

2009 DRAFTING REQUEST

Bill

Received: 11/14/2008

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Christian

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Krusick@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Assignment of earnings and income in municipal court

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>
/?	rnelson2 11/17/2008	bkraft 12/01/2008		_____			Local
/1			mduchek 12/02/2008	_____	lparisi 12/02/2008	sbasford 03/13/2009	

FE Sent For: "/1" @ intro. 4/1/09

<END>

2009 DRAFTING REQUEST

Bill

Received: 11/14/2008

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Christian

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Krusick@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Assignment of earnings and income in municipal court

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>
/?	rnelson2 11/17/2008	bkraft 12/01/2008		_____			Local
/1			mduchek 12/02/2008	_____	lparisi 12/02/2008		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 11/14/2008

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Christian

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Krusick@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Assignment of earnings and income in municipal court

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>
/?	rnelson2	11 bjk 12/1	12/1	12/1			

FE Sent For:

<END>

Nelson, Robert P.

From: Moran, Christian
Sent: Friday, November 14, 2008 2:01 PM
To: Nelson, Robert P.
Subject: bill draft request (AB 669 as amended by AA 1)

Bob,

Could you please redraft 2007 AB 669 as amended by AA 1 for next session. This bill relates to assignment of earning and income to municipal court.

Thanks,

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733

-0802/1
bjk

2007 ASSEMBLY BILL 669

PWF

Inserts

SAV
X-ref ✓

January 7, 2008 - Introduced by Representatives KRUSICK, GOTTLIEB, BALLWEG, JESKEWITZ, PETROWSKI, STRACHOTA and ZEPNICK, cosponsored by Senators PLALE, DARLING, LASSA and OLSEN, by request of Wisconsin Alliance of Cities, League of Wisconsin Municipalities and the City of Milwaukee. Referred to Committee on Urban and Local Affairs.

- 1 AN ACT *to amend* 778.30 (1) (intro.) and 800.09 (1) (intro.); and *to create* 800.09
- 2 (1) (d) of the statutes; **relating to:** assignment of income ^{prizes} and earnings to pay
- 3 a municipal court judgment.

Analysis by the Legislative Reference Bureau

Under current law, if a person fails to pay a judgment ordered by a municipal court, the court may do any of the following: ✓

- 1. Defer any payment of the judgment for a period of time. ✓
- 2. Allow the person to pay the judgment by making installment payments. ✓
- 3. Order the person to perform community service work in lieu of paying the judgment. ✓
- 4. Suspend the person's driving privileges until the judgment is paid, including taking possession of the person's license to drive. ✓

This bill includes municipal court judgments to those which may be collected by these methods and adds another option to the court, allowing the court to issue an order assigning not more than 25 percent of the person's earnings, worker's compensation, pension, and other money due to the person, such as lottery prizes, to pay an unpaid judgment. ✓

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:

the same procedures, notices, and penalties that the circuit court utilizes for persons who are the subject of a ^{circuit} court-ordered assignment. The bill also adds municipal court judgments to those judgments that may be collected in circuit court. ✓

ASSEMBLY BILL 669

insert
2-1

→

X

1 SECTION 1. 778.30 (1) (intro.) of the statutes is amended to read:

2 778.30 (1) (intro.) In addition to the procedures under s. 23.795 or 345.47 or
3 under this chapter for the collection of forfeitures, costs, assessments, surcharges,
4 municipal court judgments, or restitution payments if a defendant fails to pay the
5 forfeiture, costs, assessment, surcharge, municipal court judgments, or restitution
6 payment within the period specified by the circuit court, the court may do any of the
7 following: ✓

X

8 SECTION 2. 800.09 (1) (intro.) of the statutes is amended to read:

9 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty, it
10 may render judgment by ordering restitution under s. 800.093 and payment of a
11 forfeiture, plus costs, fees, and surcharges imposed under ch. 814. The court shall
12 apply any payment received on a judgment that includes restitution to first satisfy
13 any payment of restitution ordered, then to pay the forfeiture, costs, fees, and
14 surcharges. If the judgment is not paid, the court may proceed under par. (a), (b), or
15 (c), or (d) or any combination of those paragraphs, as follows: ✓

X

16 SECTION 3. 800.09 (1) (d) of the statutes is created to read:

insert
2-21

→

17 800.09 (1) (d) ^{insert 2-17} The court may issue an order assigning not more than 25 percent
18 of the defendant's commissions, earnings, salaries, wages, pension benefits, benefits
19 under ch. 102, and other money due or to be due in the future, including lottery
20 prizes, to the municipal court for payment of the unpaid restitution, forfeiture, costs,
21 fees, or surcharges. ✓

22 SECTION 4. Initial applicability.

23 (1) This act first applies to judgments entered on the effective date of this
24 subsection. ✓

25 SECTION 5. Effective date.

**ASSEMBLY AMENDMENT 1,
TO 2007 ASSEMBLY BILL 669**

January 23, 2008 – Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 ~~SECTION 1d.~~ ^X 565.30 (5r) (a) of the statutes is amended to read:

4 565.30 (5r) (a) Annually, the administrator shall provide each municipal court
5 and clerk of circuit court in the state with a list of the winners or assignees of a lottery
6 prize that is payable in installments. The list shall include each winner or assignee
7 since the date of the previous list. ✓

8 ~~SECTION 1g.~~ [✓] 565.30 (5r) (b) of the statutes is amended to read:

9 565.30 (5r) (b) Subject to par. (c), if the administrator receives a notice under
10 s. 778.30 (2) (a), 800.09 (1) (d), or 973.05 (5) (a) ~~or 778.30 (2) (a)~~ of the assignment of
11 lottery prizes under s. 778.30 (2) (a), 800.09 (1) (d), or 973.05 (4) (c) ~~or 778.30 (1) (e)~~
12 and determines that the person subject to the assignment is a winner or assignee of
13 a lottery prize that is payable in installments, the administrator shall withhold the

Insert
2-1

↓

1 amount of the judgment that is the basis of the assignment from the next installment
 2 payment. The administrator shall submit the withheld amount to the court that
 3 issued the assignment. At the time of the submittal, the administrator shall charge
 4 the administrative expenses related to that withholding and submittal to the winner
 5 or assignee of the lottery prize and withhold those expenses from the balance of the
 6 installment payment. The administrator shall notify the winner or assignee of the
 7 reason that the amount is withheld from the installment payment. If the initial
 8 installment payment is insufficient to pay the judgment and administrative
 9 expenses, the administrator shall withhold and submit to the court an amount from
 10 any additional installment payments until the judgment and administrative
 11 expenses are paid in full and the assignment is no longer in effect. The
 12 administrative expenses received by the department shall be credited to the
 13 appropriation under s. 20.566 (1) (h). ✓

↑
insert
2-1

14 ✓ 2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".

15 ✓ 3. Page 2, line 5: delete "judgments" and substitute "judgment".

16 4. Page 2, line 17: after "(d)" insert "1. In this paragraph, "employer" includes
 17 the state and the political subdivisions of the state.

insert
2-17

18 2. ✓

19 5. Page 2, line 21: after that line insert:

20 "3. Upon entry of the assignment under subd. 2., unless the court finds that
 21 income withholding is likely to cause the defendant irreparable harm, the court shall
 22 provide notice of the assignment by regular mail to the last-known address of the
 23 person from whom the defendant receives or will receive money. If the municipal
 24 court does not receive the money from the person notified, the court shall provide

insert
2-21

↓

1 notice of the assignment to any other person from whom the defendant receives or
2 will receive money. Notice of an assignment under subd. 2. shall inform the intended
3 recipient that, if a prior assignment under subd. 2. or s. 778.30 (1) or 973.05 (4) has
4 been received relating to the same defendant, the recipient is required to notify the
5 municipal court that sent the subsequent notice of assignment that another
6 assignment has already been received. A notice of assignment shall include a form
7 permitting the recipient to designate on the form that another assignment has
8 already been received. ✓

9 4. If, after receiving the annual list under s. 565.30 (5r) (a), the municipal court
10 determines that a person identified in the list may be subject to an assignment under
11 subd. 2., the court shall send the notice of that order to the administrator of the
12 lottery division of the department of revenue, including a statement of the amount
13 owed under the judgment and the name and address of the person owing the
14 judgment. The municipal court shall notify the administrator of the lottery division
15 of the department of revenue when the judgment that is the basis of the assignment
16 has been paid in full. ✓

17 5. Notice under this paragraph may be a notice of the court, a copy of the
18 executed assignment or a copy of that part of the court order that directs payment. ✓

19 6. For each payment made under the assignment under subd. 2., the person
20 from whom the defendant under the order receives money shall receive an amount
21 equal to the person's necessary disbursements, not to exceed \$3, which shall be
22 deducted from the money to be paid to the defendant. ✓

23 7. A person who receives notice of the assignment under this paragraph shall
24 withhold the amount specified in the notice from any money that person pays to the
25 defendant later than one week after receipt of the notice of assignment. Within 5

1 days after the day on which the person pays money to the defendant, the person shall
2 send the amount withheld to the municipal court of the jurisdiction providing notice.
3 If the person has already received a notice of an assignment under this paragraph
4 or s. 778.30 (2) or 973.05 (5), the person shall retain the later assignment and
5 withhold the amount specified in that assignment after the last of any prior
6 assignments is paid in full. Within 10 days of receipt of the later notice, the person
7 shall notify the municipal court that sent the notice that the person has received a
8 prior notice of an assignment under subd. 2. Section 241.09 does not apply to
9 assignments under this section. ✓ e paragraph

10 8. If after receipt of notice of assignment under this paragraph the person from
11 whom the defendant receives money fails to withhold the money or send the money
12 to the municipal court as provided in this paragraph, the person may be proceeded
13 against under the principal action under s. 800.12 for contempt of court or may be
14 proceeded against under ch. 778 and be required to forfeit not less than \$50 nor more
15 than an amount, if the amount exceeds \$50, that is equal to 1 percent of the amount
16 not withheld or sent. ✓

17 9. If an employer who receives notice of an assignment under this paragraph
18 fails to notify the municipal court within 10 days after an employee is terminated or
19 otherwise temporarily or permanently leaves the employer's employment, the
20 employer may be proceeded against under the principal action under s. 800.12 for
21 contempt of court. ✓

22 10. Compliance by the person from whom the defendant receives money with
23 the order operates as a discharge of the person's liability to the defendant as to that
24 portion of the defendant's commission, earnings, salaries, wages, benefits, or other
25 money so affected. ✓

Duerst, Christina

From: Moran, Christian
Sent: Friday, March 13, 2009 9:06 AM
To: LRB.Legal
Cc: Lynch, Abigail
Subject: bill jacket requests

Please jacket the following bill drafts for introduction in the Assembly:

LRB-0624/2 Relating to: Operating after revocation, while suspended, or without a license; suspension for railroad crossing violations

LRB-0788/1 Relating to: Immobilization, removal, impoundment, and disposal of vehicles owned by habitual parking violators (car booting)

LRB-0802/1 Relating to: Assignment of earning and income in municipal court

Thanks,

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733