

2009 DRAFTING REQUEST

Assembly Amendment (AA-SB383)

Received: 03/03/2010

Received By: rnelson2

Wanted: Today

Identical to LRB:

For: Joe Parisi (608) 266-5342

By/Representing: Mike

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

municipal court determination of poverty review

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rnelson2 03/03/2010	nmatzke 03/03/2010	mduchek 03/03/2010	_____	cduerst 03/03/2010	cduerst 03/03/2010	

FE Sent For:

<END>

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FE Sent For:

<END>

Nelson, Robert P.

From: Robert J. Andersen [RJA@legalaction.org]
Sent: Wednesday, March 03, 2010 3:36 PM
To: Murray, Mike; Nelson, Robert P.
Subject: RE: Additional Amendment to SB 383

Mike and Bob:

Okay, so here is our revised version of the amendment of Bob's. We just use the expression "determinations regarding whether the defendant is unable to pay the judgment because of poverty, as that term is used in s. 814.29 (1)(d)," which is the expression used in Senate amendment 1 and is the expression that makes it clear that we are using the definition of poverty under s. 814.29 (1)(d):

LRBa1726/1

RPN:bjk:rs

**2009 – 2010 LEGISLATURE
 ASSEMBLY AMENDMENT ,
 TO 2009 SENATE BILL 383**

At the locations indicated, amend the bill as follows:

1. Page 46, line 16: delete "or decisions" and substitute ", decisions".
2. Page 46, line 17: after "800.115" insert ", or determinations regarding whether the defendant is unable to pay the judgment because of poverty, as that term is used in s. 814.29 (1)(d),"

The amended statute (once it is enrolled) would read as follows:

800.14 (1) Appeals from judgments ~~of municipal courts~~ decisions on motions brought under s. 800.115, or determinations regarding whether the defendant is unable to pay the judgment because of poverty, as that term is used in s. 814.29 (1)(d), may be taken by either party to the circuit court of the county where the offense occurred. The appellant shall appeal by giving the municipal judge and other party written notice of appeal within 20 days after the judgment or decision. No appeals may be taken from default judgments.

Thanks. If you have any questions, please feel free to contact me by phone or email.

From: Murray, Mike [mailto:Mike.Murray@legis.wisconsin.gov]
Sent: Wednesday, March 03, 2010 2:16 PM
To: Robert J. Andersen; Nelson, Robert P.
Subject: RE: Additional Amendment to SB 383

Thanks Bob A. Please feel free to use whatever language the 2 of you agree to as the basis for the new amendment.

From: Robert J. Andersen [mailto:RJA@legalaction.org]
Sent: Wednesday, March 03, 2010 1:01 PM
To: Murray, Mike; Nelson, Robert P.
Subject: RE: Additional Amendment to SB 383

Thanks, Mike. Bob and I have talked and there is at least one tweak that is necessary. I will get back to you this afternoon on the final recommendation.

From: Murray, Mike [mailto:Mike.Murray@legis.wisconsin.gov]
Sent: Wednesday, March 03, 2010 12:04 PM
To: Nelson, Robert P.

03/03/2010

Cc: Robert J. Andersen

Subject: FW: Additional Amendment to SB 383

Hi Bob N.,

Just got this from Bob Anderson regarding the most recent amendment request. Does this make sense to you? If you would like to further discuss with Bob A., you certainly have our office's permission to do so.

Thanks,

Mike

From: Robert J. Andersen [mailto:RJA@legalaction.org]

Sent: Wednesday, March 03, 2010 11:02 AM

To: Murray, Mike

Subject: RE: Additional Amendment to SB 383

Mike:

Sorry it has taken me a little while to get to this. Gramling is right, the amendment should not refer to "indigence." There is no definition of indigence in the chapter. The amendment that was adopted in the Senate (Senate amendment 1) referred to this concept as follows, in two places:

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

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

Consequently, the amendment should be revised, as follows, to be consistent with the other language in the bill, as amended:

LRBa1726/1

RPN:bjk:rs

2009 – 2010 LEGISLATURE

ASSEMBLY AMENDMENT ,

TO 2009 SENATE BILL 383

At the locations indicated, amend the bill as follows:

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

2. Page 46, line 17: after "800.115" insert ", or decisions on motions for the determination that the defendant is unable to pay the judgment because of poverty, as that term is used in s. 814.29 (1) (d)."

The amended statute would then read as follows:

800.14 (1) Appeals from judgments ~~of municipal courts~~ ,decisions on motions

brought under s. 800.115, or decisions on motions for the determination that the defendant is unable to pay the judgment because of poverty, as that term is used in s. 814.29 (1)(d)." may be taken by either party to the circuit court of the county where the offense occurred. The appellant shall appeal by giving the municipal judge and other party written notice of appeal within 20 days after the judgment or decision. No appeals may be taken from default judgments.

Thanks, and again, if necessary or useful, I would be glad to talk with Bob Nelson.

03/03/2010



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State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1744/1
RPN:/.....
nwn

To day

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

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

6 (END)