

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/25/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Hartsough

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: NO

Requester's email:

Pre Topic:

ARC:.....Hartsough - AM48,

Topic:

Remove language requiring plaintiff in certain civil actions to pay the costs of a jailed defendant

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>
/?	nelsorp1 06/25/2001	gilfokm 06/25/2001		_____			
/1			rschluet 06/26/2001	_____	lrb_docadmin 06/26/2001		

FE Sent For:

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1?	nelsorp1	<i>Wasting</i>	<i>J</i>	<i>DPG</i>			

6-25-1 6-25-1

FE Sent For:

<END>

ARC #48

\$50,000 PR to the Florence County Keyes Peak Recreation Center.

Reallocations - \$300,000 (PR)

1. Small Business Issues

- a) Work Permit Automated System and Fee Increase (at the request of Rep. Stone)

Request #181

GMM

The Governor's budget provides expenditure authority of \$162,500 in 2001-02 and \$325,000 in 2002-03 to fund development and maintenance of an automated child work permit system and to maintain existing services in the Division of Equal Rights. This funding would come through a \$2.50 increase in the child labor work permit or certificate of age fee, which is currently \$5.00, to \$7.50. The system would be used to issue work permits and certificates of age on-line and to maintain a central file of edited and issued work permits and certificates. The Joint Finance Committee deleted authority to use fee revenues for general operations and reduced the work permit fee to \$2.00, which would bring the total fee to \$7.00 (or \$0.50 less than the Governor's budget provided).

**Motion: Eliminate any increase in the work permit fee.
(Savings - \$390,000PR)**

- b) Liability for Incarceration Costs (at the request of Rep. Powers)

<http://www.legis.state.wi.us/2001/data/AB-308.pdf>

Under a 100-year old state law, a person could be incarcerated for the failure to pay their debts as part of civil action brought on by a creditor. Under this law, a jailer could collect from the creditor, in advance, the costs associated with the incarceration of the debtor. Those costs could include any medical and hospital expenses. Furthermore, the law specifies that payment by the creditor must be made within 24 hours of the imprisonment of the debtor.

**Motion: Repeal this state statute.
(No Fiscal Effect)**

Handwritten initials and a circle around the text "MCD".

- c) Remodeling Contractor Member on Uniform Dwelling Code Council

***Not Original Request of Caucus* (Pleva has language)**

RJM

The Uniform Dwelling Code Council is a 17-member council that reviews the standards and rules for one and two-family dwelling construction. The council recommends a uniform dwelling code for adoption by the Department. Council membership includes representation from the interested parties including trade labor organizations, municipal building inspectors, contractors, manufacturers and associated building entities. The council does not include representation from the remodeling industry.

**Motion: Require the Department to add a member to the Uniform Dwelling Code Council representing remodeling contractors actively engaged in the remodeling one and two-family housing.
(No Fiscal Effect)**

2001

Date (time) needed 500

LRB b 175611

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RPD: pmg

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

✓ #. Page 1209, line 3: after that line insert:
(insert 1209-3)

✓ #. Page 1219, line 4: after that line insert:
(1219-4)

~~#. Page, line:~~

~~#. Page, line:~~

~~#. Page, line:~~

~~#. Page, line:~~

(END)

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:

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

✓
1209-3 (3)

3836±

ASSEMBLY BILL 308

1 **818.05 Bond, liability of plaintiff for support.** Before making the order for
 2 arrest the court or judge shall require a bond of the plaintiff, with or without sureties,
 3 to the effect that if the plaintiff fails to recover, the plaintiff will pay all costs that may
 4 be awarded to the defendant and all damages which the defendant may sustain by
 5 reason of the arrest, not exceeding the sum specified in the bond, which shall be at
 6 least \$100. If the bond be executed by the plaintiff without sureties the plaintiff shall
 7 annex thereto an affidavit that the plaintiff is a resident and householder or
 8 freeholder within the state and worth double the sum specified in the bond above all
 9 of the plaintiff's debts and liabilities in property in this state not exempt from
 10 execution. ~~The plaintiff shall be liable for support of the defendant while the~~
 11 ~~defendant is in jail, as specified in s. 898.14 (1).~~ This section does not apply to an
 12 order for arrest in an action to determine paternity or to any action under ch. 767
 13 brought by the state or its designee. "

14 ³⁸⁷¹ SECTION 2. 898.14 of the statutes is repealed. "

(END) of inserts

1209-3

13

14

15

1219-4

M



ARC:.....Hartsough – AM48, Remove language requiring plaintiff in certain
civil actions to pay the costs of a jailed defendant

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1209, line 3: after that line insert:

3 “SECTION 3836t. 818.05 of the statutes is amended to read:

4 **818.05 Bond, liability of plaintiff for support.** Before making the order for
5 arrest the court or judge shall require a bond of the plaintiff, with or without sureties,
6 to the effect that if the plaintiff fails to recover, the plaintiff will pay all costs that may
7 be awarded to the defendant and all damages which the defendant may sustain by
8 reason of the arrest, not exceeding the sum specified in the bond, which shall be at
9 least \$100. If the bond be executed by the plaintiff without sureties the plaintiff shall
10 annex thereto an affidavit that the plaintiff is a resident and householder or

1 freeholder within the state and worth double the sum specified in the bond above all
2 of the plaintiff's debts and liabilities in property in this state not exempt from
3 execution. ~~The plaintiff shall be liable for support of the defendant while the~~
4 ~~defendant is in jail, as specified in s. 898.14 (1).~~ This section does not apply to an
5 order for arrest in an action to determine paternity or to any action under ch. 767
6 brought by the state or its designee.”

7 **2.** Page 1219, line 4: after that line insert:

8 **“SECTION 3871m.** 898.14 of the statutes is repealed.”

9 (END)