

SENATE BILL 383 (LRB -1038)

An Act to repeal 755.09 (3), 800.01 (1) (b), 800.01 (1) (c), 800.02 (2) (a) 8m., 800.02 (3), 800.03, 800.04 (title), 800.04 (1) (a) to (c), 800.04 (1) (e), 800.04 (1) (f), 800.04 (3), 800.04 (4), 800.04 (5), 800.05 (2), 800.09 (1) (c) and 800.09 (2); to renumber 800.02 (2) (a) 1., 800.02 (2) (a) 2., 800.02 (2) (a) 5. and 6., 800.02 (2) (a) 8., 800.02 (2) (a) 9., 800.02 (2) (a) 10., 800.04 (2) (a) and 800.05 (4); to renumber and amend 755.001, 755.01 (5), 800.02 (2) (a) (intro.), 800.02 (2) (a) 3., 800.02 (2) (a) 4., 800.02 (2) (a) 7., 800.04 (1) (d), 800.04 (2) (b), 800.04 (2) (c), 800.04 (2m), 800.09 (1) (intro.), 800.09 (1) (a) and 800.09 (1) (b); to consolidate, renumber and amend 800.01 (1) (intro.) and (a); to amend 165.83 (2) (e), 177.13, 302.373 (1) (b), 302.373 (2) (a), 343.30 (5), 345.43 (1), 345.47 (1) (a), 345.47 (1m), 565.30 (5r) (a), 565.30 (5r) (b), 755.01 (1), 755.01 (2), 755.01 (4), 755.02, 755.03 (1), 755.03 (2), 755.04, 755.045 (1) (a), 755.045 (2), 755.05, 755.06, 755.09 (1), 755.09 (2), 755.10, 755.11, 755.15, 755.16, 755.17 (title), 755.17 (1), 755.17 (2), 755.18 (title), 755.18 (1), 755.19 (2) (a), 755.21 (intro.), 778.30 (1) (intro.), 800.02 (1), 800.02 (2) (am), 800.02 (2) (b), 800.025, 800.05 (title), 800.05 (1), 800.05 (3), 800.06 (2), 800.06 (3), 800.065 (title), 800.065 (1), 800.065 (3), 800.065 (4), 800.07, 800.08 (1), 800.08 (2) (a), 800.08 (2) (b), 800.08 (3), 800.08 (4), 800.09 (title), 800.093 (1) (intro.), 800.093 (1) (a), 800.093 (2), 800.093 (3) (b) (intro.), 800.093 (4) (intro.), 800.093 (5) (intro.), 800.10 (1), 800.10 (2), 800.11 (1) (intro.), 800.11 (1) (a), 800.11 (1) (g), 800.11 (1) (q), 800.11 (2), 800.11 (3) (c), 800.11 (4), 800.13 (1), 800.14 (1), 800.14 (2), 800.14 (3), 800.14 (4), 800.14 (5), 800.14 (6) and 938.237 (2); to repeal and recreate 343.30 (5), 800.001, 800.01 (2), 800.02 (2) (title), 800.06 (1), 800.095, 800.115 and 800.12; and to create 111.70 (4) (mc) 4., 755.001 (2), 755.001 (3), 755.17 (1m), 755.17 (3), 755.17 (4), 800.01 (2m), 800.02 (2) (ag) 1m., 800.02 (2) (ag) 9m., 800.035, 800.037, 800.045, 800.05 (4) (a), 800.05 (5), 800.085 and 800.09 (1b) (b), (c), (d) and (e) of the statutes; relating to: municipal court elections, judges, and procedure, and providing penalties. (FE)

2009

- 11-03. S. Introduced by Senators Taylor, Risser, Erpenbach and Wirch; cosponsored by Representatives Seidel, Parisi, Pope-Roberts, Turner, Tauchen, Pasch, Staskunas, Lothian, Berceau, Danou and Townsend.
11-03. S. Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing 397
11-17. S. Fiscal estimate received.
12-01. S. Public hearing held.

2010

- 01-12. S. Executive action taken.
01-13. S. Report introduction and adoption of Senate Amendment 1 recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, Ayes 5, Noes 0 (LRB a1265) 479
01-13. S. Report passage as amended recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, Ayes 5, Noes 0 480
01-13. S. Available for scheduling.
01-27. S. Placed on calendar 1-28-2010 by committee on Senate Organization.
01-27. S. Senate amendment 1 to Senate amendment 1 offered by Senator Taylor (LRB a1398) 518
01-28. S. Senator Miller added as a coauthor 522
01-28. S. Read a second time 524
01-28. S. Senate amendment 1 to Senate amendment 1 adopted 524
01-28. S. Senate amendment 1 adopted 524
01-28. S. Ordered to a third reading 524
01-28. S. Rules suspended 524
01-28. S. Read a third time and passed 524
01-28. S. Ordered immediately messaged 524
02-01. A. Received from Senate 622
02-01. A. Read first time and referred to committee on Corrections and the Courts 622
02-24. A. Public hearing held.
02-26. A. Assembly amendment 1 offered by Representative Seidel (LRB a1669) 705
03-02. A. Assembly amendment 2 offered by Representative Kessler (LRB a1682) 711
03-04. A. Assembly amendment 3 offered by Representative Parisi (LRB a1744) 721
03-11. A. Executive action taken.
03-16. A. Report Assembly Amendment 1 adoption recommended by committee on Corrections and the Courts, Ayes 12, Noes 0 755
03-16. A. Report Assembly Amendment 3 adoption recommended by committee on Corrections and the Courts, Ayes 11, Noes 1 755
03-16. A. Report concurrence as amended recommended by committee on Corrections and the Courts, Ayes 11, Noes 1 755
03-16. A. Referred to committee on Rules 755
04-13. A. Made a special order of business at 12:01 P.M. on 4-15-2010 pursuant to Assembly Resolution 22 825
04-15. A. Read a second time 862
04-15. A. Assembly amendment 1 adopted 862

SB

04-15. A. **Assembly amendment 3 adopted** 862
04-15. A. Ordered to a third reading 862
04-15. A. Rules suspended 862
04-15. A. Read a third time and **concurrred in** as amended 862
04-15. A. Ordered immediately messaged 862
04-16. S. Received from Assembly amended and concurrred in as amended, Assembly amendments 1 and 3
adopted.
04-16. S. Available for scheduling.
04-16. S. Placed on calendar 4-20-2010 pursuant to Senate Rule 18(1).
04-20. S. Assembly amendment 1 **concurrred in**.
04-20. S. Assembly amendment 3 **concurrred in**.
04-20. S. Action ordered immediately messaged.

2009
ENROLLED BILL

09en SB-383

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

09-1038[✓]/4

Amendments to above (if none, write "NONE"): SA1-SA1-a 1398[✓]/1

SA1-a 1265[✓]/2

AA1-a 1669[✓]/1

AA3-a 1744[✓]/1

Corrections - show date (if none, write "NONE"): ~~None~~ ✓✓✓✓

CCC to SB383 (in enrolling, 4/28/10), CCC to SA1 to SB383
(in enrolling, 4/28/10)

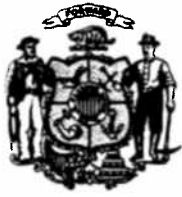
Topic Rel

4-21-10

Date

J. Miller

Enrolling Drafter



State of Wisconsin
2009-2010 LEGISLATURE

CORRECTIONS IN:

2009 SENATE BILL 383

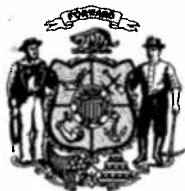
Prepared by the Legislative Reference Bureau
(April 28, 2010)

In enrolling, the following correction was made:

1. Page 7, line 20: after "2009 Wisconsin Act (this act)" insert a comma.

****NOTE: Inserts a standard comma that was inadvertently omitted in a bill section heading.

(END)



2009 SENATE BILL 383

November 3, 2009 - Introduced by Senators TAYLOR, RISSER, ERPENBACH and WIRCH, cosponsored by Representatives SEIDEL, PARISI, POPE-ROBERTS, TURNER, TAUCHEN, PASCH, STASKUNAS, LOTHIAN, BERCEAU, DANOU and TOWNSEND. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT to repeal** 755.09 (3), 800.01 (1) (b), 800.01 (1) (c), 800.02 (2) (a) 8m.,
2 800.02 (3), 800.03, 800.04 (title), 800.04 (1) (a) to (c), 800.04 (1) (e), 800.04 (1)
3 (f), 800.04 (3), 800.04 (4), 800.04 (5), 800.05 (2), 800.09 (1) (c) and 800.09 (2); **to**
4 **renumber** 800.02 (2) (a) 1., 800.02 (2) (a) 2., 800.02 (2) (a) 5. and 6., 800.02 (2)
5 (a) 8., 800.02 (2) (a) 9., 800.02 (2) (a) 10., 800.04 (2) (a) and 800.05 (4); **to**
6 **renumber and amend** 755.001, 755.01 (5), 800.02 (2) (a) (intro.), 800.02 (2) (a)
7 3., 800.02 (2) (a) 4., 800.02 (2) (a) 7., 800.04 (1) (d), 800.04 (2) (b), 800.04 (2) (c),
8 800.04 (2m), 800.09 (1) (intro.), 800.09 (1) (a) and 800.09 (1) (b); **to consolidate,**
9 **renumber and amend** 800.01 (1) (intro.) and (a); **to amend** 165.83 (2) (e),
10 177.13, 302.373 (1) (b), 302.373 (2) (a), 343.30 (5), 345.43 (1), 345.47 (1) (a),
11 345.47 (1m), 565.30 (5r) (a), 565.30 (5r) (b), 755.01 (1), 755.01 (2), 755.01 (4),
12 755.02, 755.03 (1), 755.03 (2), 755.04, 755.045 (1) (a), 755.045 (2), 755.05,
13 755.06, 755.09 (1), 755.09 (2), 755.10, 755.11, 755.15, 755.16, 755.17 (title),
14 755.17 (1), 755.17 (2), 755.18 (title), 755.18 (1), 755.19 (2) (a), 755.21 (intro.),

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1 778.30 (1) (intro.), 800.02 (1), 800.02 (2) (am), 800.02 (2) (b), 800.025, 800.05
2 (title), 800.05 (1), 800.05 (3), 800.06 (2), 800.06 (3), 800.065 (title), 800.065 (1),
3 800.065 (3), 800.065 (4), 800.07, 800.08 (1), 800.08 (2) (a), 800.08 (2) (b), 800.08
4 (3), 800.08 (4), 800.09 (title), 800.093 (1) (intro.), 800.093 (1) (a), 800.093 (2),
5 800.093 (3) (b) (intro.), 800.093 (4) (intro.), 800.093 (5) (intro.), 800.10 (1),
6 800.10 (2), 800.11 (1) (intro.), 800.11 (1) (a), 800.11 (1) (g), 800.11 (1) (q), 800.11
7 (2), 800.11 (3) (c), 800.11 (4), 800.13 (1), 800.14 (1), 800.14 (2), 800.14 (3), 800.14
8 (4), 800.14 (5), 800.14 (6) and 938.237 (2); **to repeal and recreate** 343.30 (5),
9 800.001, 800.01 (2), 800.02 (2) (title), 800.06 (1), 800.095, 800.115 and 800.12;
10 and **to create** 111.70 (4) (mc) 4., 755.001 (2), 755.001 (3), 755.17 (1m), 755.17
11 (3), 755.17 (4), 800.01 (2m), 800.02 (2) (ag) 1m., 800.02 (2) (ag) 9m., 800.035,
12 800.037, 800.045, 800.05 (4) (a), 800.05 (5), 800.085 and 800.09 (1b) (b), (c), (d)
13 and (e) of the statutes; **relating to:** municipal court elections, judges, and
14 procedure, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes regarding municipal court administration, judges, and procedures. Municipal courts operate in the cities, villages, and towns of this state to enforce municipal ordinances. Generally, the procedures in municipal court are less stringent than in circuit court, and violations of ordinances may result in a civil forfeiture. The bill makes all of the following changes:

1. Makes municipal courts subject to the authority of the supreme court, through the chief judge of the judicial administrative district.

2. Requires, in addition to current law that requires only the adoption of an ordinance for a court to exist, that the court must submit written notice of the ordinance to the director of state courts and receive certification from the chief judge of the judicial administrative district.

3. Provides that the municipal court budget or line item be separate from the budget of all other municipal departments.

4. Allows a municipal court to appoint a social worker to assist the court in determining if a defendant lacks substantial mental capacity to understand the proceeding or to assist in his or her defense. Currently, the court may appoint a guardian ad litem in those situations. The new provision gives the court an

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alternative choice of whom to appoint, and further clarifies that a determination of incompetency results in the suspension of the proceedings.

5. Requires municipal judges to be elected for four-year terms, rather than the two- to four-year terms as provided by ordinance under current law.

6. Gives municipal judges statewide jurisdiction.

7. Requires the municipality to provide the judge with an office or appropriate work space and removes the restriction on a municipal judge from having an office with a law partner.

8. Requires the municipality to authorize at least one clerk position for the municipal court and gives the municipal judge authority over the hiring, work responsibilities, and firing of court personnel. The bill provides that the judge's supervisory authority is a prohibited subject of collective bargaining for court personnel who are not employed by a city of the first class and requires the clerk to attend continuing education programs approved by the supreme court.

9. Requires the municipal judge to store all municipal court records in an appropriate facility designated by the municipality.

10. Requires a municipal judge to wear a black robe while presiding in a municipal court and prohibits the clerk from wearing anything that implies or indicates he or she is a law enforcement employee.

11. Prohibits the municipality from locating the municipal court or the court personnel within the municipal police department and gives the judge the authority to establish court hours, while requiring the municipality to provide an adequate courtroom for the municipal court.

12. Requires each municipal court to have a telephone number or extension separate from any other governmental department.

13. Allows service of the summons and complaint by first class mail, in addition to the current methods of service that are identical to those permitted in circuit court, but does not allow the suspension of a person's operating privilege or issuance of a warrant if the defendant was served by mail.

14. Requires the law enforcement officer or municipal employee who serves a summons and complaint to indicate the method of service on the documents filed with the court.

15. Clarifies that a citation or complaint may be used to start the municipal court action, and the action is commenced when the citation or complaint is filed with the court.

16. Includes in the citation or complaint a statement as to whether the judge mandates that the person make a personal appearance.

17. Includes in the citation or complaint the identification of a permit issued to the defendant or the license number of the defendant, if appropriate.

18. Allows a citation or complaint to be amended after the initial appearance of the defendant only at the discretion of the court after a hearing or at the trial by the court to conform to the evidence.

19. Requires the service of a copy of an amended complaint when amendment is made before an initial appearance.

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20. Clarifies that a defendant may appear in municipal court in person or by submitting a written response to the citation or complaint, except when the court requires the defendant to appear in person.

21. Limits the time that a defendant may be detained in jail to 48 hours if the defendant failed to make an initial appearance or make a deposit, if the court issued a warrant to bring the defendant before the court.

22. Provides that the municipal court may schedule a pretrial conference in those cases where a trial has been requested, and if the parties come to an agreement at the conference, the court may approve the agreement or disapprove the agreement and proceed to trial.

23. Clarifies that when a transfer of a case is made because of a request for the substitution of a judge, the parties, including the prosecutor, remain the same, and the amount of the judgment, if any, is paid to the original municipal court from which the case was transferred.

24. Provides that if a municipal judge disqualifies himself or herself, the case shall be transferred to another judge in the same manner as a judge substitution transfer.

25. Allows a municipal judge who is to be temporarily absent, sick, or disabled, subject to the order of the chief judge of the judicial administrative district, to designate another municipal judge within the state to perform his or her duties. This provision replaces language that allowed the municipal judge to deliver the case to the circuit court for disposition. If the municipal judge was in the first judicial administrative district, currently the municipal judge could also designate, for a period of not more than 30 days, a municipal judge from within the state to perform his or her duties. If the municipal judge was from another judicial administrative district, current law allows the municipal judge to designate, for a period of not more than 30 days, a municipal judge from within that district to perform his or her duties.

26. Allows a chief judge of the judicial administrative district to designate any municipal judge within the state temporarily to perform the duties of municipal judge when there is a permanent vacancy in the office of municipal judge.

27. Requires the municipality to provide a prosecutor for municipal court cases and allows telephonic or audiovisual testimony at any proceeding.

28. Allows a municipal court to order community service work in lieu of restitution without needing the defendant's agreement but still needing the agreement of the person to whom the restitution is owed and the agreement of the organization where the community service work would occur.

29. Allows the municipal court to order a defendant to pay restitution for any nontraffic ordinance violation or for any drunk driving ordinance violation.

30. Clarifies that the municipal court may order the suspension of a defendant's operating privilege if the violation was related to the operation of a motor vehicle, which includes nonmoving traffic offenses, or if the judgment is ordered under the juvenile justice code. The bill gives a credit of not less than \$50 for each day of imprisonment.

31. Provides that a municipal court may order that a defendant be imprisoned for up to 90 days for failure to pay the amount of the judgment only if the defendant

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has the ability to pay the judgment, has failed to perform community service, has failed to attend a hearing to determine if he or she is indigent, or has failed to complete a drug assessment of treatment program.

32. Allows the municipal court to order the assignment of up to 25 percent of the defendant's income, including lottery winning, for the payment of the judgment and provides procedural safeguards.

33. Changes the time frame for the court to pay any money the court receives to the municipal treasurer from 7 days to 30 days.

34. Removes the requirement that the transcript of a municipal court judgment include the vocation of the defendant.

35. Allows the reopening of a judgment at any time by either party under some of the specified conditions used in circuit court, rather than by only the defendant, and allows reopening a judgment within six months in certain situations.

36. Requires the court to reopen a default judgment on the motion of the defendant if the judgment was based on service by mail, while prohibiting any appeal of a default judgment.

37. Specifies that contempt of court involves intentional acts in the presence of the court that interfere with the proceedings or administration of justice or that impair the respect due to the court, or refusal of a witness to appear without reasonable excuse.

38. Increases the maximum penalty for contempt of court from a \$50 forfeiture to a \$200 forfeiture, allows imprisonment of up to 7 days, and provides that the penalty be imposed immediately after the contempt occurs only to preserve order in the court or protect the authority of the court and only after the person who committed the contempt is allowed to address the court.

39. Allows the municipal court to issue a warrant to bring a witness before the court for the contempt of court for failing to appear, to order the witness to testify, and to order the witness to pay the cost of apprehending him or her, plus any ordered forfeiture for the contempt.

40. Removes the requirement that a defendant execute a bond for payment of the judgment as a requirement for the appeal of a municipal court judgment and instead allows the municipal judge to determine if the defendant must execute a bond.

41. Clarifies that an appeal of a municipal court decision stays both the execution of the judgment and the enforcement of any order issued by the municipal court.

42. Provides that an appeal from a municipal court judgment where a trial has been held in the municipal court shall be on the record unless a party files a timely notice for a new trial. If a jury is requested, the bill provides that it be a six-person jury.

43. When an appeal has been filed in a case in which testimony has been recorded, requires the court to order that a transcript of the electronic recording be prepared and certified, at the expense of the requester.

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44. Clarifies that if an appeal is taken and the appellate court orders the defendant to pay a forfeiture, costs, fees, or surcharges, those payments are made to the municipal court.

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:

1 **SECTION 1.** 111.70 (4) (mc) 4. of the statutes is created to read:

2 111.70 (4) (mc) 4. The judge's authority over the supervisory tasks provided in
3 s. 755.10, if the municipal employee is a clerk who is not an employee of a city of the
4 first class.

5 **SECTION 2.** 165.83 (2) (e) of the statutes is amended to read:

6 165.83 (2) (e) Obtain and file a copy or detailed description of each arrest
7 warrant issued in this state for the offenses under par. (a) or s. ~~800.03(4)~~ 346.63 (1)
8 or (5) but not served because the whereabouts of the person named on the warrant
9 is unknown or because that person has left the state. All available identifying data
10 shall be obtained with the copy of the warrant, including any information indicating
11 that the person named on the warrant may be armed, dangerous or possessed of
12 suicidal tendencies.

13 **SECTION 3.** 177.13 of the statutes is amended to read:

14 **177.13 Property held by courts and public agencies.** Except as provided
15 in ss. 40.08 (8), 800.095 ~~(7m)~~ (8), 852.01 (3), 863.37 (2) and 863.39, intangible
16 property held for the owner by a court, state or other government, governmental
17 subdivision or agency, public corporation or public authority that remains unclaimed
18 by the owner for more than one year after it became payable or distributable is
19 presumed abandoned.

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1 **SECTION 4.** 302.373 (1) (b) of the statutes is amended to read:

2 302.373 (1) (b) “Prisoner” means a person who is incarcerated in a jail by court
3 order under s. 800.095 ~~(4) (b) 1~~ (1) (b).

4 **SECTION 5.** 302.373 (2) (a) of the statutes is amended to read:

5 302.373 (2) (a) Except as provided in par. (b), a city, village, or town may seek
6 reimbursement from the prisoner for the amount paid to a county under s. 800.095
7 ~~(6) (1) (d)~~ for the expenses incurred by the county to incarcerate the prisoner.

8 **SECTION 6.** 343.30 (5) of the statutes is amended to read:

9 343.30 (5) No court may suspend or revoke an operating privilege except as
10 authorized by this chapter or ch. 345, 351 or 938 or s. 767.73, ~~800.09 (1) (e)~~, 800.095
11 ~~(4) (b) 4~~ (1) (a), 943.21 (3m), or 961.50. When a court revokes, suspends or restricts
12 a juvenile’s operating privilege under ch. 938, the department of transportation shall
13 not disclose information concerning or relating to the revocation, suspension or
14 restriction to any person other than a court, district attorney, county corporation
15 counsel, city, village or town attorney, law enforcement agency, or the minor whose
16 operating privilege is revoked, suspended or restricted, or his or her parent or
17 guardian. Persons entitled to receive this information shall not disclose the
18 information to other persons or agencies.

19 **SECTION 7.** 343.30 (5) of the statutes, as affected by 2007 Wisconsin Act 20 and
20 2009 Wisconsin Act (this act) ⁵ is repealed and recreated to read:

21 343.30 (5) No court may suspend or revoke an operating privilege except as
22 authorized by this chapter or ch. 345, 351, or 938 or s. 767.73, 800.095 (1) (a), 943.21
23 (3m), or 961.50. When a court revokes, suspends, or restricts a juvenile’s operating
24 privilege under ch. 938, the department of transportation shall not disclose
25 information concerning or relating to the revocation, suspension, or restriction to any

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1 person other than a court, district attorney, county corporation counsel, city, village,
2 or town attorney, law enforcement agency, driver licensing agency of another
3 jurisdiction, or the minor whose operating privilege is revoked, suspended, or
4 restricted, or his or her parent or guardian. Persons entitled to receive this
5 information shall not disclose the information to other persons or agencies.

6 **SECTION 8.** 345.43 (1) of the statutes is amended to read:

7 345.43 (1) If a case has been transferred under s. ~~800.04 (1) (d)~~ 800.035 (5) (c),
8 or if in circuit court either party files a written demand for a jury trial within 10 days
9 after the defendant enters a plea of not guilty under s. 345.34 and immediately pays
10 the fee prescribed in s. 814.61 (4), the court shall place the case on the jury calendar
11 of the circuit court. The number of jurors shall be 6. If no party demands a trial by
12 jury, the right to trial by jury is permanently waived.

13 **SECTION 9.** 345.47 (1) (a) of the statutes is amended to read:

14 345.47 (1) (a) That, subject to s. 800.095 ~~(8)~~ (1) (b), the defendant be imprisoned
15 for a time specified by the court until the judgment is paid, but not to exceed 90 days;
16 or

17 **SECTION 10.** 345.47 (1m) of the statutes is amended to read:

18 345.47 (1m) If the action is in municipal court, the court shall determine, at
19 the time of entering judgment under sub. (1), whether incarceration may be ordered
20 for noncompliance with a judgment or order under this section. If incarceration may
21 be ordered because of the defendant's subsequent noncompliance with the judgment,
22 the provisions of s. 800.095 (1) ~~to (3) and (4) (a) (b)~~ (b) apply.

23 **SECTION 11.** 565.30 (5r) (a) of the statutes is amended to read:

24 565.30 (5r) (a) Annually, the administrator shall provide each municipal court
25 and clerk of circuit court in the state with a list of the winners or assignees of a lottery

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1 prize that is payable in installments. The list shall include each winner or assignee
2 since the date of the previous list.

3 **SECTION 12.** 565.30 (5r) (b) of the statutes is amended to read:

4 565.30 (5r) (b) Subject to par. (c), if the administrator receives a notice under
5 s. 778.30 (2) (a), 800.09 (1) (c), or 973.05 (5) (a) ~~or 778.30 (2) (a)~~ of the assignment of
6 lottery prizes under s. 778.30 (1) (c), 800.09 (1) (c), or 973.05 (4) (c) ~~or 778.30 (1) (c)~~
7 and determines that the person subject to the assignment is a winner or assignee of
8 a lottery prize that is payable in installments, the administrator shall withhold the
9 amount of the judgment that is the basis of the assignment from the next installment
10 payment. The administrator shall submit the withheld amount to the court that
11 issued the assignment. At the time of the submittal, the administrator shall charge
12 the administrative expenses related to that withholding and submittal to the winner
13 or assignee of the lottery prize and withhold those expenses from the balance of the
14 installment payment. The administrator shall notify the winner or assignee of the
15 reason that the amount is withheld from the installment payment. If the initial
16 installment payment is insufficient to pay the judgment and administrative
17 expenses, the administrator shall withhold and submit to the court an amount from
18 any additional installment payments until the judgment and administrative
19 expenses are paid in full and the assignment is no longer in effect. The
20 administrative expenses received by the department shall be credited to the
21 appropriation under s. 20.566 (1) (h).

22 **SECTION 13.** 755.001 of the statutes is renumbered 755.001 (intro.) and
23 amended to read:

24 **755.001 Definition Definitions.** (intro.) In this chapter, “judge”:

25 **(1) “Judge”** means municipal judge.

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SECTION 14

1 SECTION 14. 755.001 (2) of the statutes is created to read:

2 755.001 (2) "Judicial administrative district" means the judicial
3 administrative district having the largest portion of the population in the
4 jurisdiction served by the judge.

5 SECTION 15. 755.001 (3) of the statutes is created to read:

6 755.001 (3) "Records" mean all of the records subject to SCR chapter 72.

7 SECTION 16. 755.01 (1) of the statutes is amended to read:

8 755.01 (1) There is created and established in and for each city, town and
9 village, a municipal court designated "Municipal Court for the ...(city, town or
10 village) of ...(name of municipality)".

A municipal court created under this subsection is a coequal branch of the municipal government, subject to the superintending authority of the supreme court, through the chief judge of the judicial administrative district. This court shall become operative and function when the city

council, town board, or village board adopts an ordinance or bylaw providing for the election of a judge and the operation and maintenance of the court, receives a certification from the chief judge of the judicial administrative district that the court meets the requirements under ss. 755.09, 755.10, 755.11, and 755.17, and provides written notification to the director of state courts of the adoption of the ordinance or bylaw. A permanent vacancy in the office of municipal judge shall be filled under s.

8.50 (4) (fm). Any municipal court established under this section is not a court of record. The court shall be maintained at the expense of the municipality. After July 1, 1978, any authorized municipal court courtroom personnel not in the classified service shall be appointed by the municipal court judge or judges.

The budget of the municipal court shall be separate from, or contained on a separate line item from, the budget or line items of all other municipal departments.

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INS.
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INS.
SAI-3



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AAI-1

1 **SECTION 17.** 755.01 (2) of the statutes is amended to read:

2 755.01 (2) The governing body may by ordinance or bylaw abolish the
3 municipal court at the end of any term for which the judge has been elected or
4 appointed. The governing body may not abolish the municipal court while an
5 agreement under sub. (4) is in effect.

6 **SECTION 18.** 755.01 (4) of the statutes is amended to read:

7 755.01 (4) Two or more cities, towns or villages of this state may enter into an
8 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),
9 except that for purposes of this subsection, any agreement under s. 66.0301 shall be
10 effected by the enactment of identical ordinances by each affected city, town or
11 village. Electors of each **municipality entering into the agreement** shall be eligible
12 to vote for the judge of the municipal court so established. If a municipality enters
13 into an agreement with a municipality that already has a municipal court, the
14 municipalities may provide by ordinance or resolution that the judge for the existing
15 municipal court shall serve as the judge for the joint court until the end of the term
16 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
17 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
18 contracting municipalities need not be contiguous and need not all be in the same
19 county. Upon entering into or discontinuing such an agreement, the contracting
20 municipalities shall each transmit a certified copy of the ordinance or bylaw effecting
21 or discontinuing the agreement to the appropriate filing officer under s. 11.02 (3e)
22 and to the director of state courts. When a municipal judge is elected under this
23 subsection, candidates shall be nominated by filing nomination papers under s. 8.10
24 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).

X

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1 SECTION 19. 755.01 (5) of the statutes is renumbered 800.04 (1) (bm) and
2 amended to read:

3 800.04 (1) (bm) A municipal court shall appoint a guardian ad litem or social
4 worker certified or licensed under ch. 457 for any defendant that the court has reason
5 to believe ~~is mentally incompetent~~ lacks substantial mental capacity to understand
6 the proceedings or assist in his or her defense. The person appointed under this
7 paragraph shall assist the court in making a determination concerning the
8 defendant’s mental capacity. If the court determines that the defendant lacks the
9 mental capacity to understand the proceedings or assist in his or her defense, the
10 court shall suspend the proceedings. The cost of the guardian ad litem or social
11 worker shall be paid by the municipality or municipalities that established the court.
12 The governing body may by ordinance or bylaw authorize the appointment of a
13 guardian ad litem by the municipal judge in any other matter within the jurisdiction
14 of the municipal court.

15 SECTION 20. 755.02 of the statutes is amended to read:

16 **755.02 Term.** The judges shall be elected at large for a term of 2 4 years unless
17 a longer term, not exceeding 4 years, is provided by ordinance or bylaw. The term
18 shall commence on May 1 of the year of the judge’s election.

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INS.
SAI-5

19 SECTION 21. 755.03 (1) of the statutes is amended to read:

20 755.03 (1) The judge shall, after election, ~~designation~~ or appointment, take and
21 file the official oath as prescribed in s. 757.02 (1) and at the same time execute and
22 file an official bond in an amount to be fixed by the governing body. The governing
23 body shall pay the costs of the bond. No judge may act as such until his or her oath
24 and bond have been filed as required by s. 19.01 (4) (c) and he or she has complied
25 with the requirements of sub. (2) have been complied with.

X

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1 **SECTION 22.** 755.03 (2) of the statutes is amended to read:

2 755.03 (2) ~~The clerk of the circuit court shall, within~~ Within 10 days after a
3 municipal judge ~~files~~ takes the oath and ~~bond, execute and mail to, the judge shall~~
4 file the oath and bond with the clerk of the city, town or village, where the judge was
5 elected, ~~a certified copy of the bond, which shall be filed and preserved in the office~~
6 ~~by the city, town or village clerk. The certified copy is presumptive evidence of its~~
7 ~~execution by the judge and sureties~~ or appointed. If the municipal judge is elected
8 under s. 755.01 (4), the ~~clerk of circuit court judge~~ shall file copies of the oath and
9 bond with each applicable municipal clerk. The ~~clerk of the circuit court judge~~ shall
10 file a certified copy of the oath with the office of director of state courts within the
11 10-day time period after the judge takes the oath.

12 **SECTION 23.** 755.04 of the statutes is amended to read:

13 **755.04 Salary and fees.** The governing body shall fix a salary for the judge
14 ~~which shall be in lieu of fees and costs. Fees and taxable costs shall be paid into the~~
15 ~~municipal treasury as the governing body directs.~~ The salary may be increased by
16 the governing body before the start of the 2nd or a subsequent year of service of the
17 term of the judge, but shall not be decreased during a term. The salary of a municipal
18 judge who is designated or appointed under s. 8.50 (4) (fm) or 800.06 shall be
19 determined by contract between the municipality and the judge. The judge may not
20 serve until the contract is entered into. Salaries may be paid annually or in equal
21 installments as determined by the governing body, but no judge may be paid a salary
22 for any time during the term during which the judge has not executed and filed his
23 or her official bond or official oath, as required by s. 755.03, ~~and filed under s. 19.01~~
24 (4) (e).

25 **SECTION 24.** 755.045 (1) (a) of the statutes is amended to read:

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1 755.045 (1) (a) If the action is transferred under s. ~~800.04 (1)~~ 800.035 (5) (c) or
2 800.05 (3) to a court of record.

3 **SECTION 25.** 755.045 (2) of the statutes is amended to read:

4 755.045 (2) A municipal judge may issue civil warrants to enforce matters
5 which are under the jurisdiction of the municipal court, as provided in ch. 800.
6 Municipal judges are also authorized to issue inspection warrants under s. 66.0119.

7 **SECTION 26.** 755.05 of the statutes is amended to read:

8 **755.05 Territorial jurisdiction.** Every judge has ~~countywide~~ statewide
9 jurisdiction. ~~If elected in a city or village lying in more than one county, the judge~~
10 ~~shall qualify and have jurisdiction in each county, the same as though the~~
11 ~~municipality lay wholly therein, and may hold court in one county while exercising~~
12 ~~jurisdiction in the other. If elected under s. 755.01 (4) and the contracting~~
13 ~~municipalities lie in more than one county, the judge shall qualify and have~~
14 ~~jurisdiction in each county and may hold court in one county while exercising~~
15 ~~jurisdiction in another county~~ as authorized by this chapter and ch. 800.

16 **SECTION 27.** 755.06 of the statutes is amended to read:

17 **755.06 Sessions of court.** The municipal court shall be open daily or, after
18 the judge consults with the governing body, as directed by the governing body, but
19 the governing body may by ordinance or bylaw allow the judge to determine when
20 the court shall be open judge. **INSERT AAI-2**

21 **SECTION 28.** 755.09 (1) of the statutes is amended to read:

22 755.09 (1) ~~Every judge shall keep his or her office and hold court in any~~
23 ~~adequate facility provided by the~~ The governing body of the city, village, or town,
24 shall provide the judge with an office or appropriate work space other than at a place

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1 prohibited under sub. (2). ~~The judge may issue process or perform ministerial~~
2 ~~functions at any place in the county.~~

3 **SECTION 29.** 755.09 (2) of the statutes is amended to read:

4 755.09 (2) No judge may keep his or her office or hold court in any tavern, or
5 in any room in which intoxicating liquors are sold, or in any room connecting
6 therewith. ~~For any violation of this section the judge shall forfeit \$25 but the~~
7 ~~violation of the subsection does not make any order or judgment void~~ with a tavern
8 or room in which intoxicating liquors are sold.

9 **SECTION 30.** 755.09 (3) of the statutes is repealed.

10 **SECTION 31.** 755.10 of the statutes is amended to read:

11 **755.10 Employees.** The judge shall in writing appoint such clerks and deputy
12 clerks personnel as are authorized by the council or board. The council or board shall
13 authorize at least one clerk for each court. Their salaries shall be fixed by the council
14 or board. The hiring, termination, hours of employment, and work responsibilities
15 of the court personnel, when working during hours assigned to the court, shall be
16 under the judge's authority. The clerks shall, before entering upon the duties of their
17 offices, take the oath provided by s. 19.01 and give a bond if required by the council
18 or board. The cost of the bond shall be paid by the municipality. Oaths and bonds
19 of the clerks shall be filed with the municipal clerk.

INS. SA 1-6

INS. SA 1-7

20 **SECTION 32.** 755.11 of the statutes is amended to read:

21 **755.11 Papers, how kept Records.** Every judge shall file and keep together
22 all papers records in an action, separate from all other papers records. The judge
23 shall store all records in the office of the court clerk or in another appropriate facility
24 designated by the council or board. Access to the records shall be restricted to court
25 personnel except as authorized by the judge or by law. Nothing in this section is



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SECTION 32

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1 intended to restrict the ability of counsel or parties to read the records. The purchase
2 or implementation of any electronic records management system shall be approved
3 by the judge.

4 SECTION 33. 755.15 of the statutes is amended to read:

5 **755.15 Pending actions triable by court which receives books.** When
6 any action is pending before a judge at the time his or her office becomes vacant and
7 his or her books and ~~papers~~ records have been delivered to the circuit court, it may
8 try the action and enter judgment as though the action was begun before it.

9 SECTION 34. 755.16 of the statutes is amended to read:

10 **755.16 Continuance on vacancy; notice of trial.** All actions before any
11 judge undetermined or appealable when his or her office becomes vacant are
12 continued until the expiration of 10 days from the time when his or her books and
13 ~~papers~~ records were delivered to the circuit court. The court shall give 3 days' notice
14 to the parties to the action.

15 SECTION 35. 755.17 (title) of the statutes is amended to read:

16 **755.17 (title) ~~Decorum in municipal~~ Municipal court decorum and**
17 **facilities.**

18 SECTION 36. 755.17 (1) of the statutes is amended to read:

19 755.17 (1) A municipal judge shall ~~be properly attired in a robe or other suitable~~
20 ~~clothing when officially~~ wear a black robe while presiding in a municipal court except
21 when exceptional circumstances exist.

22 SECTION 37. 755.17 (1m) of the statutes is created to read:

23 755.17 (1m) The clerk of the municipal court shall be attired in appropriate
24 clothing and may not, while performing municipal court functions, wear anything
25 that implies or indicates that he or she is a law enforcement officer.

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1 **SECTION 38.** 755.17 (2) of the statutes is amended to read:

2 755.17 (2) The governing body of the city, village, or town shall provide a
3 courtroom for a municipal judge ~~shall be provided by a municipality court, which~~
4 shall be in an adequate facility. The courtroom shall be in a public building if a
5 suitable public building is available within the municipality and shall be located in
6 an area separate from the police department by design or signage. The courtroom
7 shall be designed and furnished to create and promote the proper atmosphere of
8 dignity and decorum for the operation of the court.

9 **SECTION 39.** 755.17 (3) of the statutes is created to read:

10 755.17 (3) All personnel employed by the court shall be located in an area
11 separate and distinct from the police department. INS. SA1-9 ✓

12 **SECTION 40.** 755.17 (4) of the statutes is created to read:

13 755.17 (4) Every municipal court shall have a telephone number or extension
14 separate from the telephone number or extension of any other governmental
15 department.

16 **SECTION 41.** 755.18 (title) of the statutes is amended to read:

17 **755.18 (title) Municipal judge and court clerk training.**

18 **SECTION 42.** 755.18 (1) of the statutes is amended to read:

19 755.18 (1) Municipal court clerks and judges shall participate in a program of
20 continuing ~~judicial~~ education as required by the supreme court.

21 **SECTION 43.** 755.19 (2) (a) of the statutes is amended to read:

22 755.19 (2) (a) Under ss. ~~800.04~~ 800.035 and 800.095 (4) ~~and (5)~~ (1), conduct
23 initial appearances and receive noncontested forfeiture pleas, order the revocation
24 or suspension of driving privileges and impose forfeitures, impose community service

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1 and restitution according to the schedule adopted by the municipal court where
2 appointed, and issue dispositional and sanction orders pursuant to ch. 938.

3 **SECTION 44.** 755.21 (intro.) of the statutes is amended to read:

4 **755.21 Collection.** (intro.) The municipal governing body or court may
5 contract with a collection agency for the collection of unpaid forfeitures, assessments,
6 and surcharges under s. 66.0114 (1) (a). Collection under this section may not begin
7 until the court refers the case to the collection agency. The contract shall provide that
8 the collection agency shall be paid from the proceeds recovered by the collection
9 agency. For each violation for which a forfeiture, assessment, or surcharge is
10 imposed, the municipal court shall determine the amount to be distributed to each
11 entity under s. 66.0114 (1) (bm) and (3) (b) and (c) as follows:

12 **SECTION 45.** 778.30 (1) (intro.) of the statutes is amended to read:

13 778.30 (1) (intro.) In addition to the procedures under s. 23.795 or 345.47 or
14 under this chapter for the collection of forfeitures, costs, assessments, surcharges,
15 municipal court judgments, or restitution payments if a defendant fails to pay the
16 forfeiture, costs, assessment, surcharge, municipal court judgment, or restitution
17 payment within the period specified by the circuit court, the court may do any of the
18 following:

19 **SECTION 46.** 800.001 of the statutes is repealed and recreated to read:

20 **800.001 Definitions.** In this chapter:

21 (1) “Judicial administrative district” means the judicial administrative district
22 having the largest portion of the population in the jurisdiction served by the
23 municipal court.

24 (2) “Municipality” means the city, village, or town that governs the municipal
25 court, or if more than one city, village, or town has agreed jointly to establish a

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1 municipal court under s. 755.01, “municipality” means the city, village, or town
2 where the violation occurred.

3 **SECTION 47.** 800.01 (1) (intro.) and (a) of the statutes are consolidated,
4 renumbered 800.01 (1) and amended to read:

5 800.01 (1) In municipal court, ~~personal jurisdiction in municipal ordinance~~
6 ~~violation cases and cases involving a violation of a resolution or bylaw if the~~
7 ~~resolution or bylaw is authorized by statute is obtained over a defendant when the~~
8 ~~defendant: (a) Is served with a summons and are commenced when the complaint~~
9 ~~or citation and such documents are is filed with or transmitted to the court;~~

10 **SECTION 48.** 800.01 (1) (b) of the statutes is repealed.

11 **SECTION 49.** 800.01 (1) (c) of the statutes is repealed.

12 **SECTION 50.** 800.01 (2) of the statutes is repealed and recreated to read:

13 800.01 (2) The municipal court has jurisdiction over a defendant when any of
14 the following conditions is met:

15 (a) The defendant is served with a citation or a summons and complaint as
16 provided under s. 801.11 (1) (a) to (c), (5), and (6).

17 (b) The defendant is arrested and brought before the court personally or
18 through interactive video and audio transmission conducted in accordance with the
19 rules of the supreme court.

20 (c) The defendant voluntarily appears before the court.

21 (d) The court finds that the defendant has acknowledged receipt of the citation
22 or summons and complaint.

23 (e) The summons and complaint or citation are sent to the defendant by 1st
24 class mail.

25 **SECTION 51.** 800.01 (2m) of the statutes is created to read:

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1 800.01 (2m) The law enforcement officer or municipal employee who serves the
2 summons shall indicate the method of service on the copy of the documents filed or
3 transmitted to the court.

4 **SECTION 52.** 800.02 (1) of the statutes is amended to read:

5 800.02 (1) ACTION. An action in municipal court for violation of a municipal
6 ordinance, ~~or violation of a resolution or bylaw if the resolution or bylaw is authorized~~
7 ~~by statute~~, is a civil action, and the forfeiture or penalty imposed by any ordinance
8 of the municipality may be collected in an action in the name of the municipality.

9 **SECTION 53.** 800.02 (2) (title) of the statutes is repealed and recreated to read:

10 800.02 (2) (title) FORM OF CITATION OR COMPLAINT.

11 **SECTION 54.** 800.02 (2) (a) (intro.) of the statutes is renumbered 800.02 (2) (a)
12 and amended to read:

13 800.02 (2) (a) The citation or complaint shall be signed by a ~~peace officer or~~
14 ~~endorsed by a municipal law enforcement officer~~, attorney representing the
15 municipality, or, if applicable, ~~signed by~~ a conservation warden. In addition, the
16 governing body of a municipality authorized to adopt the use of citations may
17 designate by ordinance or resolution other municipal officials who may sign and
18 issue citations with respect to ordinances which are directly related to the official
19 responsibilities of the officials. Officials granted the authority to sign and issue
20 citations may delegate, with the approval of the governing body, the authority to
21 employees. Authority delegated to an official or employee may be revoked only in the
22 same manner by which it is conferred.

23 (ag) The citation or complaint shall contain substantially the following
24 information:

25 **SECTION 55.** 800.02 (2) (a) 1. of the statutes is renumbered 800.02 (2) (ag) 1.

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1 **SECTION 56.** 800.02 (2) (a) 2. of the statutes is renumbered 800.02 (2) (ag) 2.

2 **SECTION 57.** 800.02 (2) (a) 3. of the statutes is renumbered 800.02 (2) (ag) 3. and
3 amended to read:

4 800.02 (2) (ag) 3. The violation alleged, the time and place of the occurrence of
5 the violation, a statement that the defendant committed the violation, the ordinance,
6 ~~resolution or bylaw~~ violated, and a designation description of the violation in
7 language ~~which~~ that can be readily understood.

8 **SECTION 58.** 800.02 (2) (a) 4. of the statutes is renumbered 800.02 (2) (ag) 4. and
9 amended to read:

10 800.02 (2) (ag) 4. A notice to appear at a date, time and place for the court
11 appearance, and a notice to appear statement as to whether the appearance is
12 mandated by the judge.

13 **SECTION 59.** 800.02 (2) (a) 5. and 6. of the statutes are renumbered 800.02 (2)
14 (ag) 5. and 6.

15 **SECTION 60.** 800.02 (2) (a) 7. of the statutes is renumbered 800.02 (2) (ag) 7. and
16 amended to read:

17 800.02 (2) (ag) 7. Notice that the defendant may ~~by mail, in writing,~~ prior to
18 the court appearance, enter a plea of not guilty ~~and may within 10 days after entry~~
19 ~~of the plea request a jury trial.~~

20 **SECTION 61.** 800.02 (2) (a) 8. of the statutes is renumbered 800.02 (2) (ag) 8.

21 **SECTION 62.** 800.02 (2) (a) 8m. of the statutes is repealed.

22 **SECTION 63.** 800.02 (2) (a) 9. of the statutes is renumbered 800.02 (2) (ag) 9.

23 **SECTION 64.** 800.02 (2) (a) 10. of the statutes is renumbered 800.02 (2) (ag) 10.

24 **SECTION 65.** 800.02 (2) (ag) 1m. of the statutes is created to read:

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1 800.02 (2) (ag) 1m. The identification of any permit issued to the defendant,
2 or license number of the defendant, if applicable.

3 **SECTION 66.** 800.02 (2) (ag) 9m. of the statutes is created to read:

4 800.02 (2) (ag) 9m. In an action against a corporation organized under ch. 180
5 or 181, or against a limited liability company organized under ch. 183, a statement
6 of the corporate or company existence and whether the corporation or company is a
7 domestic or foreign corporation or limited liability company.

8 **SECTION 67.** 800.02 (2) (am) of the statutes is amended to read:

9 800.02 (2) (am) In 1st class cities, all of the written information required under
10 par. (a), except the information under par. (a) (ag) 1. to 4., 9m., and 10., shall be
11 printed in Spanish on a separate sheet attached to the citation or provided in Spanish
12 on the citation.

13 **SECTION 68.** 800.02 (2) (b) of the statutes is amended to read:

14 800.02 (2) (b) Except for parking violations, in traffic regulation actions in
15 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu
16 of the citation form specified in par. (a) (ag). In actions for violations of local
17 ordinances enacted in accordance with s. 23.33 (11) (am) or 30.77, the citation form
18 specified in s. 23.54 shall be used in lieu of the citation form specified in par. (a) (ag).

19 **SECTION 69.** 800.02 (3) of the statutes is repealed.

20 **SECTION 70.** 800.025 of the statutes is amended to read:

21 **800.025 Amended citation and complaint.** A citation or complaint under
22 s. 800.02 may be amended ~~once as a matter of course by the municipality~~ prior to the
23 initial appearance of the defendant. A copy of the amended citation or complaint
24 shall be served personally on the defendant or sent to the defendant by 1st class mail.

25 Otherwise, the citation or complaint may be amended ~~only by leave of the court or~~

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1 ~~by written consent of the defendant, upon notice and an opportunity to be heard, at~~
2 ~~the discretion of the court. At trial, the court may amend a citation or complaint to~~
3 ~~conform to the evidence. If the court amends the citation or complaint to conform to~~
4 ~~the evidence, the court shall allow both parties an opportunity to present evidence~~
5 ~~with respect to the amended citation or complaint.~~

6 **SECTION 71.** 800.03 of the statutes is repealed.

7 **SECTION 72.** 800.035 of the statutes is created to read:

8 **800.035 Initial appearance.** (1) A defendant may make an initial
9 appearance in person or by submitting a written response to the citation or complaint
10 except when the judge has required an appearance under s. 800.02 (2) (ag) 4.

11 (2) If a defendant appears in person, all of the following shall occur:

12 (a) The court shall, either orally or in writing, do all of the following:

13 1. Inform the defendant of each charge and explain the range of penalties for
14 each charge.

15 2. Inform the defendant that he or she may plead guilty, not guilty, or no contest
16 or may request a continuance.

17 3. Inform the defendant of the right to a jury trial on charges filed under an
18 ordinance in conformity with s. 346.63 (1) or (5).

19 (b) The defendant shall enter a plea or request a continuance.

20 (c) If the defendant refuses to enter a plea or request a continuance, the court
21 shall enter a plea of not guilty on the defendant's behalf.

22 (d) If the defendant pleads guilty or no contest, the court may find the
23 defendant guilty of the offense to which the plea is entered and render judgment as
24 provided under s. 800.09.

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1 (e) If the defendant pleads not guilty and a trial is not held immediately, the
2 court shall schedule the case for a pretrial conference under s. 800.045, further
3 proceedings, or trial, at the discretion of the court.

4 (3) If the defendant submits a written response to the citation or complaint and
5 enters a plea of guilty or no contest, the court shall proceed under sub. (2) (d).

6 (4) If the defendant submits a written response to the citation or complaint and
7 enters a plea of not guilty, the court shall proceed under sub. (2) (e).

8 (5) (a) If a defendant is charged with a violation of an ordinance in conformity
9 with s. 346.63 (1) or (5), the municipality may, by ordinance, require the defendant
10 to appear in person before the court.

11 (b) If a person fails to make a required personal appearance under this
12 subsection and the judge issues an arrest warrant, the law enforcement agency that
13 filed or transmitted the uniform traffic citation shall file a detailed description of the
14 warrant with the department of justice.

15 (6) In all cases, a defendant may enter a plea of no contest and provide a deposit
16 at any time before the initial appearance.

17 **SECTION 73.** 800.037 of the statutes is created to read:

18 **800.037 Deposit amount and schedule.** The deposit in traffic cases shall
19 be made as provided in s. 345.26. In boating cases, the deposit shall be made as
20 provided in s. 23.66 and 23.67. The municipal court, with the approval of the
21 governing body of the municipality, shall set the deposit schedule for all other cases.
22 The deposit amount in the schedule may not exceed the maximum penalty
23 established by the municipality for the offense, plus costs, fees, and surcharges
24 imposed under ch. 814.

25 **SECTION 74.** 800.04 (title) of the statutes is repealed.

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1 SECTION 75. 800.04 (1) (a) to (c) of the statutes are repealed.

2 SECTION 76. 800.04 (1) (d) of the statutes is renumbered 800.035 (5) (c) and
3 amended to read:

4 800.035 (5) (c) If a defendant charged with the violation of an ordinance which
5 is in conformity with ~~s. 346.63 (1) or (5)~~ pleads not guilty and within 10 days after
6 entry of the plea requests a jury trial and pays the required fees, the municipal judge
7 shall promptly transmit all papers and fees in the cause to the clerk of the circuit
8 court of the county where the violation occurred for a jury trial under s. 345.43. The
9 plea of not guilty and request for jury trial may be made by mail in writing. If the
10 person refused to take a test under s. 343.305 (3) and requested a hearing under s.
11 343.305 (9) to determine if the person's refusal was proper, the papers and fees
12 involved in that action shall be transferred to the same circuit court, which shall
13 conduct the refusal hearing. ~~The amount of deposit set out in the citation shall~~
14 ~~accompany the mailed request.~~ Upon receipt of the request, the circuit court shall
15 set a time for trial. Any deposit made personally or by mail in writing is forfeited
16 upon nonappearance at the time set for trial. The required fee for a jury is prescribed
17 in s. 814.61 (4).

18 SECTION 77. 800.04 (1) (e) of the statutes is repealed.

19 SECTION 78. 800.04 (1) (f) of the statutes is repealed.

20 SECTION 79. 800.04 (2) (a) of the statutes is renumbered 800.035 (7) (a).

21 SECTION 80. 800.04 (2) (b) of the statutes is renumbered 800.035 (7) (b) and
22 amended to read:

23 800.035 (7) (b) If the municipal judge determines that the defendant should not
24 be released under par. (a) and the defendant is charged with a traffic or boating
25 violation, the municipal judge shall release the defendant on a deposit in the amount

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1 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
2 For other violations, the municipal judge shall establish a deposit in an amount not
3 to exceed the maximum penalty for the offense, plus costs, fees, and surcharges
4 imposed under ch. 814 for the violation. If the judge in a 1st class city determines
5 that a defendant appearing before the judge through interactive video and audio
6 transmission should not be released under par. (a), the judge shall inform the
7 defendant that he or she has the right to appear personally before a judge for a
8 determination, not prejudiced by the first appearance, as to whether he or she should
9 be released without a deposit. On failure of the defendant to make a deposit under
10 this paragraph, he or she may be committed to jail ~~pending trial~~, for not more than
11 48 hours, only if the judge finds that there is a reasonable basis to believe the person
12 will not appear in court.

13 **SECTION 81.** 800.04 (2) (c) of the statutes is renumbered 800.035 (8) and
14 amended to read:

15 800.035 (8) If the defendant ~~has made a deposit under par. (b) or s. 800.03 and~~
16 does not appear, but has made a deposit in the amount set for the violation, he or she
17 is deemed to have tendered a plea of no contest and submits to a forfeiture, plus costs,
18 fees, and surcharges imposed under ch. 814, not exceeding the amount of the deposit.
19 The court may impose any other penalties allowed by law. The court may either
20 accept the plea of no contest and enter judgment accordingly, or reject the plea and
21 issue a summons. If the court finds that the violation meets the conditions in s.
22 800.093 (1), the court may summon the alleged violator into court to determine if
23 restitution shall be ordered under s. 800.093. If the defendant fails to appear in
24 response to the summons, the court ~~shall~~ may issue a warrant under s. 968.09. If the

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1 defendant has made a deposit but does appear, the court shall allow the defendant
2 to withdraw the plea of no contest.

3 **SECTION 82.** 800.04 (2m) of the statutes is renumbered 800.035 (9) and
4 amended to read:

5 800.035 (9) If a defendant does not appear at the initial appearance and has
6 not made a deposit in the amount set for the violation, upon proof of jurisdiction
7 under s. 800.01 (2), the court may issue a warrant to bring the defendant before the
8 court. Upon proof of personal service of the summons or citation under s. 800.01 (1),
9 or upon proof of service of the summons or citation under s. 801.11 (1) (b), the court
10 may either enter a default judgment by reason of the failure of a defendant to respond
11 to a citation under s. 800.02 (2) (a) or a summons under s. 800.02 (4) under s. 800.09
12 or issue a warrant or summons to bring the defendant before the court. If a warrant
13 is issued for a defendant under this subsection, the defendant may be detained in jail,
14 for not more than 48 hours, prior to the initial appearance.

15 **SECTION 83.** 800.04 (3) of the statutes is repealed.

16 **SECTION 84.** 800.04 (4) of the statutes is repealed.

17 **SECTION 85.** 800.04 (5) of the statutes is repealed.

18 **SECTION 86.** 800.045 of the statutes is created to read:

19 **800.045 Pretrial conferences.** (1) The municipal judge may schedule a
20 pretrial conference. Upon agreement of the parties, the parties may waive a pretrial
21 conference.

22 (2) If the defendant does not appear at the pretrial conference, the court may
23 proceed under s. 800.035 (8) or (9).

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1 (3) If the parties reach an agreement, the agreement shall be submitted to the
2 court for the court’s approval. If an agreement is not reached, or if the court does not
3 approve an agreement, the court shall schedule the action for further proceedings.

4 **SECTION 87.** 800.05 (title) of the statutes is amended to read:

5 **800.05 (title) Substitution or disqualification of municipal judge.**

6 **SECTION 88.** 800.05 (1) of the statutes is amended to read:

7 800.05 (1) ~~In cases specified in s. 800.02 (1), a person charged with a violation~~
8 A defendant may file a written request for a substitution of a new judge for the
9 municipal judge assigned to the trial of that case. The written request shall be filed
10 not later than 7 days after the initial appearance in person or by an attorney. The
11 municipal judge against whom a request has been filed may set initial bail and accept
12 a plea of not guilty.

13 **SECTION 89.** 800.05 (2) of the statutes is repealed.

14 **SECTION 90.** 800.05 (3) of the statutes is amended to read:

15 800.05 (3) ~~In municipal court, upon~~ Upon receipt of the written request under
16 sub. (1), the original judge shall have no further jurisdiction in the case except as
17 provided in sub. (1) and except to determine if the request was made timely and in
18 proper form. If Upon such a determination, or if no determination is made within
19 7 days, the court shall refer transfer the matter to the chief judge of the judicial
20 administrative district for the determination and reassignment of the action as
21 necessary. If the request is determined to be proper, the case shall be transferred as
22 provided in s. 751.03 (2). Upon transfer, the municipal judge shall immediately
23 transmit to the appropriate court all the papers records in the action ~~and the action~~
24 shall proceed as if it had been commenced in that court. Upon receipt of the records,
25 the new judge shall specify the court’s location in which the case will be heard. In

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1 all such cases, the parties shall remain the same, the prosecutor of the transferring
2 court shall be responsible for prosecution in the new court, and the judgment, if any,
3 shall be payable to the transferring court.

4 **SECTION 91.** 800.05 (4) of the statutes is renumbered 800.05 (4) (b).

5 **SECTION 92.** 800.05 (4) (a) of the statutes is created to read:

6 800.05 (4) (a) If a new judge is assigned to the trial of the action, and the
7 defendant has not exercised the right to substitute an assigned judge, a written
8 request for the substitution of the new judge may be filed within 7 days after the
9 giving of actual notice or sending of the notice of assignment to the defendant or the
10 defendant's attorney. If the notice occurs within 48 hours of the trial, or if there has
11 been no notification, the defendant may make an oral or written request for
12 substitution prior to the commencement of the proceedings.

13 **SECTION 93.** 800.05 (5) of the statutes is created to read:

14 800.05 (5) If the municipal judge disqualifies himself or herself under s. 757.19
15 or SCR 60.04, the case shall be transferred under sub. (3).

16 **SECTION 94.** 800.06 (1) of the statutes is repealed and recreated to read:

17 800.06 (1) If any municipal judge is to be temporarily absent or is sick or
18 disabled, the municipal judge may, by written request, subject to the order of the
19 chief judge of the judicial administrative district, designate another municipal judge
20 from any municipality within the state to perform his or her duties for a period not
21 to exceed 30 days.

22 **SECTION 95.** 800.06 (2) of the statutes is amended to read:

23 800.06 (2) If any municipal judge is incompetent, unable or fails to act, s. 751.03
24 (2) applies. The parties and their attorneys shall be notified of the transfer to another
25 judge ~~or to circuit court prior to trial. The judge designated or the circuit court to~~

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1 ~~which the case is transferred may, while in possession of the court record, issue~~
2 ~~execution upon or give a certified transcript of any unsatisfied judgment appearing~~
3 ~~in the record.~~

4 **SECTION 96.** 800.06 (3) of the statutes is amended to read:

5 800.06 (3) Notwithstanding s. 751.03 (2), if there is a permanent vacancy in the
6 office of municipal judge, the chief judge of the judicial administrative district may,
7 ~~upon request by the municipal governing body,~~ designate another municipal judge
8 to perform the duties of the office until the municipal governing body fills the vacancy
9 by temporary appointment under s. 8.50 (4) (fm). ~~The chief judge of the 1st judicial~~
10 ~~administrative district may designate a municipal judge under this subsection from~~
11 ~~any municipality within the state. The chief judge of a judicial administrative~~
12 ~~district other than the 1st judicial administrative district may designate a municipal~~
13 ~~judge under this subsection from any municipality within the same judicial~~
14 ~~administrative district as the chief judge. The municipal judge designated under~~
15 ~~this subsection may exercise all of the authority of the municipal court to which he~~
16 ~~or she is assigned.~~

17 **SECTION 97.** 800.065 (title) of the statutes is amended to read:

18 **800.065 (title) Temporary reserve Reserve municipal judges; service.**

19 **SECTION 98.** 800.065 (1) of the statutes is amended to read:

20 800.065 (1) DEFINITIONS. In this section, “~~temporary reserve~~ municipal judge”
21 means a former municipal judge for a municipal court for any municipality within
22 the judicial administrative district who has complied with s. 755.03 and is appointed
23 by the chief judge of that the former municipal judge’s judicial administrative district
24 to perform such specified duties on a day-by-day basis as the chief judge may direct.

25 **SECTION 99.** 800.065 (3) of the statutes is amended to read:

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1 800.065 (3) COMPENSATION. Notwithstanding s. 755.04, temporary reserve
2 municipal judges under this section shall receive compensation in an amount agreed
3 to by contract between the municipality and the temporary reserve municipal judge.
4 ~~The judge may not serve until the contract is entered into and the judge has complied~~
5 ~~with s. 755.03.~~

6 **SECTION 100.** 800.065 (4) of the statutes is amended to read:

7 800.065 (4) TRAINING. All persons serving as temporary reserve municipal
8 judges under this section are subject to s. 755.18.

9 **SECTION 101.** 800.07 of the statutes is amended to read:

10 800.07 Neither party is entitled to pretrial discovery in any action in municipal
11 court, including refusal hearings held by a municipal court under s. 343.305 (9),
12 except that if the defendant moves within 30 days after the initial appearance in
13 person or by an attorney and shows cause therefor for pretrial discovery in person
14 or by an attorney at least 20 days before trial, unless the court orders a different
15 amount of time for good cause, the court may order that the defendant be allowed to
16 inspect documents, including lists of names and addresses of witnesses, if available,
17 and to test under s. 804.09, under such conditions as the court prescribes, any devices
18 used by the plaintiff to determine whether a violation has been committed.

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19 **SECTION 102.** 800.08 (1) of the statutes is amended to read:

20 800.08 (1) ~~In a~~ At trial before a municipal court, the municipality may the
21 plaintiff shall provide a prosecutor who is an attorney authorized or licensed to
22 practice law in this state. The ~~municipality~~ plaintiff shall first offer evidence in
23 support of the citation or complaint. The defendant may offer evidence after the
24 municipality plaintiff has rested. If the municipality plaintiff and the defendant
25 have offered evidence upon the citation or complaint, the parties may then

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1 respectively offer rebuttal testimony only, unless the court permits them to offer
2 evidence upon their original case. Both parties shall have the opportunity to
3 question all witnesses.

4 **SECTION 103.** 800.08 (2) (a) of the statutes is amended to read:

5 800.08 (2) (a) Before testifying in a ~~municipal court~~, every witness shall be
6 required to declare that he or she will testify truthfully, by oath or affirmation
7 administered in a form calculated to awaken his or her conscience and impress the
8 witness with the duty to testify truthfully.

9 **SECTION 104.** 800.08 (2) (b) of the statutes is amended to read:

10 800.08 (2) (b) The oath may be administered by the ~~municipal~~ judge or his or
11 her designee substantially in the following form: Do you solemnly swear that the
12 testimony you shall give in this matter shall be the truth, the whole truth and
13 nothing but the truth, so help you God.

14 **SECTION 105.** 800.08 (3) of the statutes is amended to read:

15 800.08 (3) The standard of proof for conviction of any person charged with
16 violation of any municipal ordinance, ~~bylaw or resolution specified in s. 800.02 (1)~~
17 shall be evidence that is clear, is satisfactory, and convincing convinces the judge to
18 a reasonable certainty.

19 **SECTION 106.** 800.08 (4) of the statutes is amended to read:

20 800.08 (4) Except as provided in s. 938.17 (2) (h) 3., ~~municipal courts~~ the court
21 shall be bound by the rules of evidence specified in chs. 901 to 911.

22 **SECTION 107.** 800.085 of the statutes is created to read:

23 **800.085 Telephone and audiovisual proceedings.** At any proceeding
24 under this chapter, a party, witness, or interpreter may appear by telephone or by
25 audiovisual means if any of the following apply:

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1 (1) The parties so stipulate and the court approves.

2 (2) The court finds good cause after considering the factors under s. 807.13 (2)

3 (c).

4 **SECTION 108.** 800.09 (title) of the statutes is amended to read:

5 **800.09 (title) Judgment; failure to appear; plea of guilty.**

6 **SECTION 109.** 800.09 (1) (intro.) of the statutes is renumbered 800.09 (1b)

7 (intro.) and amended to read:

8 800.09 (1b) **JUDGMENT.** (intro.) If ~~a municipal~~ the court finds a defendant guilty,
9 it the court may render judgment by ordering restitution under ~~s. 800.093~~ and
10 ~~payment of a~~ any of the following:

11 (a) A forfeiture, plus costs, fees, and surcharges imposed under ch. 814.

12 (1d) The court shall apply any payment received on a judgment that includes
13 restitution to first satisfy any payment of restitution ordered, then to pay the
14 forfeiture, costs, fees, and surcharges. ~~If the judgment is not paid, the court may~~
15 ~~proceed under par. (a), (b), or (c) or any combination of those paragraphs, as follows:~~

16 **SECTION 110.** 800.09 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
17 17, is renumbered 800.09 (1g) and amended to read:

18 800.09 (1g) The court may defer payment of any judgment or provide for
19 installment payments. At the time that the judgment is rendered, the court shall
20 inform the defendant, orally and in writing, of the date by which restitution and the
21 payment of the forfeiture, plus costs, fees, and surcharges imposed under ch. 814,
22 must be made, and of the possible consequences of failure to do so in timely fashion,
23 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
24 motor vehicle operating privilege, as provided in ~~par.~~ sub. (1b) (c), if applicable. In
25 addition, the court shall inform the defendant, orally and in writing, that the

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1 defendant should notify the court if he or she is unable to pay the judgment because
2 of poverty, as that term is used in s. 814.29 (1) (d). If the defendant is not present,
3 the court shall ensure that the information is sent to the defendant by mail. If the
4 defendant is present and the court, using the criteria in s. 814.29 (1) (d), determines
5 that the defendant is unable to pay the judgment because of poverty, the court shall
6 provide the defendant with an opportunity to pay the judgment in installments,
7 taking into account the defendant's income. In 1st class cities, all of the written
8 information required by this paragraph subsection shall be printed in English and
9 Spanish and provided to each defendant.

10 SECTION 111. 800.09 (1) (b) of the statutes is renumbered 800.09 (1j) and
11 amended to read:

12 800.09 (1j) If the court orders the defendant ~~agrees~~ to perform community
13 service work in lieu of making restitution or of paying the forfeiture, ~~assessments~~
14 surcharges, fees and costs, or both, the court may order that the defendant perform
15 community service work for a public agency or a nonprofit charitable organization
16 that is ~~designated~~ approved by the court and agreed to by the public agency or
17 nonprofit charitable organization. Community service work may be in lieu of
18 restitution only if also agreed to ~~by the public agency or nonprofit charitable~~
19 ~~organization and by the person to whom restitution is owed. The court may utilize~~
20 ~~any available resources, including any community service work program, in ordering~~
21 ~~the defendant to perform community service work.~~ The number of hours of
22 community service work required may not exceed the number determined by
23 dividing the amount owed on the forfeiture by the minimum wage established under
24 ch. 104 for adults in nonagriculture, nontipped employment. The court shall ensure

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1 that the defendant is provided a written statement of the terms of the community
2 service order and that the community service order is monitored.

3 **SECTION 112.** 800.09 (1) (c) of the statutes is repealed.

4 **SECTION 113.** 800.09 (1b) (b), (c), (d) and (e) of the statutes are created to read:

5 800.09 (1b) (b) Community service work.

6 (c) An operating privilege suspension or revocation if authorized by law.

7 (d) Other dispositions authorized by law.

8 (e) For juveniles, dispositions authorized under s. 938.17 (2).

9 **SECTION 114.** 800.09 (2) of the statutes is repealed.

10 **SECTION 115.** 800.093 (1) (intro.) of the statutes is amended to read:

11 800.093 (1) (intro.) ~~The municipal~~ court, in addition to ordering any payment
12 authorized by law, may order a defendant to make full or partial restitution under
13 this section to any victim or, if the victim is deceased, to his or her estate if the court
14 finds all of the following:

15 **SECTION 116.** 800.093 (1) (a) of the statutes is amended to read:

16 800.093 (1) (a) The defendant is guilty of violating ~~an~~ a nontraffic ordinance
17 ~~that prohibits conduct that is the same as or similar to conduct prohibited by state~~
18 ~~statute punishable by fine or imprisonment or both~~ or an ordinance authorizing
19 restitution under s. 346.65 (2r).

20 **SECTION 117.** 800.093 (2) of the statutes is amended to read:

21 800.093 (2) Restitution ordered under this section is enforceable in a civil
22 action by the victim named in the order to receive restitution. A court may not order
23 a defendant to pay more than ~~\$4,000~~ the amount specified in s. 799.01 (1) (d) in
24 restitution under this section. ~~This \$4,000 limit does not apply to restitution ordered~~

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1 ~~for violation of an ordinance that prohibits conduct that is the same as or similar to~~
2 ~~the conduct prohibited by s. 943.24 or 943.50.~~

3 **SECTION 118.** 800.093 (3) (b) (intro.) of the statutes is amended to read:

4 800.093 (3) (b) (intro.) If return of the property under par. (a) is impossible,
5 impractical or inadequate, pay the owner or owner’s designee, subject to the \$4,000
6 limit in sub. (2), the reasonable repair or replacement cost or the greater of the
7 following:

8 **SECTION 119.** 800.093 (4) (intro.) of the statutes is amended to read:

9 800.093 (4) (intro.) If the violation resulted in physical injury, the restitution
10 order may require that the defendant do one or more of the following, subject to the
11 \$4,000 limit in sub. (2):

12 **SECTION 120.** 800.093 (5) (intro.) of the statutes is amended to read:

13 800.093 (5) (intro.) The restitution order may require that the defendant do one
14 or more of the following, subject to the \$4,000 limit in sub. (2):

15 **SECTION 121.** 800.095 of the statutes, as affected by 2009 Wisconsin Act 17, is
16 repealed and recreated to read:

17 **800.095 Nonpayment of monetary judgment.** (1) If the defendant fails to
18 pay a monetary judgment ordered by the court, the court may order any one of the
19 following, or any combination of the following, except as provided in sub. (3):

20 (a) Suspension of the defendant’s operating privilege until the defendant pays
21 the judgment, but not to exceed 2 years. If the court orders suspension under this
22 paragraph, all of the following apply:

23 1. The court shall notify the department of transportation of the suspension for
24 failure to pay the judgment. If the defendant pays the judgment, the court shall

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1 notify the department of transportation of the payment within 7 days in the form and
2 manner prescribed by the department.

3 2. The court may order the suspension concurrent or consecutive to any other
4 suspensions or revocations. If the court fails to specify whether the suspension is
5 consecutive or concurrent, the department of transportation shall implement the
6 suspension concurrent with any other suspensions or revocations.

7 3. If the judgment remains unpaid at the end of the 2-year suspension, the
8 court may not order a further suspension of operating privileges in relation to the
9 outstanding judgment.

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10 4. Serving the complete 2-year suspension of the defendant's operating
11 privilege does not relieve the defendant of the responsibility to pay the judgment.

12 5. During the period of operating privilege suspension under this paragraph,
13 the defendant may request the court to reconsider the order of suspension based on

14 an inability to pay the judgment. The court shall consider the defendant's request.

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15 The court may withdraw the suspension and grant the defendant further time to pay
16 or withdraw the suspension and order one or more other sanctions set forth in this
17 subsection.

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18 6. This paragraph does not apply if the judgment was entered solely for a
19 violation of an ordinance unrelated to the violator's operation of a motor vehicle
20 unless the judgment is ordered under ch. 938. Nonmoving traffic offenses, as defined
21 in s. 345.28 (1) (c), are related to the violator's operation of a motor vehicle.

22 (b) 1. That the defendant be imprisoned until the forfeiture, assessments,
23 surcharge, and costs are paid. If the court orders imprisonment under this
24 subdivision, all of the following apply:

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1 a. The maximum period of imprisonment shall be 90 days for any one judgment,
2 and the defendant shall receive credit against the amount owed at the rate of at least
3 \$50 for each day of imprisonment, including imprisonment following an arrest but
4 prior to the court making a finding under subd. 2.

5 b. The court may impose a term of imprisonment under this subdivision that
6 is either concurrent with or consecutive to any other term of imprisonment imposed
7 at the same time or any term of imprisonment imposed by any court.

8 2. No defendant may be imprisoned under subd. 1. unless the court makes one
9 of the following findings:

10 a. Either at sentencing or thereafter, that the defendant has the ability to pay
11 the judgment within a reasonable time. If a defendant meets the criteria in s. 814.29
12 (1) (d), the defendant shall be presumed unable to pay under this subsection and the
13 court shall either suspend or extend payment of the judgment or order community
14 service.

15 b. The defendant has failed, without good cause, to perform the community
16 service authorized under this subsection or s. 800.09.

17 c. The defendant has failed to attend an indigency hearing offered by the court
18 to provide the defendant with an opportunity to determine whether he or she has the
19 ability to pay the judgment.

20 d. The defendant has failed, without good cause, to complete an assessment or
21 treatment program related to alcohol or drugs that was ordered in lieu of a monetary
22 forfeiture.

23 3. The defendant shall be committed to a jail or a house of correction in the
24 county in which the cause of action arose. The defendant shall be eligible for

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1 privileges under s. 303.08. The municipality shall pay the expenses incurred by the
2 county to imprison the defendant.

3 (c) 1. In this paragraph, “employer” includes the state and the political
4 subdivisions of the state.

5 2. Assignment to the municipal court of not more than 25 percent of the
6 defendant’s commissions, earnings, salaries, wages, pension benefits unless
7 otherwise exempt, benefits under ch. 102, and other money due or to be due to the
8 defendant, including lottery prizes, for payment of the unpaid forfeiture, costs,
9 surcharge, fees, or restitution.

10 3. Upon entry of the assignment under subd. 2., unless the court finds that
11 income withholding is likely to cause the defendant irreparable harm, the court shall
12 provide notice of the assignment by regular mail to the last-known address of the
13 person from whom the defendant receives or will receive money. If the municipal
14 court does not receive the money from the person notified, the court shall provide
15 notice of the assignment to any other person from whom the defendant receives or
16 will receive money. Notice of an assignment under subd. 2. shall inform the intended
17 recipient that, if a prior assignment under subd. 2. or s. 778.30 (1) or 973.05 (4) has
18 been received relating to the same defendant, the recipient is required to notify the
19 municipal court that sent the subsequent notice of assignment that another
20 assignment has already been received. A notice of assignment shall include a form
21 permitting the recipient to designate on the form that another assignment has
22 already been received.

23 4. If, after receiving the annual list under s. 565.30 (5r) (a), the municipal court
24 determines that a person identified in the list may be subject to an assignment under
25 subd. 2., the court shall send the notice of that order to the administrator of the

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1 lottery division of the department of revenue, including a statement of the amount
2 owed under the judgment and the name and address of the person owing the
3 judgment. The municipal court shall notify the administrator of the lottery division
4 of the department of revenue when the judgment that is the basis of the assignment
5 has been paid in full.

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

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

12 7. A person who receives notice of the assignment under this paragraph shall
13 withhold the amount specified in the notice from any money that person pays to the
14 defendant later than one week after receipt of the notice of assignment. Within 5
15 days after the day on which the person pays money to the defendant, the person shall
16 send the amount withheld to the municipal court of the jurisdiction providing notice.
17 If the person has already received a notice of an assignment under this paragraph
18 or s. 778.30 (2) or 973.05 (5), the person shall retain the later assignment and
19 withhold the amount specified in that assignment after the last of any prior
20 assignments is paid in full. Within 10 days of receipt of the later notice, the person
21 shall notify the municipal court that sent the notice that the person has received a
22 prior notice of an assignment under subd. 2. Section 241.09 does not apply to
23 assignments under this section.

24 8. If after receipt of notice of assignment under this paragraph the person from
25 whom the defendant receives money fails to withhold the money or send the money

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1 to the municipal court as provided in this paragraph, the person may be proceeded
2 against under the principal action under s. 800.12 for contempt of court or may be
3 proceeded against under ch. 778 and be required to forfeit not less than \$50 nor more
4 than an amount, if the amount exceeds \$50, that is equal to 1 percent of the amount
5 not withheld or sent.

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

11 10. Compliance by the person from whom the defendant receives money with
12 the order operates as a discharge of the person's liability to the defendant as to that
13 portion of the defendant's commission, earnings, salaries, wages, benefits, or other
14 money so affected.

15 11. No employer may use an assignment under subd. 2. as a basis for the denial
16 of employment to a defendant, the discharge of an employee, or any disciplinary
17 action against an employee. An employer who denies employment or discharges or
18 disciplines an employee in violation of this subdivision may be fined not more than
19 \$500 and may be required to make full restitution to the aggrieved person, including
20 reinstatement and back pay. Restitution shall be in accordance with s. 973.20. An
21 aggrieved person may apply to the district attorney or to the department of workforce
22 development for enforcement of this subdivision.

23 12. a. In this subdivision, "payroll period" has the meaning given in s. 71.63 (5).

24 b. If after an assignment is in effect the defendant's employer changes its
25 payroll period, or the defendant changes employers and the new employer's payroll

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1 period is different from the former employer's payroll period, the municipal court
2 may amend the withholding assignment or order so that the withholding frequency
3 corresponds to the new payroll period and the amounts to be withheld reflect the
4 adjustment to the withholding frequency.

5 13. The municipal court shall provide notice of the amended withholding
6 assignment or order under subd. 12. by regular mail to the defendant's employer and
7 to the defendant.

8 (d) That the defendant perform community service work for a public agency or
9 nonprofit charitable organization approved by the court and agreed to by the agency
10 or nonprofit charitable organization. If the community service work is in lieu of
11 restitution, then the person to whom restitution is owed must agree; the defendant
12 shall be given credit at the rate of not less than the minimum wage established under
13 ch. 104 for adults in nonagriculture, nontipped employment for each one hour of
14 community service completed. The defendant shall be given a written statement of
15 the community service order. Nothing in this paragraph makes the defendant an
16 employee or agent of the court or the municipality. The defendant shall be
17 responsible for providing the court with proof that the community service hours have
18 been completed.

19 (2) At any time prior to imprisonment under sub. (1) (b), the defendant may
20 request a review of any findings made under sub. (1) (b) 2.

21 (3) Subsection (1) (a) and (b) does not apply to orders for restitution under s.
22 800.093 or in cases where service of the summons and complaint or citation is made
23 by mail as authorized in s. 800.01 (2) (e).

SENATE BILL 383

1 (4) The court may, at any time, authorize payment of the monetary judgment
2 by installment payments, or may modify, suspend, or permanently stay the monetary
3 judgment.

INS. SAI-21 ✓

4 (5) The court may employ a collection company to collect the judgment under
5 s. 755.21.

6 (6) The court or collection company may obtain payment through a setoff
7 against the defendant's tax refund under s. 71.935.

8 (7) In addition to the procedures under this section, a municipality may enforce
9 the judgment in the same manner as for a judgment in an ordinary civil action.

10 (8) In addition to the procedures under this section, a municipal court may
11 order the transfer of any of the defendant's money or property that the municipality
12 is holding and that is unclaimed by the defendant for more than one year to pay any
13 forfeitures, fees, costs, or surcharges that the defendant failed to pay the
14 municipality.

15 SECTION 122. 800.10 (1) of the statutes is amended to read:

16 800.10 (1) Fees and costs in municipal court are prescribed in ~~s. 814.65~~ ch. 814.

17 SECTION 123. 800.10 (2) of the statutes is amended to read:

18 800.10 (2) All forfeitures, fees, surcharges, and costs paid to a municipal court
19 under a judgment before a municipal judge shall be reported and paid to the
20 municipal treasurer within 7 30 days after receipt of the money by ~~a~~ the municipal
21 ~~judge or other court personnel. At the time of the payment, the municipal judge shall~~
22 ~~report to the municipal treasurer the title of the action, the offense for which a~~
23 ~~forfeiture was imposed and the total amount of the forfeiture, fees, surcharges, and~~
24 ~~costs, if any.~~ The treasurer shall disburse the fees as provided in ~~s. 814.65 (1)~~ ch. 814.
25 ~~All jail surcharges paid to a municipal court under a judgment before a municipal~~

X

SENATE BILL 383**SECTION 123**

1 ~~judge shall be paid to the county treasurer within 7 days after receipt of the money~~
2 ~~by a municipal judge or other court personnel.~~

3 **SECTION 124.** 800.11 (1) (intro.) of the statutes is amended to read:

4 800.11 (1) (intro.) Every municipal judge court shall keep a court record in
5 which ~~he or she~~ the court shall enter, in actions to which they relate:

6 **SECTION 125.** 800.11 (1) (a) of the statutes is amended to read:

7 800.11 (1) (a) The title of every action commenced before the municipal judge
8 court, including the name and address of the defendant;

9 **SECTION 126.** 800.11 (1) (g) of the statutes is amended to read:

10 800.11 (1) (g) The judgment rendered by the municipal judge court, including
11 the penalties imposed, the date ~~and time~~ of rendering judgment and the costs
12 assessed in the action;

13 **SECTION 127.** 800.11 (1) (q) of the statutes is amended to read:

14 800.11 (1) (q) All motions made in the action, the decision thereon and all other
15 proceedings in the action which the municipal judge court may think useful.

16 **SECTION 128.** 800.11 (2) of the statutes is amended to read:

17 800.11 (2) Failure of the municipal judge court to keep a court record properly
18 shall not affect the jurisdiction of the municipal court or render the judgment void.

19 **SECTION 129.** 800.11 (3) (c) of the statutes is amended to read:

20 800.11 (3) (c) The name, and address ~~and vocation~~ of the defendant.

21 **SECTION 130.** 800.11 (4) of the statutes is amended to read:

22 800.11 (4) If the municipal judge is elected under s. 755.01 (4), the judge court
23 shall keep separate court records for each municipality.

24 **SECTION 131.** 800.115 of the statutes is repealed and recreated to read:

SENATE BILL 383

1 **800.115 Relief from judgment.** (1) A defendant may within 6 months after
2 the judgment is entered move for relief from the judgment because of mistake,
3 inadvertence, surprise, or excusable neglect.

4 (2) Any party, including the court on its own motion, may at any time move to
5 reopen the judgment under s. 806.07 (1) (c), (d), (g), or (h).

6 (3) Nothing in this section shall prevent the parties from stipulating and the
7 court approving the reopening of a judgment for any other reason justifying relief
8 from operation of the judgment.

9 (4) The court may impose costs on the motion as allowed under s. 814.07.

10 (5) Upon receiving or making a motion under this section, the court shall
11 provide notice to all parties and schedule a hearing on the motion.

12 **SECTION 132.** 800.12 of the statutes is repealed and recreated to read:

13 **800.12 Municipal court contempt procedure.** (1) In this section,
14 “contempt of court” means any of the following intentional acts:

15 (a) Misconduct in the presence of the court that interferes with the court
16 proceeding or with the administration of justice, or that impairs the respect due the
17 court.

18 (b) Refusal of a witness to appear without reasonable excuse.

19 (2) A judge may impose a forfeiture in an amount not to exceed \$200 for a
20 contempt of court.

21 (3) For a contempt of court described in sub. (1) (a), the judge may impose
22 imprisonment in the county jail for not more than 7 days and impose a forfeiture.
23 These penalties shall be imposed immediately after the contempt of court has
24 occurred and only under the following conditions:

SENATE BILL 383

SECTION 132

1 (a) For the purpose of preserving order in the court and protecting the authority
2 and dignity of the court.

3 (b) After allowing the person who committed the contempt of court an
4 opportunity to address the court.

5 (4) For a contempt of court described in sub. (1) (b), the judge may do any of the
6 following:

7 (a) Issue a warrant to bring the witness before the court for the contempt and
8 to testify.

9 (b) In addition to ordering the witness to pay a forfeiture under sub. (2), the
10 judge may order the witness to pay all costs of the witness's apprehension.

11 **SECTION 133.** 800.13 (1) of the statutes is amended to read:

12 800.13 (1) Every proceeding in which testimony is taken under oath or
13 affirmation in a municipal court shall be recorded by electronic means for purposes
14 of appeal.

15 **SECTION 134.** 800.14 (1) of the statutes is amended to read:

16 800.14 (1) Appeals from judgments of municipal courts or decisions on motions
17 brought under s. 800.115 may be taken by either party to the circuit court of the
18 county where the offense occurred. The appellant shall appeal by giving the
19 municipal judge and other party written notice of appeal within 20 days after the
20 judgment or decision. No appeals may be taken from default judgments.

INS. AA3-1 ✓

INS. AA3-2 ✓

21 **SECTION 135.** 800.14 (2) of the statutes is amended to read:

22 800.14 (2) On appeal by the defendant, the defendant shall execute a bond, at
23 the discretion of the municipal judge, to the municipality municipal court with or
24 without surety, approved by the municipal judge, that if the judgment is affirmed in

X

SENATE BILL 383

1 whole or in part the defendant shall pay the judgment and all costs awarded on
2 appeal.

3 **SECTION 136.** 800.14 (3) of the statutes is amended to read:

4 800.14 (3) On meeting the requirements for appeal, execution on the judgment
5 of the municipal court or enforcement of the order of the municipal court shall be
6 stayed until the final disposition of the appeal.

7 **SECTION 137.** 800.14 (4) of the statutes is amended to read:

8 800.14 (4) ~~Upon the request of either party within 20 days after notice of appeal~~
9 ~~under sub. (1), or on its own motion, the circuit court shall order that a new trial be~~
10 ~~held in circuit court. An appeal from a judgment where a trial has been held shall~~
11 ~~be on the record unless, within 20 days after notice of appeal has been filed with the~~
12 ~~municipal court under sub. (1), either party requests that a new trial be held in~~
13 ~~circuit court. The new trial shall be conducted by the court without a jury unless~~
14 ~~either party requests a 6-person jury trial and posts the jury fee under s. 814.61 (4)~~
15 ~~within 10 days after the order for a new trial. The required fee for a jury is prescribed~~
16 ~~in s. 814.61 (4).~~

17 **SECTION 138.** 800.14 (5) of the statutes is amended to read:

18 800.14 (5) If there is no request or motion under sub. (4), an or if the appeal is
19 from a judgment or decision in which a trial has not been held, the appeal shall be
20 based upon a review of a transcript of the proceedings in the municipal court. The
21 municipal judge court shall direct that the transcript be prepared from the transmit
22 to the circuit court a copy of the entire record, including any electronic recording
23 created under s. 800.13 (1) and shall certify the transcript. ~~The costs of the transcript~~
24 ~~shall be paid for under s. 814.65 (5).~~ The electronic recording and the transcript shall
25 be transferred to the circuit court for review. When testimony has been recorded in

SENATE BILL 383

SECTION 138

1 the municipal court, the municipal court shall order the preparation of a transcript
 2 of the proceedings, at the cost of the appellant, from the electronic recording and shall
 3 certify the transcript and transmit it with the record. An appellant shall, within 20
 4 days after notice of appeal, submit payment of the estimated cost of the transcript,
 5 as determined by the municipal court, but shall be responsible for the actual cost of
 6 preparing the transcript. A defendant claiming an inability to pay with regard to the
 7 appeal fee, bond, transcript fee, or jury fee may petition the circuit court for waiver.

✓
 INS,
 SAI-22

8 **SECTION 139.** 800.14 (6) of the statutes is amended to read:

9 800.14 (6) The disposition of the appeal shall be certified to the municipal court
 10 by the reviewing circuit court within 30 days of the judgment of the reviewing circuit
 11 court. If the disposition requires payment of a forfeiture by the defendant, the
 12 forfeiture and all costs, fees, and surcharges shall be payable to the municipality.

13 **SECTION 140.** 938.237 (2) of the statutes is amended to read:

14 938.237 (2) PROCEDURES. The procedures for issuance and filing of a citation,
 15 and for forfeitures, stipulations, and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4),
 16 66.0113, 778.25, 778.26, and 800.01 to ~~800.04~~ 800.035 except s. ~~800.04 (2) (b)~~ 800.035
 17 (7) (b), when the citation is issued by a law enforcement officer, shall be used as
 18 appropriate, except that this chapter shall govern taking and holding a juvenile in
 19 custody, s. 938.37 shall govern costs, fees, and surcharges imposed under ch. 814, and
 20 a capias shall be substituted for an arrest warrant. Sections 66.0113 (3) (c) and (d),
 21 66.0114 (1), and 778.10 as they relate to collection of forfeitures do not apply.

22 **SECTION 141. Initial applicability.**

23 (1) This act first applies to violations committed on the effective date of this
 24 subsection.

X

SENATE BILL 383

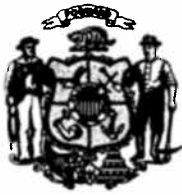
1 (2) The treatment of section 111.70 (4) (mc) 4. of the statutes first applies to
2 employees who are affected by a collective bargaining agreement that contains
3 provisions inconsistent with that treatment on the day on which the collective
4 bargaining agreement expires or is extended, modified, or renewed, whichever
5 occurs first.

6 **SECTION 142. Effective dates.** This act takes effect on January 1, 2011, except
7 as follows:

8 (1) The repeal and recreation of section 343.30 (5) of the statutes takes effect
9 on January 1, 2011, or on the date on which the creation of section 343.165 of the
10 statutes by 2007 Wisconsin Act 20 takes effect, whichever is later.

11

(END)



State of Wisconsin
2009-2010 LEGISLATURE

CORRECTIONS IN:

**SENATE AMENDMENT 1,
TO SENATE BILL 383**

Prepared by the Legislative Reference Bureau
(April 28, 2010)

In enrolling, the following correction was made:

1. Page 3, line 12: delete "by and attorney" and substitute "by an attorney".

****NOTE: Corrects cited statutory text to reflect the actual text of the statute.

(END)



**SENATE AMENDMENT 1,
TO 2009 SENATE BILL 383**

January 13, 2010 – Offered by COMMITTEE ON JUDICIARY, CORRECTIONS, INSURANCE,
CAMPAIGN FINANCE REFORM, AND HOUSING.

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

2 ~~1.~~ Page 10, line 10: before "A municipal" insert This.

SAI-1

SAI-2

3 ~~2.~~ Page 10, line 13: delete that line and substitute administrative district.

4 A court shall become operative and function after the effective date of this subsection
5 ... [LRB inserts date], when the city.

SAI-3

6 ~~3.~~ Page 10, line 23: after "judges" insert The municipal governing body shall
7 determine the amount budgeted for court maintenance and operations.

SAI-4

8 ~~4.~~ Page 12, line 16: delete "unless" and substitute unless.

9 ~~5.~~ Page 12, line 17: delete that line and substitute a longer different term, not
10 exceeding 4 years nor less than 2 years, is provided by charter ordinance or bylaw
11 enacted under s. 66.0101. The term.

SAI-

12 ~~6.~~ Page 15, line 10: delete lines 10 to 19 and substitute:

SAI-6 ✓

1 "SECTION 31g. 755.10 of the statutes is renumbered 755.10 (1) and amended
 2 to read:
 3 755.10 (1) ~~The~~ Except as provided in sub. (2), the judge shall in writing appoint
 4 ~~such clerks and deputy clerks as~~ the personnel that are authorized by the council or
 5 board. The council or board shall authorize at least one clerk for each court. Except
 6 as provided in sub. (2), the hiring, termination, hours of employment, and work
 7 responsibilities of the court personnel, when working during hours assigned to the
 8 court, shall be under the judge's authority. Their salaries shall be fixed by the council
 9 or board. The clerks shall, before entering upon the duties of their offices, take the
 10 oath provided by s. 19.01 and give a bond if required by the council or board. The cost
 11 of the bond shall be paid by the municipality. Oaths and bonds of the clerks shall be
 12 filed with the municipal clerk.

SAI-7 ✓

13 ✗ 7. Page 15, line 19: after that line insert:

14 "SECTION 31m. 755.10 (2) of the statutes is created to read:
 15 755.10 (2) (a) In the municipal court located in the city of Milwaukee the court
 16 administrator shall in writing appoint the personnel that are authorized by the
 17 council or board. In the municipal court located in the city of Milwaukee the hiring,
 18 termination, hours of employment, and work responsibilities of the court personnel,
 19 when working during hours assigned to the court, shall be under the court
 20 administrator's authority."

SAI-8 ✓

21 ✗ 8. Page 16, line 2: after "system" insert "used by the court".

22 ✗ 9. Page 17, line 11: after "department" insert "by design or signage".

SAI-9 ✓

23 ✗ 10. Page 23, line 18: after that line insert:

SAI-10 ✓

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4. Inform the defendant that if he or she is unable to pay the forfeiture, costs, fees, or surcharges due to poverty, he or she may request an installment payment, community service, or a stay of the judgment.

SAI-11 ✓

11. Page 23, line 24: after "800.09" insert ", and then determine if the defendant is unable to pay the judgment because of poverty, as that term is used in s. 814.29 (1) (d)".

12. Page 25, line 4: delete the material beginning with "charged" and ending with "(5)" on line 5 and substitute "charged with a violation of an ordinance which that is in conformity with s. 346.63 (1) or (5)".

an CCC

13. Page 31, line 12: delete the material beginning with "within" and ending with "cause" on line 15 and substitute "for pretrial discovery within 30 days after the initial appearance in person or by (and) attorney and shows cause therefor".

14. Page 31, line 18: after "committed." insert "The defendant may move for pretrial discovery at any other time upon a showing of cause for that discovery".

15. Page 34, line 2: after "814.29 (1) (d)" insert ", and that he or she may request community service in lieu of payment of the judgment".

16. Page 34, line 7: after "income" insert ", or to perform community service in lieu of payment of the judgment".

17. Page 37, line 9: after that line insert:
3m. If the court terminates the defendant's suspension as the result of the defendant's agreement to a payment plan or community service and the defendant is later suspended because he or she defaults on that plan or service, the new suspension shall be reduced by the amount of time that the suspension was served

SAI-17 ✓

SAI-11 ✓

SAI-12 ✓

SAI-14 ✓

SAI-15 ✓

SAI-16 ✓

SAI-SAI

SAI-17 ✓

1 before being terminated by the court. This subdivision does not apply to a municipal
2 court located in the city of Milwaukee." ✓

SAI-18 ✓

3 ✓ 18. Page 37, line 14: after "judgment" insert "because of poverty, as that term
4 is used in s. 814.29 (1) (d)". ✓

SAI-19 ✓

5 ✓ 19. Page 37, line 15: delete "The court may" and substitute "If the court
6 determines that the inability to pay the judgment is because of poverty, the court
7 shall". ✓

SAI-2 ✓

8 ✓ 20. Page 37, line 17: after "subsection" insert ", including community service". ✓

9 ✓ 21. Page 43, line 3: after "judgment" insert ", or order that the judgment be
10 satisfied by community service". ✓

SAI-2 ✓

11 ✓ 22. Page 48, line 7: delete that line and substitute "bond or the transcript fee
12 may petition the municipal court for a waiver. A defendant claiming an inability to
13 pay with regard to the appeal fee or jury fee may petition the circuit court for a
14 waiver". ✓

SAI-2 ✓



**ASSEMBLY AMENDMENT 1,
TO 2009 SENATE BILL 383**

February 26, 2010 – Offered by Representative SEIDEL.

✓
AA 1-1

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

2 ✓ 1. Page 11, line 3: after “court” insert “as part of a consolidation under s.
3 66.0229 or”.

4 ✓ 2. Page 14, line 17: delete lines 17 to 20 and substitute:
5 “755.06 Sessions of court. The municipal court shall be open daily or as
6 directed determined by the judge and approved by the governing body, but the
7 governing body may by ordinance or bylaw allow the judge to determine when the
8 court shall be open.”.

9 (END)

AA 1-2 ✓



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1744/1
RPN:nwn:md

ASSEMBLY AMENDMENT 3,
TO 2009 SENATE BILL 383

March 4, 2010 - Offered by Representative PARISI.

✓

AA3-1

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

2 ✓ 1. Page 46, line 16: delete "or decisions" and substitute "decisions".

3 ✓ 2. Page 46, line 17: after "800.115" insert ", or determinations regarding
4 whether the defendant is unable to pay the judgment because of poverty, as that term
5 is used in s. 814.29 (1) (d)."

6

(END)

✓

AA3-2