

2009 DRAFTING REQUEST

Bill

Received: **07/30/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Joe Parisi (608) 266-5342**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Parisi@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Increase municipal court fees

Instructions:

See email of 7-28-09; increase fees by \$10

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>
/?				_____			Local
/1	phurley 08/03/2009	jdye 08/20/2009	rschluet 08/20/2009	_____	cduerst 08/20/2009	cduerst 09/25/2009	

FE Sent For: **'1 @ intro, 10/5/09**

<END>

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/?	phurley	1/8/09 jld		_____ _____			Local

FE Sent For:

<END>

Hurley, Peggy

From: Murray, Mike
Sent: Tuesday, July 28, 2009 4:59 PM
To: Hurley, Peggy
Cc: 'Koval, Daniel'
Subject: FW: proposal to increase municipal court costs
Attachments: Municipal Court Costs Proposal.doc

Hi Peggy,

Judge Dan Koval, who is the Madison Municipal Judge, requested that we draft a very simple bill that would allow for municipalities to charge \$10 more for filing fees if they so choose. Joe would like to draft the bill and introduce it. I figured that you were probably the right LRB attorney to send the drafting request to, so I've forwarded Judge Koval's suggestion to you. Please let me know if it needs to go to someone else.

If you have any questions at all about the request, don't hesitate to contact Judge Koval, who I have copied to this email. You certainly have our permission to discuss it with him.

Please let me know if you need anything else. As always, thanks so much for your help.

Mike Murray
Office of Rep. Parisi

From: Koval, Daniel [mailto:DKoval@cityofmadison.com]
Sent: Monday, July 20, 2009 12:33 PM
To: Murray, Mike
Subject: proposal to increase municipal court costs

Hi Mike,

The Wisconsin Municipal Judges Association is supporting the attached proposal. There has not been an increase in municipal court costs since 2005 and this modest increase of \$10 would help towns, villages, and municipalities to offset the costs of municipal courts. The cost would be paid by the violator and would still be significantly lower than the costs associated with cases in circuit courts. This would also help towns, villages, and municipalities who are concerned with any perceived increased costs associated with the proposed changes to 755 and 800. Each town, village or municipality would reserve the right to increase the court costs or keep the costs the same.

It would be great if Representative Parisi would agree to sponsor this proposal. It should not be controversial in anyway. All it does is give the towns, villages, and municipalities the right, if they so chose, to increase the municipal court costs by \$10. Please let me know if it is something Representative Parisi would introduce and sponsor the proposal.

Thanks,

Dan Koval
Madison Municipal Judge

08/03/2009

Current law provides that in most municipal court actions, the filing fee must be at least \$15 but not more than \$28. The proposal would increase the upper limit to \$38. The last time this was changed was in 2005. The proposal would enable individual municipalities to increase the filing fee if necessary to adequately fund their municipal courts. The fee is on the offender not the municipality. Even with proposed increase the costs for a case in municipal court would still be significantly lower than the costs for a case in circuit court. The language below was taken from the language of the current law.

AN ACT **to amend** 814.65(1) of the statutes; **relating to:** increasing filing fees for municipal court actions.

814.65(1) COURT COSTS. In a municipal court action, except for an action for a first violation of s. 23.33 (4c)(a)2., 30.681 (1)(b)1., 346.63(1)(b), or 350.101(1)(b), if the person who committed the violation had a blood concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an ordinance in conformity with s. 347.48(2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$28(**proposal to change this to \$38**) on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.



Handwritten initials "JL" with an arrow pointing to "PJH:..."

2009 BILL

Handwritten date "8-3-09"

Handwritten mark "x"

Handwritten word "Gen" above the title

1

AN ACT ...; relating to: municipal court fees.

Analysis by the Legislative Reference Bureau

Under current law, when a municipal courts finds that a person has violated an ordinance, the municipal court judge may collect a court fee of not less than \$15 nor more than \$28 from the person. Of that fee, the municipal treasurer forwards five dollars to the department of administration and retains the balance for use by the municipality.

Handwritten circled "\$5" with an arrow pointing to "five" in the text above.

Handwritten word "check" with an arrow pointing to the text above.

This bill increases the maximum court fee to \$38.

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:

2

SECTION 1. 814.65 (1) of the statutes is amended to read:

3

814.65 (1) COURT COSTS. In a municipal court action, except for an action for

4

a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)

5

(b), if the person who committed the violation had a blood alcohol concentration of

6

0.08 or more but less than 0.1 at the time of the violation, or for a violation of an

BILL

SECTION 1

1 ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge
2 shall collect a fee of not less than \$15 nor more than ~~\$28~~ \$38 on each separate matter,
3 whether it is on default of appearance, a plea of guilty or no contest, on issuance of
4 a warrant or summons, or the action is tried as a contested matter. Of each fee
5 received by the judge under this subsection, the municipal treasurer shall pay
6 monthly \$5 to the secretary of administration for deposit in the general fund and
7 shall retain the balance for the use of the municipality.

8 **History:** 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 403; 1989 a. 22; 1991 a. 26; 1997 a. 27; 2003 a. 30, 33, 320; 2005 a. 54, 455; 2007 a. 96.

(END)

Duerst, Christina

From: Murray, Mike
Sent: Friday, September 25, 2009 3:56 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3216/1 Topic: Increase municipal court fees

Please Jacket LRB 09-3216/1 for the ASSEMBLY.