

2003 DRAFTING REQUEST

Bill

Received: 01/13/2003

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Rob Kreibich (608) 266-0660

By/Representing: Chris Ladwig

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters: mdsida

Subject: Dom. Rel. - miscellaneous
Criminal Law - domestic abuse
Criminal Law - sentencing

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow counties to use marriage license fees for domestic violence programs; domestic abuse assessment

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>
/?	pkahler 02/06/2003	jdye 02/17/2003					State
/1			pgreensl 02/18/2003		lemery 02/18/2003	sbasford 05/12/2003 sbasford	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

05/12/2003

FE Sent For:

<END>

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*Assembly
per
Chris*

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1/?	pkahler	1 2/17 jld	2/18	2/18			

ps

1/18/03

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<END>

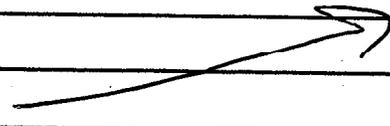
Chair from Kreibich's office

allow counties to use the marriage

license fee specifically for

purpose of domestic violence

programs (establishing programs
for abusers?)

ask 

Kahler, Pam

From: Ladwig, Chris
Sent: Thursday, February 06, 2003 4:23 PM
To: Kahler, Pam
Subject: RE: Marriage license fees for abuse programs

Pam,

We would like to make a change to the domestic violence bill you are drafting for us. Included in the language we would like a raise in the surcharge for domestic abuse-related crimes. This is a fine of \$50 that is imposed on those convicted of abuse crimes. We would like to **increase that fine by \$25 bringing to a total of \$75** and have that money go to funding for domestic abuse programs. If you have any questions, you can call our office. Particulars of domestic abuse-related crimes fund could probably be better explained by Mike Dsida. Thanks.

Christopher J. Ladwig
Legislative Assistant
State Representative Rob Kreibich
93rd Assembly District
Ph: (608) 266-0660
Fax: (608) 282-3693

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

From: Kahler, Pam
Sent: Thursday, February 06, 2003 9:32 AM
To: Ladwig, Chris
Subject: RE: Marriage license fees for abuse programs

Sure, Mike Dsida, 6-9867

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

From: Ladwig, Chris
Sent: Thursday, February 06, 2003 8:55 AM
To: Kahler, Pam
Subject: RE: Marriage license fees for abuse programs

Yesterday you told me to contact someone else concerning surcharges attached for domestic abuse-related crimes. It was Mike _____. Could you email me that name. Thanks.

Christopher J. Ladwig
Legislative Assistant
State Representative Rob Kreibich
93rd Assembly District
Ph: (608) 266-0660
Fax: (608) 282-3693

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

From: Kahler, Pam
Sent: Tuesday, February 04, 2003 5:49 PM
To: Ladwig, Chris
Subject: Marriage license fees for abuse programs

Chris:

I've had a chance to look at the statute on marriage license fees (s. 765.15). Under the statute, a marriage license fee is \$49.50. Of that amount, \$25 goes to the state and the county keeps \$24.50. The county is required to use \$20 of the amount that it keeps for expenses under s. 767.11, which refers to the mediation services that are required in divorce actions whenever there is a dispute over custody or physical placement of a child. Consequently, the county definitely has \$4.50 of each marriage license to use as it so chooses. Also, the statute authorizes a county to increase the fee for a marriage license, and any increase is kept by the

county.

Since there is nothing that prohibits a county from using the marriage license fee for domestic abuse programs (except for the \$20 that must be used for its mediation program), do you want to *require* a county to use the remainder, or a portion of the remainder, for domestic abuse programs? If you don't want a requirement, I could simply specifically authorize a county to use the fee for domestic abuse programs, but a county can do so now if it is so inclined. Let me know how you would like the provision drafted. Thanks.

Pam

Kahler, Pam

From: Ladwig, Chris
Sent: Wednesday, February 05, 2003 9:16 AM
To: Kahler, Pam
Subject: RE: Marriage license fees for abuse programs

Pam,

Rep. Kreibich would like the specific authorization.

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

From: Kahler, Pam
Sent: Tuesday, February 04, 2003 5:49 PM
To: Ladwig, Chris
Subject: Marriage license fees for abuse programs

Chris:

I've had a chance to look at the statute on marriage license fees (s. 765.15). Under the statute, a marriage license fee is \$49.50. Of that amount, \$25 goes to the state and the county keeps \$24.50. The county is required to use \$20 of the amount that it keeps for expenses under s. 767.11, which refers to the mediation services that are required in divorce actions whenever there is a dispute over custody or physical placement of a child. Consequently, the county definitely has \$4.50 of each marriage license to use as it so chooses. Also, the statute authorizes a county to increase the fee for a marriage license, and any increase is kept by the county.

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Pam



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1466(?)
PJK&MGD: ↑....
jld
①

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

① ^{Gen} AN ACT ...; ^{the} relating to: authorizing counties to use marriage license fee for
2 purposes related to domestic violence and increasing the assessment imposed
3 on persons convicted of domestic abuse offenses.

Analysis by the Legislative Reference Bureau

Under current law, the fee for a marriage license, which is paid to the county clerk, is \$49.50, but a county board may increase the fee by any amount. Of the amount of the fee, the state receives \$25~~00~~ and the county retains the remainder, which is \$24.50 if the county board does not increase the fee. Of the amount retained by the county, \$20~~00~~ must be used for its family court counseling services, under which mediation services are provided to the parties in an action affecting the family, such as a divorce, when custody or physical placement of a child is contested. This bill does not change the requirement that a county must use \$20~~00~~ of the portion of the marriage license fee that it keeps for its family court counseling services, but the bill specifically authorizes a county to use any or all of the remaining amount that it keeps for education, training, or services related to domestic violence.

Current law also provides funding for services related to domestic violence through the domestic abuse assessment, which a court imposes when sentencing a person for committing a domestic abuse offense. The Department of Health and Family Services uses money from the assessment to award grants to organizations and agencies that provide those services. This bill also increases the domestic abuse assessment from \$50 to \$75 per offense.

For further information see the *state* 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. 765.15^X of the statutes is amended to read:

2 **765.15 Fee to county clerk.** Each county clerk shall receive as a fee for each
3 license granted the sum of \$49.50, of which \$24.50 shall become a part of the funds
4 of the county, and \$25 shall be paid into the state treasury. The county[✓] shall use \$20
5 of the amount that it retains from each license fee only for expenses incurred under
6 s. 767.11. The county may, but is not required to, use any or all of the remainder of
7 the amount that it retains for education, training, or services related to domestic
8 violence.[✓] Each county board may increase the license fee of \$49.50 by any amount,
9 which amount shall become a part of the funds of the county. The clerk shall also
10 receive a standard notary fee of 50 cents for each license granted which may be
11 retained by the clerk if operating on a fee or part fee basis, but which otherwise shall
12 become part of the funds of the county.

History: 1971 c. 125; 1979 c. 32 s. 48; 1979 c. 176; Stats. 1979 s. 765.15; 1981^X a. 20; 1985 a. 29; 1991 a. 269.

13 SECTION 2. 973.055 (1) (intro.)^X of the statutes is amended to read:

14 973.055 (1) (intro.) If a court imposes a sentence on an adult person or places
15 an adult person on probation, regardless of whether any fine is imposed, the court
16 shall impose a domestic abuse assessment of \$50[✓] \$75 for each offense if:

History: 1979 c. 111; 1979 c. 221 s. 2202 (20); 1979 c. 355; 1981 c. 20 s. 2202 (20) (s); 1983 a. 27 s. 2202 (20); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 262, 319; 1995 a. 27, 201, 343, 353; 1997 a. 27, 35, 143; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16.

17

(END)