

2009 DRAFTING REQUEST

Bill

Received: **12/04/2008**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **Eric**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - courts/judges/commsrs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Taylor@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Municipal court reform

Instructions:

See attached 07-2894

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 12/10/2008	wjackson 01/10/2009		_____			Local
/1	rnelson2 07/23/2009 phurley 08/03/2009 chanaman 08/05/2009	wjackson 08/21/2009	mduchek 01/13/2009	_____	sbasford 01/13/2009		Local

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/2			jfrantze 09/01/2009	_____	cduerst 09/01/2009		Local
/3	rnelson2 09/14/2009	wjackson 09/15/2009	phenry 09/16/2009	_____	lparisi 09/16/2009		Local
/4	rnelson2 10/14/2009	wjackson 10/15/2009	rschluet 10/16/2009	_____	cduerst 10/16/2009	sbasford 10/26/2009	

FE Sent For:

*at
Intro*

<END>

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1/4 WLJ 10/15

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[Handwritten signatures and initials]
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/?	rnelson2	1/1/10 WLY		_____			

FE Sent For:

<END>

Nelson, Robert P.

From: Peterson, Eric
Sent: Tuesday, December 02, 2008 5:41 PM
To: Nelson, Robert P.
Subject: RE: Municipal Court Bill - LRB-2894/1
Attachments: FINAL LANGUAGE CHANGES ON REWRITE OF CHS. 755 AND 800.doc

Bob,

Another drafting request.

Please redraft LRB 07-2894/1 into 09 session format with the changes as outlined in the attached document. If you have questions, you may contact me or Jim Gramling at 414-412-7962.

Thanks,

Eric M. Peterson

Legislative Director

Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, & Housing

Office of Senator Lena C. Taylor

608-266-5810

**FINAL LANGUAGE CHANGES ON REWRITE OF
CHAPTERS 755 AND 800 – LRB-2894/1**

WISCONSIN MUNICIPAL JUDGES ASSOCIATION

Anal. Tx

- ✓ ✓ Section 1. Strike this section and leave statute as is. Judges in a special election will continue to serve out the balance of the term of the previous judge.
- ✓ ✓ Section 13. Change “in which the largest number of individuals who are subject to the municipal court reside” to “having the largest portion of the population in the jurisdiction served by the judge.”
- ✓ ✓ Section 15. Keep the amendment as is except for modifying the budget language, P. 10, lines 7-9, as follows: “The budget of the municipal court shall be separate from, or contained on a separate line item from, the budget of all other municipal departments.” Enumeration of the 4 sections in Ch. 755 places a suitable limitation on the Chief Judge’s certification power.
- ✓ ✓ Section 18. Keep the amendment as is. Use of a social worker, rather than an attorney GAL, will reduce costs. Keeping the cost with the municipality, rather than putting it in the court’s budget, will require the prosecutor to make appropriate decisions on whom to prosecute.
- ✓ ✓ Section 19. Keep the amendment as is. Independence of the judiciary requires 4-year terms.
- ✓ Sections 20-22. Strike the language which eliminates the bond requirement, but require that the municipality pays the cost of the bond. *check s. 19.01(4). Appl. vs el. p 12, 411 & 14*
- ✓ ✓ Section 26. Keep the amendment as is. Budget considerations and comity among the branches of government will guide the judge in setting court hours.
- ✓ ✓ Section 27. Keep the amendment in but modify it to add “or appropriate workspace” after “office.”
- ✓ ✓ Section 30. Keep the amendment in with 2 language changes: (a) strike “employment conditions” on line 20, and (b) add, after “judge’s authority” on line 22 “subject to collective bargaining agreements.”
- ✓ ✓ Section 31. Keep the amendment in with these changes: (a) strike “, how kept” from the title; (b) add to the end of the section: Nothing in this section is intended to restrict access to records by counsel or parties. The purchase or implementation of any electronic records management system shall be approved by the judge. *insert 15-6*
- ✓ ✓ Section 37. Keep the amendment in with this modification in line 9: “area separated from the police department by design or signage.”

Anal Tx

- ✓ Section 39. Keep the amendment in with these modifications: "Every municipal court shall have a telephone number or extension separate from the telephone number or extension of any other governmental department."
- ✓ Sections 43 and 45. Eliminate these sections since the statutes involved have been repealed.
- ✓ Section 50. Keep the amendment in but add, on P. 18, line 21, "(5) and (6)" to clarify the methods of service on corporations and partnerships.
- ✓ Section 60. Keep the amendment in but change "by mail" to "in writing."
- ✓ Section 72. Keep the amendment in but make the following changes: P. 22, line 13: "make" instead of "enter"; line 15, add to the sentence "except where the judge has required an appearance under sec. 800.02(ag)(4)"; P. 23, lines 3-4, "the court may find the defendant guilty of the offense to which the plea is entered and enter judgment as" rather than "the court may convict the defendant of the offense charged and render judgment"; line 6 add "conference" after "pretrial"; line 19, "enter a plea" rather than "make a plea."
- ✓ Section 76. Keep the amendment in but change "by mail" to "in writing" on both P. 24, line 13 and 19. The concern that jury trials are being allowed in all cases is misplaced since this subsection follows the lead-in on P. 23, lines 12-18, that limit it to OWI cases.
- ✓ Section 80. Keep the amendment in but modify it on P. 25, line 11, to say: "he or she may be committed to jail, for no more than 48 hours, only if the judge finds."
- ✓ Section 81. Keep the amendment in but on P. 25, line 24, change "shall" issue a warrant to "may" issue a warrant.
- ✓ Section 82. Keep the amendment in but on P. 26, lines 13-14, modify to say: "detained in jail, for no more than 48 hours, prior to the initial appearance."
- ✓ Section 86. Correct typo on P. 27, line 2, to say "or" instead of "of."
- ✓ Section 90. Change "papers" to "records" on P. 27, lines 23 and 24.
- 7 Section 91. Strike the intro and the language of (a). Substitute instead: "If a new judge is assigned to the trial of the action and the defendant has not exercised the right to substitute an assigned judge, a written request for the substitution of the new judge may be filed within 7 days ^{after} of the giving of actual notice or sending of the notice of assignment to the defendant or the defendant's attorney. If the notice occurs within 48 hours of the trial or if there has been no notification, the defendant may make an oral or written request for substitution prior to the commencement of the proceedings."
- ✓ Section 99. Strike the amendment altogether and retain the current language on eligibility to be a reserve judge.

Insert 28-12

(2)

anal tx

✓ ✓ Section 102 – 103. Eliminate altogether Section 103, the requirement for disclosure of expert witnesses. In Section 102, eliminate the striking of the current law on P. 30, lines 15-17, but keep in the amendment of the time frame of 20 days before trial instead of 30 days after the initial appearance.

✓ ✓ Section 107. Keep the amendment in but modify it to read: "shall be evidence which convinces the judge to a reasonable certainty and is clear, satisfactory and convincing." ↑

✓ Section 109. Keep the amendment in but modify (1) to read: "The parties so stipulate and the court approves."

✓ Section 113. Keep the amendment with these modifications: (a) restore "nonprofit" on P. 34, line 2; (b) add on lines 2-3 a requirement that the organization must agree to accept the defendant; on line 3, change "designated" to "approved"; on lines 7-11, restore the language on minimum wage and strike the language on credit of \$10 for each hour worked.

✓ Section 123. Keep the amendment in with these modifications: (a) on P. 36, line 9, add "within 7 days" after "payment"; (b) add to (e) on P. 38, lines 13-16, the additional procedures set forth in 2007 AB 669; (c) on line 18, insert "nonprofit" before "charitable"; (d) add the requirements, as in Section 113 above, that the organization agree to accept the defendant and that the minimum wage standard be used, as a minimum, rather than \$10 per hour. p 34, 65 11-10

Section 133. Strike the entire new proposed section on reopening, and substitute the following:
800.115 Relief from judgment. (1) A defendant may within 6 months after the judgment is entered move for relief from the judgment because of mistake, inadvertence, surprise, or excusable neglect. (2) Any party, including the court on its own motion, may at any time move to reopen the judgment under s. 806.07(c), (d), (g), or (h). (3) Nothing in this section shall prevent the parties from stipulating and the court approving the reopening of a judgment for any other reason justifying relief from operation of the judgment. (4) The court may impose costs on the motion as allowed under s. 814.07.

insert 11-11

✓ Section 134. Keep the amendment in but modify (3) to read: "For a contempt of court described in sub. (1)(a), the judge may impose imprisonment in the county jail for no more than 30 days, and may impose a forfeiture. These shall be imposed immediately after the contempt of court has occurred ..."

✓ Section 136. Keep the amendment in. It is essential to fair play that parties be able to appeal decisions on motions to reopen.

✓ Section 137. Keep the amendment in. Judges often waive the bond requirement now.

Section 140. Keep the amendment in but modify P. 43, line 25, and P. 44, lines 1-2 to read: "A defendant shall include payment of the estimated cost of the transcript as determined by the municipal court, but shall be responsible for the actual cost of preparing the transcript." Also, add the following: "A defendant claiming an inability to pay with regard to the appeal fee, bond, transcript fee, or jury fee may petition the circuit court for waiver."

insert 44-2

12/10

2007 - 2008 LEGISLATURE

LRB-2894/1
RPN:wlj:pwj
WLj
1038/1

~~9~~
2007 BILL

LPS: Please
PWF

LPS: Inserts
are out of order.

D - N
Monday, if
possible.

repeal

1 **AN ACT to repeal** 755.09 (3), 755.20, 800.01 (1) (b), 800.01 (1) (c), 800.02 (2) (a)
 2 8m., 800.02 (3), 800.03, 800.04 (title), 800.04 (1) (a) to (c), 800.04 (1) (e), 800.04
 3 (1) (f), 800.04 (3), 800.04 (4), 800.04 (5), 800.05 (2), 800.09 (1) (c) and 800.09 (2);
 4 **to renumber** 800.02 (2) (a) 1., 800.02 (2) (a) 2., 800.02 (2) (a) 5. and 6., 800.02
 5 (2) (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, 800.02 (2) (a) (intro.), 800.02 (2) (a) 3., 800.02
 7 (2) (a) 4., 800.02 (2) (a) 7., 800.04 (1) (d), 800.04 (2) (b), 800.04 (2) (c), 800.04 (2m),
 8 800.07, 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** 8.50 (4) (fm), 60.31
 10 (3) (b), 165.83 (2) (e), 177.13, 302.373 (1) (b), 302.373 (2) (a), 343.30 (5), 345.43
 11 (1), 345.47 (1) (a), 345.47 (1m), 755.01 (1), 755.01 (2), 755.01 (4), 755.01 (5),
 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.),

BILL

1 757.17 (intro.), 800.02 (1), 800.02 (2) (am), 800.02 (2) (b), 800.025, 800.05 (title),
 2 800.05 (1), 800.05 (3), 800.06 (2), 800.06 (3), 800.065 (title), 800.065 (1), 800.065
 3 (3), 800.065 (4), 800.08 (1), 800.08 (2) (a), 800.08 (2) (b), 800.08 (3), 800.08 (4),
 4 800.09 (title), 800.093 (1) (intro.), 800.093 (1) (a), 800.093 (2), 800.093 (3) (b)
 5 (intro.), 800.093 (4) (intro.), 800.093 (5) (intro.), 800.10 (1), 800.10 (2), 800.11 (1)
 6 (intro.), 800.11 (1) (a), 800.11 (1) (g), 800.11 (1) (q); 800.11 (2), 800.11 (3) (c),
 7 800.11 (4), 800.13 (1), 800.14 (1), 800.14 (2), 800.14 (3), 800.14 (4), 800.14 (5),
 8 800.14 (6) and 938.237 (2); **to repeal and recreate** 755.001 (title), 800.001,
 9 800.01 (2), 800.02 (2) (title), 800.06 (1), 800.065 (2), 800.095, 800.115 and
 10 800.12; and **to create** 755.001 (2), 755.001 (3), 755.17 (1m), 755.17 (3), 755.17
 11 (4), 800.01 (2m), 800.02 (2) (ag) 1m., 800.02 (2) (ag) 9m., 800.035, 800.037,
 12 800.045, 800.05 (4) (intro.) and (a), 800.05 (5), 800.07 (2), 800.085 and 800.09
 13 (1b) (b), (c), (d) and (e) of the statutes; **relating to:** municipal court elections,
 14 judges, and 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. ~~Provides that when a special election is held to fill a permanent vacancy in a municipal judge position, the person elected serves for a full term, beginning on the first day of May following the election, rather than for the remainder of the unexpired term, as in current law.~~

10 ~~10~~ ~~10~~ Makes municipal courts subject to the authority of the supreme court, through the chief judge of the judicial administrative district.

20 ~~20~~ ~~20~~ 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.

30 ~~30~~ ~~30~~ Provides that the municipal court budget ^{or line item} be separate from the budget of all other municipal departments.

BILL

4 ~~10~~ 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 alternative choice of whom to appoint, and further clarifies that a determination of incompetency results in the suspension of the proceedings.

5 ~~10~~ 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 ~~10~~ Removes the requirement that a municipal judge execute and file a bond.

7 ~~10~~ Gives municipal judges statewide jurisdiction.

8 ~~10~~ Requires the municipality to provide the judge with an office and removes the restriction on a municipal judge from having an office with a law partner. *or appropriate workspace*

9 ~~10~~ Requires the municipality to authorize at least one clerk position for the municipal court while giving the municipal judge authority over the hiring, work ~~ing~~ *conditions* and firing of court personnel. The bill requires the clerk to attend continuing education programs approved by the supreme court.

10 ~~10~~ Requires the municipal judge to store all municipal court records in an appropriate facility designated by the municipality and to restrict access to those records.

11 ~~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.

12 ~~10~~ Prohibits the municipality from locating the municipal court or the court personnel within the municipal police department, *and requiring* gives the judge the authority to establish court hours, while ~~continuing the requirement that~~ *or extension* the municipality to provide a courtroom for the municipal court.

13 ~~10~~ Requires each municipal court to have a telephone number separate from any other governmental department.

14 ~~10~~ Repeals the current law that allows a municipal court to require a person who violated an ordinance to make a contribution to a crime-prevention organization instead of paying a forfeiture or court costs.

15 ~~10~~ 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.

16 ~~10~~ 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.

17 ~~10~~ 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.

18 ~~10~~ Includes in the citation or complaint a statement as to whether the judge mandates that the person make a personal appearance.

19 ~~10~~ Includes in the citation or complaint the identification of a permit issued to the defendant or the license number of the defendant, if appropriate.

responsibilities

an adequate

BILL (9) 210 *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 of the court issued a warrant to bring the defendant before the court*

18 ~~210~~ 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. *make the defendant before the court*

19 ~~210~~ Requires the service of a copy of an amended complaint when amendment is made before an initial appearance.

20 ~~210~~ 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*

22 ~~210~~ 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. *to appear in person*

23 ~~210~~ 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 ~~210~~ 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 ~~210~~ 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 ~~210~~ 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.

29. Redefines who may be a reserve municipal judge to include any person who served four or more years as a municipal judge, instead of the current requirement that the person serve eight or more years or serve four or more years and not be defeated at the most recent time he or she sought election to a judicial office.

27 ~~210~~ Requires the municipality to provide a prosecutor for municipal court cases and allows telephonic or audiovisual testimony at any proceeding.

31. Requires any party who intends to call an expert witness at trial to disclose to the other party, at least 20 days before the trial, any relevant written or recorded statements of the expert or a written summary of the expert's findings or of the subject matter of the expert's testimony, including the results of any tests.

28 ~~210~~ 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*

BILL

additional agreement of the organization where the community service work would occur.

33. Specifies that any community service work done by a defendant would be credited against the court-ordered judgment at a rate of not less than \$10 per hour.

29 ~~31~~ Allows the municipal court to order a defendant to pay restitution for any nontraffic ordinance violation or for any drunk driving ordinance violation.

30 ~~32~~ 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 ~~33~~ 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 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 ~~34~~ Allows the municipal court to order the assignment of up to 25 percent of the defendant's income for the payment of the judgment and provides procedural safeguards.

33 ~~35~~ Changes the time period for the court to pay any money the court receives to the municipal treasurer from 7 days to 30 days.

34 ~~36~~ Removes the requirement that the transcript of a municipal court judgment include the vocation of the defendant. *within 6 months*

35 ~~37~~ Allows the reopening of a judgment at any time for good cause by either party rather than by only the defendant, and removes the six-month limit for reopening a judgment in certain situations. *allows*

36 ~~38~~ 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 ~~39~~ 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. *allows imprisonment of up to 60 days*

38 ~~40~~ Increases the maximum penalty for contempt of court from a \$50 forfeiture to a \$200 forfeiture, 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 ~~41~~ 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 ~~42~~ 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.

including lottery winnings

under some of the specified conditions used in circuit court

BILL

41 ~~46~~ 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 ~~47~~ 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 ~~48~~ Allows either party, within 20 days after the notice of appeal has been filed, to request that a transcript of the electronic recording be prepared and certified, at the expense of the requester.

44 ~~49~~ 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.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 8.50 (4) (fm) of the statutes is amended to read:

8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body, or, if the judge is elected under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the judge. The office shall then be permanently filled by special election, which shall be held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the 2nd succeeding spring election, and except that the governing body of a city or village or, if the judge is elected under s. 755.01 (4), the governing bodies of the participating cities or villages may, if the vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected in a special election under this paragraph shall serve for the residue of the unexpired a full term commencing on the first day of May following that election.

BILL

1 **SECTION 2.** 60.31 (3) (b) of the statutes is amended to read:

2 60.31 (3) (b) Municipal judges shall take and file the official oath ~~(and bond~~
3 under s. 755.03.

4 **SECTION 3.** 165.83 (2) (e) of the statutes is amended to read:

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

12 **SECTION 4.** 177.13 of the statutes is amended to read:

13 ✓ **177.13 Property held by courts and public agencies.** Except as provided
14 in ss. 40.08 (8), 800.095 ~~(7m)~~ (8), 852.01 (3), 863.37 (2) and 863.39, intangible
15 property held for the owner by a court, state or other government, governmental
16 subdivision or agency, public corporation or public authority that remains unclaimed
17 by the owner for more than one year after it became payable or distributable is
18 presumed abandoned.

19 **SECTION 5.** 302.373 (1) (b) of the statutes is amended to read:

20 ✓ 302.373 (1) (b) "Prisoner" means a person who is incarcerated in a jail by court
21 order under s. 800.095 ~~(4) (b)~~ (1) (b).

22 **SECTION 6.** 302.373 (2) (a) of the statutes is amended to read:

23 ✓ 302.373 (2) (a) Except as provided in par. (b), a city, village, or town may seek
24 reimbursement from the prisoner for the amount paid to a county under s. 800.095
25 ~~(6)~~ (1) (d) for the expenses incurred by the county to incarcerate the prisoner.

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SECTION 7. 343.30 (5) of the statutes is amended to read:

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

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

345.43 (1) If a case has been transferred under s. ~~800.04 (1) (d)~~ ^C800.035 (5) ~~(4)~~, or if in circuit court either party files a written demand for a jury trial within 10 days after the defendant enters a plea of not guilty under s. 345.34 and immediately pays the fee prescribed in s. 814.61 (4), the court shall place the case on the jury calendar of the circuit court. The number of jurors shall be 6. If no party demands a trial by jury, the right to trial by jury is permanently waived.

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

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

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

345.47 (1m) If the action is in municipal court, the court shall determine, at the time of entering judgment under sub. (1), whether incarceration may be ordered

Insert 8-11 →

BILL

1 for noncompliance with a judgment or order under this section. If incarceration may
2 be ordered because of the defendant's subsequent noncompliance with the judgment,
3 the provisions of s. 800.095 (1) ~~to (3) and (4) (a) (b)~~ apply.

insert
a-3

4 **SECTION 11.** 755.001 (title) of the statutes is repealed and recreated to read:

5 **755.001 (title) Definitions.**

6 **SECTION 12.** 755.001 of the statutes is renumbered 755.001 (intro.) and
7 amended to read: [ⓑ] ~~Definition~~ Definitions ~~or~~ plain period

8 **755.001** (intro.) In this chapter, "judge":

9 **(1) "Judge"** means municipal judge.

10 **SECTION 13.** 755.001 (2) of the statutes is created to read:

11 755.001 (2) "Judicial administrative district" means the judicial
12 administrative district in which the largest number of individuals who are subject
13 to the municipal court resides *having the largest portion of the population in the jurisdiction served by the judge*

14 **SECTION 14.** 755.001 (3) of the statutes is created to read:

15 755.001 (3) "Records" mean all of the records subject to SCR chapter 72.

16 **SECTION 15.** 755.01 (1) of the statutes is amended to read:

17 755.01 (1) There is created and established in and for each city, town and
18 village, a municipal court designated "Municipal Court for the(city, town or
19 village) of(name of municipality)". A municipal court created under this
20 subsection is a coequal branch of the municipal government, subject to the
21 superintending authority of the supreme court, through the chief judge of the judicial
22 administrative district. This court shall become operative and function when the city
23 council, town board, or village board adopts an ordinance or bylaw providing for the
24 election of a judge and the operation and maintenance of the court, receives a
25 certification from the chief judge of the judicial administrative district that the court

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1 meets the requirements under ss. 755.09, 755.10, 755.11, and 755.17, and provides
 2 written notification to the director of state courts of the adoption of the ordinance or
 3 bylaw. A permanent vacancy in the office of municipal judge shall be filled under s.
 4 8.50 (4) (fm). Any municipal court established under this section is not a court of
 5 record. The court shall be maintained at the expense of the municipality. ~~After July~~
 6 ~~1, 1978, any authorized municipal court courtroom personnel not in the classified~~
 7 ~~service shall be appointed by the municipal court judge or judges~~ The budget of the
 8 municipal court shall be separate from ^{or contained on a separate line item from} the budget of all other municipal
 9 departments. ^{or line items}

10 **SECTION 16.** 755.01 (2) of the statutes is amended to read:

11 755.01 (2) The governing body may by ordinance or bylaw abolish the
 12 municipal court at the end of any term for which the judge has been elected or
 13 appointed. The governing body may not abolish the municipal court while an
 14 agreement under sub. (4) is in effect.

15 **SECTION 17.** 755.01 (4) of the statutes is amended to read:

16 755.01 (4) Two or more cities, towns or villages of this state may enter into an
 17 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),
 18 except that for purposes of this subsection, any agreement under s. 66.0301 shall be
 19 effected by the enactment of identical ordinances by each affected city, town or
 20 village. Electors of each municipality entering into the agreement shall be eligible
 21 to vote for the judge of the municipal court so established. If a municipality enters
 22 into an agreement with a municipality that already has a municipal court, the
 23 municipalities may provide by ordinance or resolution that the judge for the existing
 24 municipal court shall serve as the judge for the joint court until the end of the term
 25 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt

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1 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
 2 contracting municipalities need not be contiguous and need not all be in the same
 3 county. Upon entering into or discontinuing such an agreement, the contracting
 4 municipalities shall each transmit a certified copy of the ordinance or bylaw effecting
 5 or discontinuing the agreement to the appropriate filing officer under s. 11.02 (3e)
 6 and to the director of state courts. When a municipal judge is elected under this
 7 subsection, candidates shall be nominated by filing nomination papers under s. 8.10
 8 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).

renumbered 800004(1)(bm) and

9 LPS: Please
fix comp.

SECTION 18. 755.01 (5) of the statutes is amended to read:

800004(1)(bm)

10 ~~755.01(5)~~ A municipal court shall appoint a guardian ad litem or social worker
 11 certified or licensed under ch. 457 for any defendant that the court has reason to
 12 believe ~~is mentally incompetent~~ lacks substantial mental capacity to understand the
 13 proceedings or assist in his or her defense. The person appointed under this
 14 ~~subsection~~ ^{paragraph} shall assist the court in making a determination concerning the
 15 defendant's mental capacity. If the court determines that the defendant lacks the
 16 mental capacity to understand the proceedings or assist in his or her defense, the
 17 court shall suspend the proceedings. The cost of the guardian ad litem or social
 18 worker shall be paid by the municipality or municipalities that established the court.
 19 The governing body may by ordinance or bylaw authorize the appointment of a
 20 guardian ad litem by the municipal judge in any other matter within the jurisdiction
 21 of the municipal court.

22 SECTION 19. 755.02 of the statutes is amended to read:

23 **755.02 Term.** The judges shall be elected at large for a term of 2 4 years ~~unless~~
 24 ~~a longer term, not exceeding 4 years, is provided by ordinance or bylaw.~~ The term
 25 shall commence on May 1 of the year of the judge's election.

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~~Not~~ The governing body shall pay the costs of the bonds

SECTION 20

1 SECTION 20. 755.03 (1) of the statutes is amended to read:

2 755.03 (1) The judge shall, after election, [↓] designation [↓] or appointment, take and
3 file the official oath as prescribed in s. 757.02 (1) and at the same time execute and
4 file an official bond in an amount to be fixed by the governing body. No judge may
5 act as such until his or her oath and bond have been filed as required by s. 19.01 (4)
6 (e) and he or she has complied with the requirements of sub. (2) have been complied
7 with.

8 SECTION 21. 755.03 (2) of the statutes is amended to read:

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

19 SECTION 22. 755.04 of the statutes is amended to read:

20 755.04 **Salary and fees.** The governing body shall fix a salary for the judge
21 ~~which shall be in lieu of fees and costs. Fees and taxable costs shall be paid into the~~
22 ~~municipal treasury as the governing body directs.~~ The salary may be increased by
23 the governing body before the start of the 2nd or a subsequent year of service of the
24 term of the judge, but shall not be decreased during a term. The salary of a municipal
25 judge who is designated or appointed under s. 8.50 (4) (fm) or 800.06 shall be

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1 determined by contract between the municipality and the judge. The judge may not
2 serve until the contract is entered into. Salaries may be paid annually or in equal
3 installments as determined by the governing body, but no judge may be paid a salary
4 for any time during the term during which the judge has not executed and filed his
5 or her official bond or ^{plain} official oath, as required by s. 755.03, and filed under s. 19.01
6 (4)(e).

7 **SECTION 23.** 755.045 (1) (a) of the statutes is amended to read:

8 755.045 (1) (a) If the action is transferred under s. ~~800.04 (1)~~ ^C ~~800.035 (5) (b)~~ or
9 800.05 (3) to a court of record.

10 **SECTION 24.** 755.045 (2) of the statutes is amended to read:

11 755.045 (2) A municipal judge may issue civil warrants to enforce matters
12 which are under the jurisdiction of the municipal court, as provided in ch. 800.
13 Municipal judges are also authorized to issue inspection warrants under s. 66.0119.

14 **SECTION 25.** 755.05 of the statutes is amended to read:

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

23 **SECTION 26.** 755.06 of the statutes is amended to read:

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1 **755.06 Sessions of court.** The municipal court shall be open daily or as
2 directed by the governing body, but the governing body may by ordinance or bylaw
3 allow the judge to determine when the court shall be open judge.

4 **SECTION 27.** 755.09 (1) of the statutes is amended to read:

5 755.09 (1) ~~Every judge shall keep his or her office and hold court in any~~
6 ~~adequate facility provided by the~~ The governing body of the city, village, or town shall
7 ~~provide the judge with an office~~ or appropriate workspace other than at a place prohibited under sub. (2). The
8 judge may issue process or perform ministerial functions at any place in the county.

9 **SECTION 28.** 755.09 (2) of the statutes is amended to read:

10 755.09 (2) No judge may keep his or her office or hold court in any tavern, or
11 in any room in which intoxicating liquors are sold, or in any room connecting
12 therewith. ~~For any violation of this section the judge shall forfeit \$25 but the~~
13 ~~violation of the subsection does not make any order or judgment void~~ with a tavern
14 or room in which intoxicating liquors are sold.

15 **SECTION 29.** 755.09 (3) of the statutes is repealed.

16 **SECTION 30.** 755.10 of the statutes is amended to read:

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

BILL

1 SECTION 31. 755.11 of the statutes is amended to read:

2 **755.11 Papers Records, how kept.** Every judge shall file and keep together
3 all papers records in an action, separate from all other papers records. The judge
4 shall store all records in the office of the court clerk or in another appropriate facility
5 designated by the council or board. Access to the records shall be restricted to court
6 personnel except as authorized by the judge or by law.

7 SECTION 32. 755.15 of the statutes is amended to read:

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

12 SECTION 33. 755.16 of the statutes is amended to read:

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

18 SECTION 34. 755.17 (title) of the statutes is amended to read:

19 **755.17 (title) ~~Decorum in municipal~~ Municipal court decorum and**
20 **facilities.**

21 SECTION 35. 755.17 (1) of the statutes is amended to read:

22 755.17 (1) A municipal judge shall ~~be properly attired in a robe or other suitable~~
23 ~~clothing when officially wear a black robe while~~ presiding in a municipal court except
24 when exceptional circumstances exist.

25 SECTION 36. 755.17 (1m) of the statutes is created to read:

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

4 **SECTION 37.** 755.17 (2) of the statutes is amended to read:

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

12 **SECTION 38.** 755.17 (3) of the statutes is created to read:

13 755.17 (3) All personnel employed by the court shall be located in an area
14 separate and distinct from the police department.

15 **SECTION 39.** 755.17 (4) of the statutes is created to read:

16 755.17 (4) Every municipal court shall have a telephone number } *or extension* separate from
17 the telephone number } *or extensions* of any other governmental department.

18 **SECTION 40.** 755.18 (title) of the statutes is amended to read:

19 **755.18 (title) Municipal judge and court clerk training.**

20 **SECTION 41.** 755.18 (1) of the statutes is amended to read:

21 755.18 (1) Municipal court clerks and judges shall participate in a program of
22 continuing judicial education as required by the supreme court.

23 **SECTION 42.** 755.19 (2) (a) of the statutes is amended to read:

24 755.19 (2) (a) Under ss. ~~800.04~~ 800.035 and 800.095 (4) ~~and (5)~~ (1), conduct
25 initial appearances and receive noncontested forfeiture pleas, order the revocation

BILL

1 or suspension of driving privileges and impose forfeitures, impose community service
2 and restitution according to the schedule adopted by the municipal court where
3 appointed, and issue dispositional and sanction orders pursuant to ch. 938.

4 **SECTION 43.** 755.20 of the statutes is repealed.

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

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

14 **SECTION 45.** 757.17 (intro.) of the statutes is amended to read:

15 **757.17 Reporting by certain organizations and agencies.** (intro.) Every
16 organization or agency specified in s. 973.06 (1) (f) 1. that receives contributions
17 under s. 753.40, ~~755.20~~, 973.06 (1) (f) or 973.09 (1x) shall submit a report annually
18 by February 1 to the clerk of the court that ordered the contribution. The report shall
19 be on a form designed and provided by the director of state courts and shall include
20 all of the following information for the calendar year preceding the submittal of the
21 report:

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

23 **800.001 Definitions.** In this chapter:

insert 17-21 ↓

BILL

1 (1) "Judicial administrative district" means the judicial administrative district

2 in which the largest number of individuals who are subject to the municipal court

3 reside *having the largest portion of the population in the jurisdiction served by the municipal court*

4 (2) "Municipality" means the city, village, or town that governs the municipal
5 court, or if more than one city, village, or town has agreed jointly to establish a
6 municipal court under s. 755.01, "municipality" means the city, village, or town
7 where the violation occurred.

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

10 800.01 (1) In municipal court, ~~personal jurisdiction in municipal ordinance~~
11 ~~violation cases and cases involving a violation of a resolution or bylaw if the~~
12 ~~resolution or bylaw is authorized by statute is obtained over a defendant when the~~
13 ~~defendant: (a) Is served with a summons and~~ are commenced when the complaint
14 ~~or citation and such documents are~~ is filed with or transmitted to the court;

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

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

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

18 800.01 (2) The municipal court has jurisdiction over a defendant when any of
19 the following conditions is met:

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

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

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

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

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

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

6 **800.01 (2m)** The law enforcement officer or municipal employee who serves the
7 summons shall indicate the method of service on the copy of the documents filed or
8 transmitted to the court.

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

10 **800.02 (1) ACTION.** An action in municipal court for violation of a municipal
11 ordinance, ~~or violation of a resolution or bylaw if the resolution or bylaw is authorized~~
12 ~~by statute,~~ is a civil action, and the forfeiture or penalty imposed by any ordinance
13 of the municipality may be collected in an action in the name of the municipality.

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

15 **800.02 (2) (title)** FORM OF CITATION OR COMPLAINT.

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

18 **800.02 (2) (a)** The citation or complaint shall be signed by a ~~peace officer or~~
19 ~~endorsed by a municipal law enforcement officer,~~ attorney representing the
20 municipality, or, if applicable, ~~signed by~~ a conservation warden. In addition, the
21 governing body of a municipality authorized to adopt the use of citations may
22 designate by ordinance or resolution other municipal officials who may sign and
23 issue citations with respect to ordinances which are directly related to the official
24 responsibilities of the officials. Officials granted the authority to sign and issue
25 citations may delegate, with the approval of the governing body, the authority to

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1 employees. Authority delegated to an official or employee may be revoked only in the
2 same manner by which it is conferred.

3 (ag) The citation or complaint shall contain substantially the following
4 information:

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

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

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

9 800.02 (2) (ag) 3. The violation alleged, the time and place of the occurrence of
10 the violation, a statement that the defendant committed the violation, the ordinance,
11 ~~resolution or bylaw~~ violated, and a ~~designation~~ description of the violation in
12 language ~~which~~ that can be readily understood.

13 SECTION 58. 800.02 (2) (a) 4. of the statutes is renumbered 800.02 (2) (ag) 4. and ✓
14 amended to read:

15 800.02 (2) (ag) 4. A notice to appear at a date, time and place for the court
16 appearance, and a notice to appear statement as to whether the appearance is
17 mandated by the judge.

18 SECTION 59. 800.02 (2) (a) 5. and 6. of the statutes are renumbered 800.02 (2)
19 (ag) 5. and 6.

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

22 800.02 (2) (ag) 7. Notice that the defendant may ~~by mail~~ ^{in writing} prior to the court
23 appearance ² enter a plea of not guilty ~~and may within 10 days after entry of the plea~~
24 request a jury trial.

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

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

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

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

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

5 800.02 (2) (ag) 1m. The identification of any permit issued to the defendant,
6 or license number of the defendant, if applicable.

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

8 800.02 (2) (ag) 9m. In an action against a corporation organized under ch. 180
9 or 181, or against a limited liability company organized under ch. 183, a statement
10 of the corporate or company existence and whether the corporation or company is a
11 domestic or foreign corporation or limited liability company.

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

13 800.02 (2) (am) In 1st class cities, all of the written information required under
14 par. (a), except the information under par. ~~(a)~~ (ag) 1. to 4., 9m., and 10., shall be
15 printed in Spanish on a separate sheet attached to the citation or provided in Spanish
16 on the citation.

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

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

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

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

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1 **800.025 Amended citation and complaint.** A citation or complaint under
 2 s. 800.02 may be amended ~~once as a matter of course~~ by the municipality prior to the
 3 initial appearance of the defendant. A copy of the amended citation or complaint
 4 shall be served personally on the defendant or sent to the defendant by 1st class mail.
 5 Otherwise, the citation or complaint may be amended ~~only by leave of the court or~~
 6 ~~by written consent of the defendant,~~ upon notice and an opportunity to be heard, at
 7 the discretion of the court. At trial, the court may amend a citation or complaint to
 8 conform to the evidence. If the court amends the citation or complaint to conform to
 9 the evidence, the court shall allow both parties an opportunity to present evidence
 10 with respect to the amended citation or complaint.

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

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

13 **800.035 Initial appearance.** (1) A defendant may ~~enter~~ ^{make} an initial

14 appearance in person or by submitting a written response to the citation or
 15 ~~complaint~~ ^{except when the judge has required an appearance}
^{under s. 800.02(2)(a) 40}

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

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

18 1. Inform the defendant of each charge and explain the range of penalties for
 19 each charge.

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

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

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

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

3 (d) If the defendant pleads guilty or no contest, the court may ^{find} ~~convict~~ the
4 defendant ^{guilty} of the offense ^{to which the plea is entered} ~~charged~~ and render judgment as provided under s. 800.09.

5 (e) If the defendant pleads not guilty and a trial is not held immediately, the
6 court shall schedule the case for a pretrial ^{conference} under s. 800.045, further proceedings, or
7 trial, at the discretion of the court.

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

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

12 (5) ^(a) If a defendant is charged with a violation of an ordinance in conformity with
13 s. 346.63 (1) or (5), all of the following apply:

14 (a) ^{(a) (b)} The municipality may, by ordinance, require the defendant to appear in
15 person before the court. ^{subject} If a person fails to make a required personal appearance
16 under this ~~paragraph~~ and the judge issues an arrest warrant, the law enforcement
17 agency that filed or transmitted the uniform traffic citation shall file a detailed
18 description of the warrant with the department of justice.

19 (6) In all cases, a defendant may ^{enter} ~~make~~ a plea of no contest and provide a deposit
20 at any time before the initial appearance.

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

22 **800.037 Deposit amount and schedule.** The deposit in traffic cases shall
23 be made as provided in s. 345.26. In boating cases, the deposit shall be made as
24 provided in s. 23.66 and 23.67. The municipal court, with the approval of the
25 governing body of the municipality, shall set the deposit schedule for all other cases.

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1 The deposit amount in the schedule may not exceed the maximum penalty
 2 established by the municipality for the offense, plus costs, fees, and surcharges
 3 imposed under ch. 814.

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

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

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

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

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

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

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

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

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1 800.035 (7) (b) If the municipal judge determines that the defendant should not
2 be released under par. (a) ~~and the defendant is charged with a traffic or boating~~
3 ~~violation~~, the municipal judge shall release the defendant on a deposit in the amount
4 established by ~~the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.~~

5 ~~For other violations, the~~ ^{plain period} ~~for the violation,~~ If the judge in a 1st class city determines
6 that a defendant appearing before the judge through interactive video and audio
7 transmission should not be released under par. (a), the judge shall inform the
8 defendant that he or she has the right to appear personally before a judge for a
9 determination, not prejudiced by the first appearance, as to whether he or she should
10 be released without a deposit. On failure of the defendant to make a deposit under

11 ^{30 days for not more than 48 hours} this paragraph, he or she may be committed to jail ~~pending trial~~ only if the judge finds
12 that there is a reasonable basis to believe the person will not appear in court.

~~municipal judge shall establish a deposit in an amount not to exceed the maximum penalty~~
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

for the offense, plus costs, fees, and surcharges imposed under ch. 814.

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5

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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 ← (B)} (1) The municipal judge may schedule a pretrial
20 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~~^{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 shall
24 proceed as if it had been commenced in that court. Upon receipt of the ~~papers~~^{records}, the
25 new judge shall specify the court's location in which the case will be heard. In all such

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

4 **SECTION 91.** 800.05 (4) (intro.) and (a) of the statutes ^{is} ~~are~~ created to read:

5 800.05 (4) (a) (intro.) No defendant may file more than one written request for
6 substitution of a judge in an action, except as follows:

7 (a) If a new judge is assigned to the trial of the action, a written request for
8 substitution of the new judge may be filed with the court within 7 days after the
9 notice of the assignment. If the notice of the assignment occurs within 48 hours of
10 the trial or if there has been no notification, the defendant may make an oral or
11 written request for substitution of the judge before the commencement of the
12 proceedings. Only one request may be made. (no insert 28-12 ✓)

13 **SECTION 92.** 800.05 (4) of the statutes is renumbered 800.05 (4) (b).

move to 28-3

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

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

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

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

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

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

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1 judge or to circuit court prior to trial. The judge designated or the circuit court to
2 which the case is transferred may, while in possession of the court record, issue
3 execution upon or give a certified transcript of any unsatisfied judgment appearing
4 in the record.

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

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

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

19 **800.065 (title) ~~Temporary reserve~~ Reserve municipal judges; service.**

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

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

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SECTION 99. 800.065 (2) of the statutes is repealed and recreated to read:

800.065 (2) ELIGIBILITY. Any person who has served a total of 4 or more years as a municipal judge may serve as a reserve municipal judge.

SECTION 100. 800.065 (3) of the statutes is amended to read:

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

SECTION 101. 800.065 (4) of the statutes is amended to read:

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

Please fix comp.

SECTION 102. 800.07 of the statutes is ~~renumbered 800.07(1) and~~ amended to read:

plain tx

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

SECTION 103. 800.07 (2) of the statutes is created to read:

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1 800.07 (2) (a) If either party intends to call an expert witness, as defined in s.
2 907.02, at trial, the party shall, at least 20 days before trial, unless the court, for good
3 cause, orders a different time period, disclose all of the following to the other party:

4 1. Any relevant written or recorded statements of the expert, including any
5 reports or statements made in connection with the case.

6 2. If the expert witness does not prepare a report or statement, a written
7 summary of the expert's findings or of the subject matter of his or her testimony.

8 (b) The reports, statements, or summary under par. (a) shall include the results
9 of any physical or mental examination, scientific test, experiment, or comparison
10 that the party intends to offer in evidence at trial.

11 **SECTION 104.** 800.08 (1) of the statutes is amended to read:

12 800.08 (1) ~~In a~~ At trial before a municipal court, the municipality may the
13 plaintiff shall provide a prosecutor who is an attorney authorized or licensed to
14 practice law in this state. The ~~municipality~~ plaintiff shall first offer evidence in
15 support of the citation or complaint. The defendant may offer evidence after the
16 ~~municipality~~ plaintiff has rested. If the ~~municipality~~ plaintiff and the defendant
17 have offered evidence upon the citation or complaint, the parties may then
18 respectively offer rebuttal testimony only, unless the court permits them to offer
19 evidence upon their original case. Both parties shall have the opportunity to
20 question all witnesses.

21 **SECTION 105.** 800.08 (2) (a) of the statutes is amended to read:

22 800.08 (2) (a) Before testifying ~~in a municipal court~~, every witness shall be
23 required to declare that he or she will testify truthfully, by oath or affirmation
24 administered in a form calculated to awaken his or her conscience and impress the
25 witness with the duty to testify truthfully.

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1 **SECTION 106.** 800.08 (2) (b) of the statutes is amended to read:

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

6 **SECTION 107.** 800.08 (3) of the statutes is amended to read:

7 800.08 (3) The standard of proof for conviction of any person charged with
8 violation of any municipal ordinance, ~~bylaw or resolution specified in s. 800.02 (1)~~

9 shall be evidence that is clear, ^{is} ~~satisfactory~~, and ~~convincing~~. ^{convinces the judge to a}
reasonable certainty

10 **SECTION 108.** 800.08 (4) of the statutes is amended to read:

11 800.08 (4) Except as provided in s. 938.17 (2) (h) 3., ~~municipal courts~~ the court
12 shall be bound by the rules of evidence specified in chs. 901 to 911.

13 **SECTION 109.** 800.085 of the statutes is created to read:

14 **800.085 Telephone and audiovisual proceedings.** At any proceeding
15 under this chapter, a party, witness, or interpreter may appear by telephone or by
16 audiovisual means if any of the following apply:

17 (1) The parties so stipulate ^{and the court approves}

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

19 (c).

20 **SECTION 110.** 800.09 (title) of the statutes is amended to read:

21 **800.09 (title) Judgment; failure to appear; plea of guilty.**

22 **SECTION 111.** 800.09 (1) (intro.) of the statutes is renumbered 800.09 (1b)
23 (intro.) and amended to read:

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

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

5 (1d) The court shall apply any payment received on a judgment that includes
6 restitution to first satisfy any payment of restitution ordered, then to pay the
7 forfeiture, costs, fees, and surcharges. ~~If the judgment is not paid, the court may~~
8 ~~proceed under par. (a), (b), or (c) or any combination of those paragraphs, as follows:~~

9 **SECTION 112.** 800.09 (1) (a) of the statutes is renumbered 800.09 (1g) and
10 amended to read:

11 800.09 (1g) The court may defer payment of any judgment or provide for
12 installment payments. At the time that the judgment is rendered, the court shall
13 inform the defendant, orally and in writing, of the date by which restitution and the
14 payment of the forfeiture, plus costs, fees, and surcharges imposed under ch. 814,
15 must be made, and of the possible consequences of failure to do so in timely fashion,
16 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
17 motor vehicle operating privilege, as provided in ~~par. sub. (1b)~~ (c), if applicable. If
18 the defendant is not present, the court shall ensure that the information is sent to
19 the defendant by mail. In 1st class cities, all of the written information required by
20 this ~~paragraph subsection~~ shall be printed in English and Spanish and provided to
21 each defendant.

22 **SECTION 113.** 800.09 (1) (b) of the statutes is renumbered 800.09 (1j) and
23 amended to read:

24 800.09 (1j) If the court orders the defendant ~~agrees~~ to perform community
25 service work in lieu of making restitution or of paying the forfeiture, ~~assessments~~

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SECTION 113

nonprofit charitable organization

1 surcharges, fees and costs, or both, the court may order that the defendant perform
 2 community service work for a public agency or a ^{plaintiff} ~~nonprofit~~ charitable organization
 3 that is ^{approved} ~~designated~~ by the court, ^{and agreed to by the public agency or} Community service work may be in lieu of restitution
 4 only if also agreed to by the public agency or nonprofit charitable organization and
 5 by the person to whom restitution is owed. ~~The court may utilize any available~~
 6 ~~resources, including any community service work program, in ordering the~~
 7 ~~defendant to perform community service work.~~ The number of hours of community
 8 ~~service work required may not exceed the number determined by dividing the~~ plaintiff
 9 ~~amount owed on the forfeiture by the minimum wage established under ch. 104 for~~
 10 ~~adults in nonagriculture, nontipped employment~~ ~~The defendant shall receive credit~~
 11 ~~at the rate of not less than \$10 for each hour worked.~~ The court shall ensure that the
 12 defendant is provided a written statement of the terms of the community service
 13 order and that the community service order is monitored.

SECTION 114. 800.09 (1) (c) of the statutes is repealed.

SECTION 115. 800.09 (1b) (b), (c), (d) and (e) of the statutes are created to read:

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

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

(d) Other dispositions authorized by law.

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

SECTION 116. 800.09 (2) of the statutes is repealed.

SECTION 117. 800.093 (1) (intro.) of the statutes is amended to read:

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

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1 **SECTION 118.** 800.093 (1) (a) of the statutes is amended to read:

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

6 **SECTION 119.** 800.093 (2) of the statutes is amended to read:

7 800.093 (2) Restitution ordered under this section is enforceable in a civil
8 action by the victim named in the order to receive restitution. A court may not order
9 a defendant to pay more than ~~\$4,000~~ the amount specified in s. 799.01 (1) (d) in
10 restitution under this section. ~~This \$4,000 limit does not apply to restitution ordered~~
11 ~~for violation of an ordinance that prohibits conduct that is the same as or similar to~~
12 ~~the conduct prohibited by s. 943.24 or 943.50.~~

13 **SECTION 120.** 800.093 (3) (b) (intro.) of the statutes is amended to read:

14 800.093 (3) (b) (intro.) If return of the property under par. (a) is impossible,
15 impractical or inadequate, pay the owner or owner's designee, subject to the \$4,000
16 limit in sub. (2), the reasonable repair or replacement cost or the greater of the
17 following:

18 **SECTION 121.** 800.093 (4) (intro.) of the statutes is amended to read:

19 800.093 (4) (intro.) If the violation resulted in physical injury, the restitution
20 order may require that the defendant do one or more of the following, subject to the
21 \$4,000 limit in sub. (2):

22 **SECTION 122.** 800.093 (5) (intro.) of the statutes is amended to read:

23 800.093 (5) (intro.) The restitution order may require that the defendant do one
24 or more of the following, subject to the \$4,000 limit in sub. (2):

25 **SECTION 123.** 800.095 of the statutes is repealed and recreated to read:

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

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

7 1. The court shall notify the department of transportation of the suspension for
8 failure to pay the judgment. If the defendant pays the judgment, the court shall
9 notify the department of transportation of the payment ^{within 7 days} in the form and manner
10 prescribed by the department.

11 2. The court may order the suspension concurrent or consecutive to any other
12 suspensions or revocations. If the court fails to specify whether the suspension is
13 consecutive or concurrent, the department of transportation shall implement the
14 suspension concurrent with any other suspensions or revocations.

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

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

20 5. During the period of operating privilege suspension under this paragraph,
21 the defendant may request the court to reconsider the order of suspension based on
22 an inability to pay the judgment. The court shall consider the defendant's request.
23 The court may withdraw the suspension and grant the defendant further time to pay
24 or withdraw the suspension and order one or more other sanctions set forth in this
25 subsection.

BILL

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

5 (b) ~~That~~ the defendant be imprisoned until the forfeiture, assessments,
6 surcharge, and costs are paid. If the court orders imprisonment under this

7 ^{subdivision} ~~paragraph~~, all of the following apply:

8 ⁹⁰ ~~10~~ The maximum period of imprisonment shall be 90 days for any one judgment,
9 and the defendant shall receive credit against the amount owed at the rate of at least
10 \$50 for each day of imprisonment, including imprisonment following an arrest but
11 prior to the court making a finding under ~~the paragraph~~ ^{subd 2}.

12 ⁶ ~~20~~ The court may impose a term of imprisonment under this ^{subdivision} ~~paragraph~~ that is
13 either concurrent with or consecutive to any other term of imprisonment imposed at
14 the same time or any term of imprisonment imposed by any court.

15 ²⁰ (c) No defendant may be imprisoned under ^{g subd 10} ~~par. (b)~~ unless the court makes one
16 of the following findings:

17 ¹⁰ ~~10~~ Either at sentencing or thereafter, that the defendant has the ability to pay
18 the judgment within a reasonable period of time. If a defendant meets the criteria
19 in s. 814.29 (1) (d), the defendant shall be presumed unable to pay under this
20 subsection and the court shall either suspend or extend payment of the judgment or
21 order community service.

22 ⁶⁰ ~~10~~ The defendant has failed, without good cause, to perform the community
23 service authorized under ~~s. 800.09~~ this subsection.

BILL

1 ~~2~~ The defendant has failed to attend an indigency hearing offered by the court
2 to provide the defendant with an opportunity to determine whether he or she has the
3 ability to pay the judgment.

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

7 ~~(1)~~ The defendant shall be committed to a jail or a house of correction in the
8 county in which the cause of action arose. The defendant shall be eligible for
9 privileges under s. 303.08. The municipality shall pay the expenses incurred by the
10 county to imprison the defendant except that, on an annual basis, the municipality
11 shall be given a credit by the county for the amount paid to the county as a jail
12 surcharge under s. 302.46 (1). ³⁰ (No ff)

13 ~~(1)~~ The assignment to the municipal court of not more than 25 percent of the
14 defendant's commissions, earnings, salaries, wages, pension benefits unless
15 otherwise exempt, benefits under ch. 102, and other money due or to be due to the

16 ~~(1)~~ defendant for payment of the unpaid forfeiture, costs, surcharge, fees, or restitution.

17 ~~(1)~~ That the defendant perform community service work for a public ~~service~~ ^{non profit} ~~and agreed to by the agency or~~ ^{charitable organization}
18 agency or charitable organization ~~(designated or~~ ^{and agreed to by the agency or} approved by the court. If the

19 community service work is in lieu of restitution, then the person to whom restitution
20 is owed must agree; the defendant shall be given credit at the rate of not less than

21 ~~\$10~~ ^{the minimum wage established under ch 104 for adults in} of the court-ordered obligation for each one hour of community service

22 completed. The defendant shall be given a written statement of the community
23 service order. Nothing in this paragraph makes the defendant an employee or agent
24 of the court or the municipality. The defendant shall be responsible for providing the
25 court with proof that the community service hours have been completed.

non agriculture ^{not tipped employment}

BILL

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

3 (3) Subsection (1) (a) ^{and} (b) ^{and} (c) ^{es} do not apply to orders for restitution under
 4 s. 800.093 or in cases where service of the summons and complaint or citation is made
 5 by mail as authorized in s. 800.01 (2) (e).

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

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

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

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

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

20 **SECTION 124.** 800.10 (1) of the statutes is amended to read:

21 800.10 (1) Fees and costs in municipal court are prescribed in ~~s. 814.65~~ ch. 814.

22 **SECTION 125.** 800.10 (2) of the statutes is amended to read:

23 800.10 (2) All forfeitures, fees, surcharges, and costs paid to a municipal court
 24 under a judgment before a municipal judge shall be reported and paid to the
 25 municipal treasurer within ~~7~~ 30 days after receipt of the money by ~~a~~ the municipal

BILL

1 judge or other court personnel. ~~At the time of the payment, the municipal judge shall~~
2 ~~report to the municipal treasurer the title of the action, the offense for which a~~
3 ~~forfeiture was imposed and the total amount of the forfeiture, fees, surcharges, and~~
4 ~~costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1) ch. 814.~~
5 ~~All jail surcharges paid to a municipal court under a judgment before a municipal~~
6 ~~judge shall be paid to the county treasurer within 7 days after receipt of the money~~
7 ~~by a municipal judge or other court personnel.~~

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

9 800.11 (1) (intro.) Every municipal judge court shall keep a court record in
10 which ~~he or she~~ the court shall enter, in actions to which they relate:

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

12 800.11 (1) (a) The title of every action commenced before the municipal judge
13 court, including the name and address of the defendant;

14 **SECTION 128.** 800.11 (1) (g) of the statutes is amended to read:

15 800.11 (1) (g) The judgment rendered by the municipal judge court, including
16 the penalties imposed, the date ~~and time~~ of rendering judgment and the costs
17 assessed in the action;

18 **SECTION 129.** 800.11 (1) (q) of the statutes is amended to read:

19 800.11 (1) (q) All motions made in the action, the decision thereon and all other
20 proceedings in the action which the municipal judge court may think useful.

21 **SECTION 130.** 800.11 (2) of the statutes is amended to read:

22 800.11 (2) Failure of the municipal judge court to keep a court record properly
23 shall not affect the jurisdiction of the municipal court or render the judgment void.

24 **SECTION 131.** 800.11 (3) (c) of the statutes is amended to read:

25 800.11 (3) (c) The name, and address ~~and vocation~~ of the defendant.

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1 **SECTION 132.** 800.11 (4) of the statutes is amended to read:

2 800.11 (4) If the municipal judge is elected under s. 755.01 (4), the judge court
3 shall keep separate court records for each municipality.

4 **SECTION 133.** 800.115 of the statutes is repealed and recreated to read:

5 **800.115 Motion to reopen.** (1) Any party, and the court on its own motion,
6 may at any time move to reopen a judgment for good cause. The court may allow the
7 parties an opportunity to be heard regarding the reopening of a judgment.

8 (2) The court shall reopen any default judgment on the motion of the defendant
9 if that judgment is based upon service by mail, as authorized under s. 800.01 (2) (e).

10 (3) The court may impose costs on a party as a result of the motion, as allowed
11 under s. 814.07.

insert
4/1-11 →

12 **SECTION 134.** 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.

(NIT) may impose imprisonment in the county jail for not more than 30 days and

21 (3) For a contempt of court described in sub. (1) (a), the judge shall impose the
22 forfeiture *ON these penalties shall be imposed* immediately after the contempt of court has occurred and only under the
23 following conditions:

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

BILL

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

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

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

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

9 **SECTION 135.** 800.13 (1) of the statutes is amended to read:

10 800.13 (1) Every proceeding in which testimony is taken under oath or
11 affirmation in a municipal court shall be recorded by electronic means for purposes
12 of appeal.

13 **SECTION 136.** 800.14 (1) of the statutes is amended to read:

14 800.14 (1) Appeals from judgments of ~~municipal courts~~ or decisions on motions
15 brought under s. 800.115 may be taken by either party to the circuit court of the
16 county where the offense occurred. The appellant shall appeal by giving the
17 municipal judge and other party written notice of appeal within 20 days after the
18 judgment or decision. No appeals may be taken from default judgments.

19 **SECTION 137.** 800.14 (2) of the statutes is amended to read:

20 800.14 (2) On appeal by the defendant, the defendant shall execute a bond, at
21 the discretion of the municipal judge, to the ~~municipality~~ municipal court with or
22 without surety, approved by the municipal judge, that if the judgment is affirmed in
23 whole or in part the defendant shall pay the judgment and all costs awarded on
24 appeal.

25 **SECTION 138.** 800.14 (3) of the statutes is amended to read:

BILL

1 800.14 (3) On meeting the requirements for appeal, execution on the judgment
2 of the municipal court or enforcement of the order of the municipal court shall be
3 stayed until the final disposition of the appeal.

4 **SECTION 139.** 800.14 (4) of the statutes is amended to read:

5 800.14 (4) ~~Upon the request of either party within 20 days after notice of appeal~~
6 ~~under sub. (1), or on its own motion, the circuit court shall order that a new trial be~~
7 ~~held in circuit court. An appeal from a judgment where a trial has been held shall~~
8 ~~be on the record unless, within 20 days after notice of appeal has been filed with the~~
9 ~~municipal court under sub. (1), either party requests that a new trial be held in~~
10 ~~circuit court. The new trial shall be conducted by the court without a jury unless~~
11 ~~either party requests a 6-person jury trial and posts the jury fee under s. 814.61 (4)~~
12 ~~within 10 days after the order for a new trial. The required fee for a jury is prescribed~~
13 ~~in s. 814.61 (4).~~

14 **SECTION 140.** 800.14 (5) of the statutes is amended to read:

15 800.14 (5) If there is no request or motion under sub. (4), ~~an~~ or if the appeal is
16 from a judgment or decision in which a trial has not been held, the appeal shall be
17 based upon a review of ~~a transcript of the proceedings in the municipal court.~~ The
18 municipal judge court shall ~~direct that the transcript be prepared from the~~ transmit
19 to the circuit court a copy of the entire record, including any electronic recording
20 created under s. 800.13 (1) and shall certify the transcript. The costs of the transcript
21 shall be paid for under s. 814.65 (5). The electronic recording and the transcript shall
22 be transferred to the circuit court for review. Within 20 days after notice of appeal
23 has been filed with the municipal court under sub. (1), either party may request that
24 a transcript of the electronic recording be prepared and certified by the municipal
25 court. ~~The request~~ ^{A defendant} shall include payment of the estimated cost of the transcript.

BILL

about

1 as determined by the municipal court. The party requesting the transcript shall be
2 responsible for the actual cost of preparing the transcript. *(insert 44-2) ↓*

3 **SECTION 141.** 800.14 (6) of the statutes is amended to read:

4 800.14 (6) The disposition of the appeal shall be certified to the municipal court
5 by the reviewing circuit court within 30 days of the judgment of the reviewing circuit
6 court. If the disposition requires payment of a forfeiture by the defendant, the
7 forfeiture and all costs, fees, and surcharges shall be payable to the municipality.

8 **SECTION 142.** 938.237 (2) of the statutes is amended to read:

9 938.237 (2) PROCEDURES. The procedures for issuance and filing of a citation,
10 and for forfeitures, stipulations, and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4),
11 66.0113, 778.25, 778.26, and 800.01 to ~~800.04~~ 800.035 except s. ~~800.04 (2) (b)~~ 800.035
12 (7) (b), when the citation is issued by a law enforcement officer, shall be used as
13 appropriate, except that this chapter shall govern taking and holding a juvenile in
14 custody, s. 938.37 shall govern costs, fees, and surcharges imposed under ch. 814, and
15 a capias shall be substituted for an arrest warrant. Sections 66.0113 (3) (c) and (d),
16 66.0114 (1), and 778.10 as they relate to collection of forfeitures do not apply.

17 **SECTION 143. Initial applicability.**

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

20 **SECTION 144. Effective date.** *Y*

*LPS:
Please
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21 (1) This act takes effect on the first day of the 6th month beginning after
22 publication *except as follows (insert 44-22)*

23 (END)