

**2005 DRAFTING REQUEST**

**Bill**

Received: 11/17/2004

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: joleen

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

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:**

Requesting a jury trial on appeal from municipal court decision

**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>
/?				_____			S&L
/1	mlief 11/17/2004 rnelson2 01/07/2005	lkunkel 11/20/2004 kfollett 11/21/2004 lkunkel 01/10/2005	jfrantze 11/22/2004	_____	mbarman 11/22/2004		S&L
/2			rschluet	_____	sbasford	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			01/10/2005 _____		01/10/2005	02/04/2005	

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1/2 mk 1/10  
2 kb 1/10

**LRB-0898**

11/22/2004 01:06:21 PM

Page 2

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/?	mlief	1/mk 11/20 11/kj 11/21	Jb	Self 22			

FE Sent For:

<END>

# WISCONSIN MUNICIPAL JUDGES ASSOCIATION

10150 West National Avenue, #390

West Allis, WI 53227

Telephone (414) 541-6800

Fax (414) 541-7739

E-mail: [wmja@execpc.com](mailto:wmja@execpc.com)

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October 21, 2004

Representative Mark D. Gundrum  
P. O. Box 8952  
Madison, WI 53708

Re: Municipal Court Legislation

Dear Mark:

Pursuant to our conversation, I am advising on the bills that we reviewed as follows:

1. Sentencing – Consecutive versus concurrent. This is similar to your 2001 AB 747 bill. RW
2. Regarding reserve judges there was an NLB 2515/3 which Judge Gramling has modified and I am enclosing a copy of it for the Statewide Judge Jurisdiction and Reserve Judge Status. RW
3. Drug paraphernalia – I believe the original bill on this that passed was from Representative Honadel. We will contact him also for his sponsorship and participation. This is similar to AB 715 2003. RW
4. Next is Juveniles 12 to 15 Traffic Jurisdiction. There are no bills that were drafted in the past regarding this. This is a clarification to clearly establish jurisdiction in municipal courts as opposed to a concurrent jurisdiction or sole jurisdiction in the juvenile court. A bill with 938 Chapter Penalties should be introduced. G-9
5. With regard to adult non-traffic forfeiture and DL suspensions, a bill similar to AB 51 from 2003 should be reintroduced. This would reverse the budget bill from 1999 which stripped this authority. RW



Representative Mark D. Gundrum

October 21, 2004

Page 2

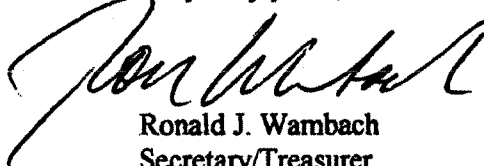
6. Appeal – Jury trial. No prior bill was introduced regarding this. This is sought for fairness purposes so that either party on appeal could demand a jury trial not just the appellant.

LL 800,14  
(4)

Our proposal would be to have all of these in an omnibus bill, except the drug paraphernalia bill which would be a stand alone bill. We also discussed having a position regarding interpreters which you thought at best would be a stand alone bill. I think we can give this a low priority and shoot more for the omnibus bill and the drug paraphernalia bill for the time being.

Any questions regarding any of this, please call.

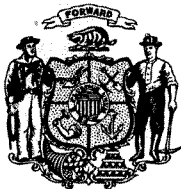
Very truly yours,



Ronald J. Wambach  
Secretary/Treasurer

RJW:kms

Enclosure



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0898/1

MJL/mk E kjf

2005 BILL

1 AN ACT <sup>GenCat</sup> relating to: requesting a jury trial on appeal from a municipal court  
2 decision. ✓

---

*Analysis by the Legislative Reference Bureau*

Under current law, either party to a municipal court action may request an appeal of the municipal court's decision to the circuit court, but only the appellant may request a jury trial if the circuit court orders a new trial. This bill allows either party to the municipal court action to request a jury trial. ✓

✓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. 800.14 (4) of the statutes is amended to read:

4 800.14 (4) Upon the request of either party within 20 days after notice of appeal  
5 under sub. (1), or on its own motion, the circuit court shall order that a new trial be  
6 held in circuit court. The new trial shall be conducted by the court without a jury

**BILL**

1 unless ~~the appellant~~ either party requests a jury trial in the notice of appeal under  
2 sub. (1). The required fee for a jury is prescribed in s. 814.61 (4).

3 **History:** 1977 c. 305; 1979 c. 32 ss. 68, 92 (17); 1979 c. 237; Stats. 1979 s. 800.14; 1981 c. 317 s. 2202; 1987 a. 389.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to municipal court actions commenced on the effective  
5 date of this subsection.

6 (END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0898A

MJL:lmk&kjf:jf

OTHER

2  
↓  
RPN

2005 BILL

notice of appeal of a  
municipal court judgment  
and

ReGen

1  
2

AN ACT to amend 800.14 (4) of the statutes; relating to: requesting a jury trial  
on appeal from a municipal court decision.

ins antia

**Analysis by the Legislative Reference Bureau**

Under current law, either party to a municipal court action may request an appeal of the municipal court's decision to the circuit court, but only the appellant may request a jury trial if the circuit court orders a new trial. This bill allows either party to the municipal court action to request a jury trial.

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:**

insert  
1-3

→

SECTION 1. 800.14 (4) of the statutes is amended to read:

800.14 (4) Upon the request of either party within 20 days after notice of appeal under sub. (1), or on its own motion, the circuit court shall order that a new trial be held in circuit court. The new trial shall be conducted by the court without a jury unless the appellant either party requests a jury trial in the notice of appeal under sub. (1). The required fee for a jury is prescribed in s. 814.61 (4).

ins. 1-8



2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0898/lins  
RPN:lmk&kjf:jf

insert anl a:

Under current law, either party to a municipal court judgment may appeal the judgment to the circuit court by giving the municipal judge written notice of appeal within 20 days after the judgment. This bill requires the appellant to also give the other party written notice of appeal within 20 days after the judgment.

NO H. insert anl b: The bill also requires the party requesting the jury to do so within 10 days after the request or order for a new trial. ✓

insert 1-3:

SECTION 800.14 (1) of the statutes is amended to read:

800.14 (1) Appeals from judgments of municipal courts may be taken by either party to the circuit court of the county where the offense occurred. The appellant shall appeal by giving the municipal judge and other party written notice of appeal within 20 days after judgment.

History: 1977 c. 305; 1979 c. 32 ss. 68, 92 (17); 1979 c. 237; Stats. 1979 s. 800.14; 1981 c. 317 s. 2202; 1987 a. 389

insert 1-8: within 10 days after the request or order for a new trial ✓

**Emery, Lynn**

---

**From:** Usealman, Kevin  
**Sent:** Thursday, February 03, 2005 4:17 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-0898/2 Topic: Requesting a jury trial on appeal from municipal court decision

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

Draft review: LRB 05-0898/2 Topic: Requesting a jury trial on appeal from municipal court decision