

2011 DRAFTING REQUEST

Bill

Received: 05/25/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Jeremy Thiesfeldt (608) 266-3156

By/Representing:

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Thiesfeldt@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Municipal court fees

Instructions:

09 SB 3562

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>
/?	phurley 05/25/2011	kfollett 06/01/2011		_____			Local
/1			jfrantze 06/01/2011	_____	sbasford 06/01/2011	lparisi 08/30/2011	

FE Sent For:

at intro
9-29-11

<END>

2011 DRAFTING REQUEST

Bill

Received: **05/25/2011**

Received By: **phurley**

Wanted: **As time permits**

Companion to LRB:

For: **Jeremy Thiesfeldt (608) 266-3156**

By/Representing:

May Contact:

Drafter: **phurley**

Subject: **Courts - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Thiesfeldt@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Municipal court fees

Instructions:

09 SB 3562

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>
/?	phurley 05/25/2011	kfollett 06/01/2011		_____			Local
/1			jfrantze 06/01/2011	_____	sbasford 06/01/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 05/25/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Jeremy Thiesfeldt (608) 266-3156

By/Representing:

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Thiesfeldt@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Municipal court fees

Instructions:

09 SB 3562

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>
/?	phurley	11 kjf 6/1	jo 6/1	Med jo 6/1			

FE Sent For:

<END>

814.65

814.65 Fees of the municipal court.

814.65(1)

(1) Court costs. In a municipal court action, except for a financial responsibility violation under s. 344.62 (2) or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m)[,] the municipal judge shall collect a fee of not less than \$15 nor more than \$28 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

814.65 - ANNOT.

NOTE: The comma shown in brackets was deleted by 2009 Wis. Act 121 without being stricken. No change was intended. Corrective legislation is pending.

814.65(2)

(2) Witness and interpreter's fees. The fees of witnesses and interpreters shall be paid as specified in s. 814.67.

814.65(3)

(3) Attorney fees. A municipal court shall not impose and collect attorney fees.

814.65(4)

(4) Taxation of fees and costs.

814.65(4)(a)

(a) Other than fees specified in sub. (1) and costs specified in par. (b), no fees or costs are taxable by a municipality to a party before a municipal court unless it is directly chargeable to the municipality as a disbursement, such as service of process costs.

814.65(4)(b)

(b) If service of process is accomplished by municipal personnel, the cost of the service prescribed under ss. 814.70 and 814.71, subject to any modification applicable under s. 814.705, is taxable regardless of whether a separate disbursement is made to specifically reimburse the municipal employee or agency.

814.65(5)

(5) Costs and fees on appeal. On appeal from municipal court, the appellant shall pay the fee prescribed in s. 814.61 (8). The appellant shall also pay a fee of \$10 for the transcript prepared under s. 800.14 (5). Costs shall be as provided in s. 814.08.

814.65 - ANNOT.

History: 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 403; 1989 a. 22; 1991 a. 26; 1997 a. 27; 2003 a. 30, 33, 320; 2005 a. 54, 455; 2007 a. 96; 2009 a. 28, 100, 121.

814.65 - ANNOT.

The phrase "each separate matter" in sub. (1) refers to the various methods in which a single legal action can come before a municipal court for final disposition. The fee authorized by sub. (1) is therefore a fee that can be charged only once in a municipal court action, regardless of how many warrants or commitment orders are issued in the action prior to its final disposition. OAG 8-09.

814.65 - ANNOT.

A municipality does not have statutory authority to impose a charge separate from the fee collected under sub. (1) that can be taxed as a cost to a municipal court defendant and that is payable to the municipal plaintiff either for the issuance of each warrant or commitment order by a municipal court in a single legal action or for service by municipal personnel of each warrant or commitment order issued by a municipal court in a single legal action. OAG 8-09.



2/12/11
rnr
57

PWF OK

2009 SENATE BILL 329

5-25-11

October 1, 2009 - Introduced by Senators TAYLOR, HOPPER, LEHMAN and ERPENBACH, cosponsored by Representatives PARISI, RICHARDS and BERCEAU. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

Regen

in most cases,

1 AN ACT to amend 814.65 (1) of the statutes; relating to: municipal court fees.

Analysis by the Legislative Reference Bureau

X Under current law, when a municipal court finds that a person has violated an ordinance, the municipal court judge may collect a court fee of not less than \$15 nor more than \$28 from the person. Of that fee, the municipal treasurer forwards \$5 to the Department of Administration and retains the balance for use by the municipality.

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

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 814.65 (1) COURT COSTS. In a municipal court action, except for an action for
4 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)
5 (b), if the person who committed the violation had a blood alcohol concentration of
6 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an

plain a financial responsibility violation under s 344.62(2)

SENATE BILL 329



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

(END)

1
 2
 3
 4
 5
 6
 7
 8

lps:
 score
 the
 comma
 it's in
 brackets
 in 8/10

Parisi, Lori

From: Hutkowski, Hariah
Sent: Tuesday, August 30, 2011 10:23 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-2142/1 Topic: Municipal court fees

Please Jacket LRB 11-2142/1 for the ASSEMBLY.