

**2003 DRAFTING REQUEST**

**Bill**

Received: 02/16/2004

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: Greg Reiman

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Funding for GAL and court interpreter fees

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**Instructions:**

See Attached

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**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>
/?							S&L
/P1	rnelson2 02/24/2004	kgilfoy 02/24/2004	jfrantze 02/25/2004		lemery 02/25/2004		S&L
/1	rnelson2 02/25/2004	kgilfoy 02/25/2004	rschluet 02/25/2004		lemery 02/25/2004	Inorthro 02/25/2004	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For: *at intro*  
*3/2*

<END>

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/1	rnelson2 02/25/2004	kgilfoy 02/25/2004	rschluet 02/25/2004		lemery 02/25/2004		S&L

*Jacket for Assembly per Tolene at Gundrum's office*

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

**<END>**

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#### Bill

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Addl. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Funding for GAL and court interpreter fees

Instructions:

See Attached

*Co. ex officio staff, including Roy Del. said this is what is needed. Want a 1c for intro. Kevin OKed!*

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>
/?							S&L
/P1	rnelson2 02/24/2004	kgilfoy 02/24/2004	jfrantze 02/25/2004		lemery 02/25/2004		

FE Sent For:

*1-2/25  
Kmg*

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Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Greg Reiman**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies: *LFB - Chris Carnichael*

Submit via email: **YES**

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

Carbon copy (CC:) to: *Chris Carnichael*

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Funding for GAL and court interpreter fees

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**Instructions:**

See Attached *LFB numbers*

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**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>
/?	rnelson2	<i>1/1-2/24 kmg</i>	<i>2/25</i>	<i>JR3 2/25</i>			

FE Sent For:

<END>

2/16

Greg -- For Gundrum  
Reiman (Scott Walker's office)

Funding for GAC & court  
interpreters. Counties pay  
about 1/2 of these costs

Inc. about \$5M in the  
court support services fee.

Ask LFB how much counties  
are spending & how much  
needed in court support  
services fees

758.18 (P) & (G)

Ch 20 - - moneys received,  
specified



D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT <sup>Men. Cost.</sup> relating to: funding of guardian ad litem costs and court interpreter  
2 fees and making ~~an~~ appropriation <sup>S</sup>

*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 *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:*

3 SECTION 1. 814. <sup>85</sup> ~~004~~ (1) (a) of the statutes, as affected by 2003 Wisconsin Act 30, <sup>acts</sup>  
4 33 and ... (Assembly Bill 421), is amended to read:  
5 814. <sup>85</sup> ~~004~~ (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
6 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
7 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
8 time of the violation, or for a safety belt use violation under s. 347.48 (2m), the clerk  
9 of circuit court shall charge and collect a \$68 <sup>surcharge</sup> ~~75~~ court support services ~~fee~~ from any



1 person, including any governmental unit as defined in s. 108.02 (17), paying a fee  
2 under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

NOTE: NOTE: Par. (a) is shown as affected by two acts of the 2003 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109; 2003 a. 30, 33; s. 13.93 (2) (c).

3 **SECTION 2.** 814.63<sup>PS</sup> (1) (b) of the statutes, as affected by 2003 Wisconsin Act 33  
4 and... (Assembly Bill 421), is amended to read:

5 814.63<sup>PS</sup> (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge  
6 and collect a \$169 \$189 court support services <sup>surcharge</sup> from any person, including any  
7 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or  
8 (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and  
9 the amount claimed exceeds the amount under s. 799.01 (1) (d).

History: 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109; 2003 a. 30, 33; s. 13.93 (2) (c).

10 **SECTION 3.** 814.63<sup>PS</sup> (1) (c) of the statutes, as affected by 2003 Wisconsin Act 33  
11 and... (Assembly Bill 421), is amended to read:

12 814.63<sup>PS</sup> (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge  
13 and collect a \$51 \$57 court support services <sup>surcharge</sup> from any person, including any  
14 governmental unit, <sup>plain</sup> as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or  
15 (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying  
16 the fee seeks the recovery of money and the amount claimed is equal to or less than  
17 the amount under s. 799.01 (1) (d).

History: 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109; 2003 a. 30, 33; s. 13.93 (2) (c).

18 **SECTION 4. Appropriation changes.**

19 (1) COURT INTERPRETER FEES. In the schedule under section 20.005 (3) of the  
20 statutes for the appropriation to the director of state courts under section 20.625 (1)  
21 (c) of the statutes, as affected by the acts of 2003, the dollar amount is increased by  
22 \$446,300 for fiscal year 2004-05 for the purpose for which the appropriation is made.

Insert 2-17

Acts

Acts



DOA:.....Mukasa - BB0243, Providing interpreters in civil cases and regardless of indigence

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

*Insert  
7-17*

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**COURTS, COURT PROCEDURE, AND ATTORNEYS**

**CIRCUIT COURTS**

In all criminal proceedings, and in a limited number of civil proceedings, such as those involving children in need of protective services, a circuit court must provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all criminal and civil proceedings, to provide an interpreter for a party or witness who has limited English proficiency, regardless of indigence.

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:*

2 SECTION ~~1.~~ 885.38 (3) (a) (intro.) of the statutes is amended to read:  
3 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~  
4 ~~51, 55, or 938, if~~ If the court determines that the person has limited English

1 proficiency and that an interpreter is necessary, the court shall advise the person  
2 that he or she has the right to a qualified interpreter and that, if the person cannot  
3 afford one, an interpreter will be provided at the public's expense if the person is one  
4 of the following:

---

5 **SECTION 9308. Initial applicability; circuit courts.**

6 (1) INTERPRETERS IN CIVIL AND CRIMINAL COURT CASES. The treatment of section  
7 885.38 (3) (a) (intro.) of the statutes first applies to actions commenced on the  
8 effective date of this subsection.

9 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4273/P1dn

RPN: *King*

The numbers used in the draft were obtained from the Legislative Fiscal Bureau.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: [robert.nelson@legis.state.wi.us](mailto:robert.nelson@legis.state.wi.us)

**Nelson, Robert P.**

---

**From:** Barman, Mike  
**Sent:** Wednesday, February 25, 2004 8:05 AM  
**To:** \*Legislative Reference Bureau  
**Subject:** FW: New routine

-----Original Message-----

**From:** Greiber, Sandy  
**Sent:** Wednesday, February 25, 2004 7:59 AM  
**To:** Barman, Mike  
**Subject:** New routine

Please let everyone at the LRB know that:

1. The **Status of Proposal** routine executed in TheClient has been removed.
2. The **LRB BillHist** expert doc executed in QuickSilver has been retired.
3. New **History of Proposals** routine has been rolled out and is available in TheClient [TEXT 20000→History of Proposals].
  - a. Histories for current and previous session are retrievable.
  - b. Histories for Bills, Joint Resolutions, Resolutions, Clearing House Rules, EAs, EDUs and Petitions are options.
  - c. If the output is more than one page, you will need to scroll to the top of the report.

Any user that did not logoff/restart his or her machine before leaving last night will need to do so to get the new routine. Any problems, let me know.

Thanks, Sandy

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4273/P1dn  
RPN:kmgjf

February 25, 2004

The numbers used in the draft were obtained from the Legislative Fiscal Bureau.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: [robert.nelson@legis.state.wi.us](mailto:robert.nelson@legis.state.wi.us)



2/25 PM

State of Wisconsin  
2003 - 2004 LEGISLATURE

1  
LRB-4273/PI  
RPN:kmg:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1     **AN ACT to amend** 814.85 (1) (a), 814.85 (1) (b), 814.85 (1) (c) and 885.38 (3) (a)  
2             (intro.) of the statutes; **relating to:** funding of guardian ad litem costs and  
3             court interpreter fees and making appropriations.

---

*Analysis by the Legislative Reference Bureau*

*insert and* → ~~This is a preliminary draft. An analysis will be provided in a later version.~~  
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:*

4             **SECTION 1.** 814.85 (1) (a) of the statutes, as affected by 2003 Wisconsin Acts 30,  
5             33 and .... (Assembly Bill 421), is amended to read:  
6             814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
7             30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
8             violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
9             time of the violation, or for a safety belt use violation under s. 347.48 (2m), the clerk



1 of circuit court shall charge and collect a ~~\$68~~ \$75 court support services surcharge  
2 from any person, including any governmental unit as defined in s. 108.02 (17), paying  
3 a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

4 **SECTION 2.** 814.85 (1) (b) of the statutes, as affected by 2003 Wisconsin Acts 33  
5 and ... (Assembly Bill 421), is amended to read:

6 814.85 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge  
7 and collect a ~~\$169~~ \$189 court support services surcharge from any person, including  
8 any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1)  
9 (a) or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money  
10 and the amount claimed exceeds the amount under s. 799.01 (1) (d).

11 **SECTION 3.** 814.85 (1) (c) of the statutes, as affected by 2003 Wisconsin Acts 33  
12 and ... (Assembly Bill 421), is amended to read:

13 814.85 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge  
14 and collect a ~~\$51~~ \$57 court support services surcharge from any person, including  
15 any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3)  
16 (a) or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party  
17 paying the fee seeks the recovery of money and the amount claimed is equal to or less  
18 than the amount under s. 799.01 (1) (d).

19 **SECTION 4.** 885.38 (3) (a) (intro.) of the statutes is amended to read:

20 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~  
21 ~~51, 55, or 938, if~~ If the court determines that the person has limited English  
22 proficiency and that an interpreter is necessary, the court shall advise the person  
23 that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~  
24 ~~afford one, an interpreter will be provided~~ at the public's expense if the person is one  
25 of the following:

1           **SECTION 5. Appropriation changes.**

2           (1) COURT INTERPRETER FEES. In the schedule under section 20.005 (3) of the  
3 statutes for the appropriation to the director of state courts under section 20.625 (1)  
4 (c) of the statutes, as affected by the acts of 2003, the dollar amount is increased by  
5 \$446,300 for fiscal year 2004–05 for the purpose for which the appropriation is made.

6           (2) GUARDIAN AD LITEM COSTS. In the schedule under section 20.005 (3) of the  
7 statutes for the appropriation to the director of state courts under section 20.625 (1)  
8 (e) of the statutes, as affected by the acts of 2003, the dollar amount is increased by  
9 \$4,908,300 for fiscal year 2004–05 for the purpose for which the appropriation is  
10 made.

11           **SECTION 6. Initial applicability.**

12           (1) This act first applies to actions commenced on July 1, 2004.

13

(END)

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4273/lins  
RPN:kmg:jf

insert anl:

Under current law, the state provides funds to the counties for the costs <sup>that</sup> they incur in providing court interpreters to persons with limited English proficiency who are unable to afford an interpreter and who are directly involved in criminal cases, cases involving juveniles or children, or cases regarding mental health commitments or protective placements. Currently, the state provides funds to the counties for the costs incurred in providing a guardian ad litem in appropriate circuit court cases. The money for this funding is generated from a court support service surcharge paid by most persons when they file a civil action.

Under this bill, the state will pay all of the costs of providing court interpreter services to persons with limited English proficiency, regardless of the type of case or ability to pay, and of providing guardians ad litem in the circuit courts. The bill increases the court support service surcharge to generate the money necessary to make those increased payments.