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

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

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

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

22 814.60 (1) (a) In a criminal action, the clerk of circuit court shall collect a fee
23 of \$20 for all necessary filing, entering or recording, to be paid by the defendant when
24 judgment is entered against the defendant. Of the fees received by the clerk of circuit
25 court under this ~~subsection~~ paragraph, the county treasurer shall pay 50% to the

1 state treasurer for deposit in the general fund and shall retain the balance for the
2 use of the county.

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

4 814.60 (1) (b) In a criminal action, in addition to the fee collected under par.

5 (a), the clerk of circuit court shall collect a ~~fee~~^{surcharge} of \$1, to be paid by the defendant when
6 judgment is entered against the defendant. The clerk of circuit court shall use the
7 ~~fee~~^{amount} received under this paragraph to fund efforts to collect fines, assessments, fees,
8 restitution payments, and surcharges imposed under this section.

9 SECTION 4. 814.60 (3)^{en} of the statutes is created to read:

10 814.60 (3) The clerk of circuit court may accept credit cards and debit cards for
11 the payment of the fine and of the assessments, fees, restitution payments, and
12 surcharges imposed under this section.

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

14 814.63 (1) (a) In all forfeiture actions, the clerk of circuit court shall collect a

15 ~~fee~~^{surcharge} of \$1, to be paid by the defendant when judgment is entered against the
16 defendant. The clerk of circuit court shall use the ~~fee~~^{amount} received under this paragraph
17 to fund efforts to collect the forfeitures, assessments, fees, restitution payments, and
18 surcharges imposed under this section.

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

20 814.63 (1) (b) In all forfeiture actions in circuit court, in addition to the ~~fee~~^{surcharge}
21 collected under par. (a), the clerk of court shall collect a fee of \$25 to be paid by the
22 defendant when judgment is entered against the defendant.

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

1 814.63 (6) The clerk of circuit court may accept credit cards and debit cards
2 for the payment of the forfeiture and of the assessments, fees, restitution payments,
3 and surcharges imposed under this section.

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

5 **814.75 Docket of persons who have not paid assessments, fees, fines,**
6 **forfeitures, or surcharges.** (1) The clerk of circuit court shall create a docket that
7 lists the name and last-known address of each person who has failed to pay an
8 assessment, fee, fine, forfeiture, restitution payment, or surcharge under ss. 814.60
9 and 814.63, as well as the amount that the person owed at the time the entry was
10 made. The clerk shall periodically, but not less than annually, update the docket to
11 reflect changes in the amounts owed. The docket shall be open to the public.

12 SECTION 9. Initial applicability.

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

15 SECTION 10. Effective date.

16 (1) This act takes effect on the first day of the 4th month beginning after
17 publication.

18 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4092/lins
RPN.rs&cml:pg

insert anl:

(court)

(clerk)

the clerk

Under current law, when a circuit 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 is required to collect the amount owed and pay that amount to the county treasurer, but 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 of circuit court 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 of circuit courts to accept credit cards and debit cards for the payment of those assessments, fees, fines, forfeitures, restitution payments, and surcharges. Finally, the bill requires the clerk of circuit courts 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.

(end of insert)

Emery, Lynn

From: Vasby, Tara
Sent: Thursday, February 14, 2002 3:48 PM
To: LRB.Legal
Subject: Draft review: LRB-4092/1 Topic: Collection of fines and forfeitures by credit card and fee for those collections.

It has been requested by <Vasby, Tara> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-4092/1 Topic: Collection of fines and forfeitures by credit card and fee for those collections.