

2011 DRAFTING REQUEST

Bill

Received: **02/02/2012**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC 266-9791**

By/Representing: **Laura Rose**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **Anne.Sappenfield@legis.wisconsin.gov**

tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Compile of municipal courts drafts

Instructions:

LRB-3795/P1, LRB-3796/P1, LRB-3797/1, and LRB-3799/P1

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>
/?							
/P1	tkuczens 02/02/2012	mduchek 02/02/2012		_____			
/1	tkuczens 02/05/2012	jdyer 02/07/2012	jmurphy 02/03/2012	_____	lparisi 02/03/2012		
/2	tkuczens 02/08/2012	mduchek 02/08/2012	rschluet 02/07/2012	_____	ggodwin 02/07/2012		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/3

jfrantze _____
02/08/2012 _____

sbasford _____
02/08/2012 _____

lparisi _____
02/08/2012 _____

FE Sent For:

<END>

↳ Not Needed

2011 DRAFTING REQUEST

Bill

Received: **02/02/2012**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC 266-9791**

By/Representing: **Laura Rose**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **Anne.Sappenfield@legis.wisconsin.gov**

tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Compile of municipal courts drafts

Instructions:

LRB-3795/P1, LRB-3796/P1, LRB-3797/1, and LRB-3799/P1

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>
/?							
/P1	tkuczens 02/02/2012	mduchek 02/02/2012		_____			
/1	tkuczens 02/05/2012	jdyer 02/07/2012	jmurphy 02/03/2012	_____	lparisi 02/03/2012		
/2	tkuczens 02/08/2012	mduchek 02/08/2012	rschluet 02/07/2012	_____	ggodwin 02/07/2012		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/3
jfrantze _____ sbasford
02/08/2012 _____ 02/08/2012

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **02/02/2012**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC 266-9791**

By/Representing: **Laura Rose**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **Anne.Sappenfield@legis.wisconsin.gov**

tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Compile of municipal courts drafts

Instructions:

LRB-3795/P1, LRB-3796/P1, LRB-3797/1, and LRB-3799/P1

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>
/?							
/P1	tkuczens 02/02/2012	mduchek 02/02/2012		_____			
/1	tkuczens 02/05/2012	jdyer 02/07/2012	jmurphy 02/03/2012	_____	lparisi 02/03/2012		
/2			rschluet 02/07/2012	_____	ggodwin 02/07/2012		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

MD 2/2/8
13 <END>
2/8/12

2011 DRAFTING REQUEST

Bill

Received: **02/02/2012**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC 266-9791**

By/Representing: **Laura Rose**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **Anne.Sappenfield@legis.wisconsin.gov**

tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Compile of municipal courts drafts

Instructions:

LRB-3795/P1, LRB-3796/P1, LRB-3797/1, and LRB-3799/P1

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>
/?		1/2 3/7 jld					
/P1	tkuczens 02/02/2012	mduchek 02/02/2012		_____			
/1			jmurphy 02/03/2012	_____	lparisi 02/03/2012		

FE Sent For:

2712

2011 DRAFTING REQUEST

Bill

Received: **02/02/2012**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC 266-9791**

By/Representing: **Laura Rose**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **Anne.Sappenfield@legis.wisconsin.gov**

tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Compile of municipal courts drafts

Instructions:

LRB-3795/P1, LRB-3796/P1, LRB-3797/1, and LRB-3799/P1

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	tkuczens						
----	----------	--	--	--	--	--	--

		<i>MD</i> <i>2/2/12</i>	<i>pm</i> <i>2/2</i>	<i>KG</i> <i>2/3</i>			
--	--	----------------------------	-------------------------	-------------------------	--	--	--

FE Sent For:

<END>

Kuczenski, Tracy

From: Rose, Laura
Sent: Thursday, February 02, 2012 10:39 AM
To: Kuczenski, Tracy
Cc: Sappenfield, Anne
Subject: RE: Municipal judges association drafts

No, they should be combined into one. Thank you!

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Kuczenski, Tracy
Sent: Thursday, February 02, 2012 10:38 AM
To: Rose, Laura
Subject: RE: Municipal judges association drafts

Right, thanks. Is there any chance that these drafts will be introduced individually? (It only matters for purposes of the legislative files).

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Rose, Laura
Sent: Thursday, February 02, 2012 10:35 AM
To: Kuczenski, Tracy
Subject: RE: Municipal judges association drafts

Hi Tracy,

Also, 3797/1, not the P/1, is the version that should be included in the combined draft.

Thx

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Kuczenski, Tracy

Kuczenski, Tracy

From: Rose, Laura
Sent: Thursday, February 02, 2012 10:17 AM
To: Kuczenski, Tracy
Cc: Young, Tracey; Sappenfield, Anne
Subject: Municipal judges association drafts

Attachments: Draft review: LRB 11-3797/P1 Topic: Modify requirements for form of citation or complaint; Draft review: LRB 11-3795/P1 Topic: Eliminate provision requiring circuit court clerk to file municipal judge's oath and bond; Draft review: LRB 11-3796/P1 Topic: Eliminate obsolete reference to payment for appeal transcripts; Draft review: LRB 11-3799/P1 Topic: Grant municipal judges authority to order default judgment at trial stage



Draft review: LRB 11-3797/P1 T... Draft review: LRB 11-3795/P1 T... Draft review: LRB 11-3796/P1 T... Draft review: LRB 11-3799/P1 T...

use LRB-3797/1

Hi Tracy,

Could you please combine these four bills into one, for introduction by the Law Revision Committee? Once you send it to me (please copy Anne Sappenfield), I can prepare the SECTION notes.

Thanks

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

COMPONENT DRAFT	ACTION
-3795/P1	19.01 (4) (c) 3. of the statutes is repealed.
-3795/P1	19.01 (4) (c) 4. of the statutes is amended to read:
-3795/P1	59.40 (2) (L) of the statutes is repealed.
-3797/1	800.02 (2) (a) of the statutes is amended to read:
-3799/P1	800.08 (5) of the statutes is created to read:
-3796/P1	814.08 (1) of the statutes is amended to read:
-3796/P1	814.65 (5) of the statutes is amended to read:

SortList:

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

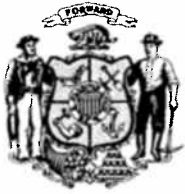
COMPONENT DRAFT	ACTION
-3795/P1	19.01 (4) (c) 3. of the statutes is repealed.
-3795/P1	19.01 (4) (c) 4. of the statutes is amended to read:
-3795/P1	59.40 (2) (L) of the statutes is repealed.
-3797/1	800.02 (2) (a) of the statutes is amended to read:
-3799/P1	800.08 (5) of the statutes is created to read:
-3796/P1	814.08 (1) of the statutes is amended to read:
-3796/P1	814.65 (5) of the statutes is amended to read:

SortList has been copied to Windows clipboard

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

Success

(2 sec. 340 ms.)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4010/P1

TKK / Y / RMR
jld / signed

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Turn off atty #S
2/2/12
wanted 2/3/12

1 AN ACT ^{Gov} relating to: ^{the} role of the clerk of a circuit court in filing ^{and the} oath and bond
 2 of a municipal judge; signatures on citations or complaints alleging a violation
 3 of a municipal ordinance; ^{the} fee for ^a transcript of ^{an} electronic recording of municipal
 4 court proceedings; ^{the} authority of a municipal court judge to order a default
 5 judgment against a defendant who fails to appear at trial.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -3795/P1 ***

Current law requires municipal judges to take and file an official oath and execute and file an official bond. 2009 Wisconsin Act 402 (Act 402) made a number of changes to the law governing municipal courts and municipal judges. Prior to the enactment of Act 402, municipal judges were required to file the oath and bond with the clerk of the circuit court. Act 402 requires municipal judges to, instead, file the oath and bond with the clerk of the city, town, or village, where the judge was elected.

This bill eliminates a provision that requires municipal judges to file the oath and bond with the clerk of the circuit court for which the municipal judge serves. ^{The} This bill also eliminates a requirement that the clerks of the circuit courts annually send a certified list of all municipal court judges who filed their official bonds with the clerks during the preceding year.

*** ANALYSIS FROM -3797/1 ***

Under current law, a citation or complaint alleging a violation of a municipal ordinance must be signed by a law enforcement officer, an attorney representing the

This bill makes several changes to municipal court practice and procedure.

municipality, or, under certain circumstances, a conservation warden, municipal official, or municipal employee (signatory). This bill eliminates the requirement that the citation be signed and, instead, requires only that the name of the signatory appear in the citation or complaint.

***** ANALYSIS FROM -3796/P1 *****

Under current law, a person who appeals a municipal court judgment or decision (appellant) must pay for the cost of any transcript made of electronic recordings of the municipal court action. Current law also requires the appellant to pay a \$10 fee for the preparation of the transcript. Finally, under certain circumstances, current law requires a defendant appellant who does not prevail on appeal or whose appeal is dismissed to pay for the cost of the transcript. This bill eliminates the requirement that the appellant pay a \$10 transcript fee, and eliminates the duplicative requirement that a defendant appellant pay for the cost of the transcript if the appellant does not prevail on appeal.

***** ANALYSIS FROM -3799/P1 *****

Current law requires a defendant in municipal court to make an initial court appearance in person or in a written response to the citation or complaint. Current law permits a municipal court judge to order a default judgment against a defendant who fails to make an initial appearance or to make a deposit in the amount set for the violation. This bill permits a municipal court judge to order a default judgment against a defendant who fails to appear at trial.

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

1 *-3795/P1.1*SECTION 1. 19.01 (4) (c) 3. of the statutes is repealed.

2 *-3795/P1.2*SECTION 2. 19.01 (4) (c) 4. of the statutes is amended to read:

3 19.01 (4) (c) 4. All judges ~~or, other than municipal judges, and all~~ judicial
4 officers, ~~not included in subds. 1. and 3.~~ other than judicial officers under subd. 1.,
5 elected or appointed for that county, or whose jurisdiction is limited to that county.

6 *-3795/P1.3*SECTION 3. 59.40 (2) (L) of the statutes is repealed.

7 *-3797/1.1*SECTION 4. 800.02 (2) (a) of the statutes is amended to read:

8 800.02 (2) (a) The citation or complaint shall be signed by contain the name of
9 a law enforcement officer, attorney representing the municipality, or, if applicable,
10 a conservation warden. In addition, the governing body of a municipality authorized
11 to adopt the use of citations or complaints may designate by ordinance or resolution

please
move
paragraph
up.
Thanks!

1 other municipal officials who ~~may sign and~~ are authorized to issue and be named in
2 citations or complaints with respect to ordinances which are directly related to the
3 official responsibilities of the officials. Officials granted the authority to ~~sign and~~
4 issue and be named in citations and complaints may delegate, with the approval of
5 the governing body, the authority to employees. Authority delegated to an official or
6 employee may be revoked only in the same manner by which it is conferred.

7 ***-3799/P1.1*SECTION 5.** 800.08 (5) of the statutes is created to read:

8 800.08 (5) If a defendant does not appear at trial, the court may enter a default
9 judgment under s. 800.09.

****NOTE: I assumed that, by the trial state, the jurisdiction of the municipal court under s. 800.01 (2) would have been established. For that reason, I did not include a cross-reference to s. 800.01 (2) in this proposed s. 800.08 (5). Please let me know if I have assumed incorrectly.

10 ***-3796/P1.1*SECTION 6.** 814.08 (1) of the statutes is amended to read:

11 814.08 (1) In actions appealed from municipal court, where there is no new
12 trial, if the judgment is affirmed or the appeal dismissed the respondent shall have
13 costs; if reversed, the appellant; if affirmed in part and reversed in part, the court
14 may award the costs or such part thereof as is just to either party. ~~In actions appealed~~
15 ~~by the defendant from municipal court, where there is no new trial, if the judgment~~
16 ~~finding the defendant guilty under s. 800.09 is affirmed, or if the defendant's appeal~~
17 ~~is dismissed, the defendant shall pay the full costs of the transcript prepared under~~
18 ~~s. 800.14 (5), minus the \$10 transcript payment under s. 814.65.~~ Where there is a
19 new trial, costs shall be awarded to the successful party; but if the appeal is from a
20 judgment in favor of the appellant he or she shall have costs only if he or she obtains
21 a more favorable judgment, and otherwise the respondent shall have costs. In all
22 those cases full costs shall be the applicable fee under s. 814.61 (8) and all

1 disbursements made for return of the judge and officers' and witnesses' fees, together
2 with all costs taxable in the municipal court in the action.

3 ***-3796/P1.2*SECTION 7.** 814.65 (5) of the statutes is amended to read:

4 814.65 (5) COSTS AND FEES ON APPEAL. On appeal from municipal court, the
5 appellant shall pay the fee prescribed in s. 814.61 (8). ~~The appellant shall also pay~~
6 ~~a fee of \$10 for the transcript prepared under s. 800.14 (5).~~ Costs shall be as provided
7 in s. 814.08.

8 (END)

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...





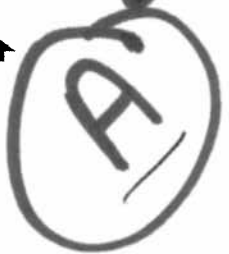
 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN


(Request Made By: TKK) (Date: 02 / 02 / 2012)

Note:


BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"


(exception: companion bills)

 Please transfer the drafting file for
2009 LRB _____ (For: Rep. / Sen. _____)
 to the drafting file for
2011 LRB _____ (For: Rep. / Sen. _____)

-----OR-----

 Please copy the drafting file for
2011 LRB 3745 / P1 (include the version) (For: Rep. / Sen. Leg. Council LRC)
 and place it in the drafting file for
2011 LRB 4010/1 (For: Rep. / Sen. Leg. Council LRC)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: TKK) (Date: 02 / 02 / 2012)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



Please transfer the drafting file for

2009 LRB _____

(For: Rep. / Sen. _____)

to the drafting file for

2011 LRB _____

(For: Rep. / Sen. _____)

-----OR-----



Please copy the drafting file for

2011 LRB _____

3796 / PI

(include the version)

(For: Rep. / Sen. Leg. Council LRC)

and place it in the drafting file for

2011 LRB _____

4010/1

(For: Rep. / Sen. Leg. Council LRC)



Are These "Companion Bills" ?? ... Yes

No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history

("guts") from the original file: _____

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: TKK) (Date: 02/02/2012)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)




 Please transfer the drafting file for **2009 LRB** _____ (For: Rep. / Sen. _____)


Done

to the drafting file for **2011 LRB** _____ (For: Rep. / Sen. _____)

----- **OR** -----

 Please copy the drafting file for **2011 LRB** 3797 / 1 (include the version) (For: Rep. / Sen. Leg. Council LRC)

and place it in the drafting file for **2011 LRB** 4010/1 (For: Rep. / Sen. Leg. Council LRC)

 Are These "Companion Bills" ?? ... Yes **No**

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

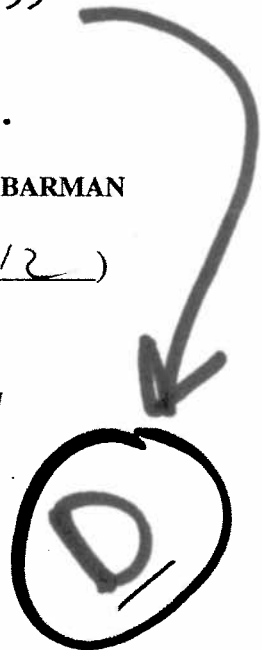
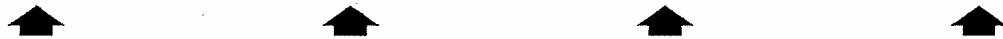
 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN


(Request Made By: Tkk) (Date: 02 10 2012)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)




 Please transfer the drafting file for
2009 LRB _____ (For: Rep. / Sen. _____)

to the drafting file for


2011 LRB _____ (For: Rep. / Sen. _____)

-----OR-----

 Please copy the drafting file for
2011 LRB 3799 / P1 (include the version) (For: Rep. / Sen. Leg. Council LRC)

and place it in the drafting file for

2011 LRB 4010 / P1 (For: Rep. / Sen. Leg. Council LRC)

 Are These "Companion Bills" ?? ... Yes **No**

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____

Kuczenski, Tracy

From: Rose, Laura
Sent: Friday, February 03, 2012 2:15 PM
To: Kuczenski, Tracy
Subject: LRB 4010/1

Attachments: SECTION notes LRB 4010.doc

Hi Tracy,

Thanks for turning the municipal court draft around so quickly. However, I need to ask for one additional thing -- the attached SECTION notes need to be inserted in the places indicated. Also, could you please add, at the end of the relating clause, that this bill is "suggested as remedial legislation by the Law Revision Committee"?

This is all in the attached document. Thanks!!!!

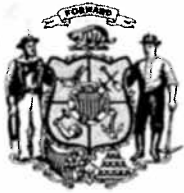


SECTION notes
LRB 4010.doc (25...

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

SECTION notes LRB 4010/1

1. Insert, at the end of the relating clause “(suggested as remedial legislation by the Law Revision Committee)”. Section 13.83(1)(c)4., Stats., gives authority to the Committee to introduce legislation.
2. After SECTION 3: Sections 1 to 3 eliminate references to the circuit court clerk’s responsibilities to file the oaths and bonds taken by municipal judges. Due to the enactment of 2009 Wisconsin Act 402, the clerk of the city, town, or village where the judge was elected is required to file the judge’s oath and bond.
3. After SECTION 4: Section 4 eliminates the requirement that a municipal citation or complaint must be signed by a law enforcement officer, attorney representing the municipality, or a conservation warden, municipal official or municipal employee. This signature requirement is eliminated due to the increased use of electronically generated citations. Instead, the bill requires that the citation or complaint contain the name of the law enforcement officer, attorney, or conservation warden, municipal official, or employee.
4. After SECTION 5: Municipal judges currently have the authority to enter a default judgment if the defendant fails to make an initial appearance or to make a deposit for the amount set for the violation. This provision gives a municipal judge to order a default judgment at a municipal trial, if the defendant fails to appear.
5. After SECTION 7: Section 7 deletes obsolete references to payment for appeal transcripts, since another statute, section 800.14(5), covers all issues related to payment for transcripts.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4010/2
TKK:jld/kjf/med:jm
RMR
insert

TODAY
2011 BILL

in 2/5/12
~~wanted soon~~ DUE
(2/7 @)
please

4
Regen

1 AN ACT *to repeal* 19.01 (4) (c) 3. and 59.40 (2) (L); *to amend* 19.01 (4) (c) 4.,
2 800.02 (2) (a), 814.08 (1) and 814.65 (5); and *to create* 800.08 (5) of the statutes;
3 **relating to:** the role of the clerk of a circuit court in filing the oath and bond
4 of a municipal judge; signatures on citations or complaints alleging a violation
5 of a municipal ordinance; the fee for a transcript of an electronic recording of
6 municipal court proceedings; and the authority of a municipal court judge to
7 order a default judgment against a defendant who fails to appear at trial

✓ Insert 1-7

Analysis by the Legislative Reference Bureau

This bill makes several changes to municipal court practice and procedure. Current law requires municipal judges to take and file an official oath and execute and file an official bond. 2009 Wisconsin Act 402 (Act 402) made a number of changes to the law governing municipal courts and municipal judges. Prior to the enactment of Act 402, municipal judges were required to file the oath and bond with the clerk of the circuit court. Act 402 requires municipal judges to, instead, file the oath and bond with the clerk of the city, town, or village, where the judge was elected. This bill eliminates a provision that requires municipal judges to file the oath and bond with the clerk of the circuit court for which the municipal judge serves. The bill also eliminates a requirement that the clerks of the circuit courts annually send a certified list of all municipal court judges who filed their official bonds with the clerks during the preceding year.

BILL

Under current law, a citation or complaint alleging a violation of a municipal ordinance must be signed by a law enforcement officer, an attorney representing the municipality, or, under certain circumstances, a conservation warden, municipal official, or municipal employee (signatory). This bill eliminates the requirement that the citation be signed and, instead, requires only that the name of the signatory appear in the citation or complaint.

Current law requires a defendant in municipal court to make an initial court appearance in person or in a written response to the citation or complaint. Current law permits a municipal court judge to order a default judgment against a defendant who fails to make an initial appearance or to make a deposit in the amount set for the violation. This bill permits a municipal court judge to order a default judgment against a defendant who fails to appear at trial.

Under current law, a person who appeals a municipal court judgment or decision (appellant) must pay for the cost of any transcript made of electronic recordings of the municipal court action. Current law also requires the appellant to pay a \$10 fee for the preparation of the transcript. Finally, under certain circumstances, current law requires a defendant appellant who does not prevail on appeal or whose appeal is dismissed to pay for the cost of the transcript. This bill eliminates the requirement that the appellant pay a \$10 transcript fee, and eliminates the duplicative requirement that a defendant appellant pay for the cost of the transcript if the appellant does not prevail on appeal.

Insert 2 - analysis

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

Insert 2 - 1

- 1
- 2
- 3

SECTION ^{auto ref A} (1) 19.01 (4) (c) 3. of the statutes is repealed.

SECTION 2. 19.01 (4) (c) 4. of the statutes is amended to read:

19.01 (4) (c) 4. All judges ~~or, other than municipal judges, and all judicial officers, not included in subds. 1. and 3. other than judicial officers under subd. 1.,~~ elected or appointed for that county, or whose jurisdiction is limited to that county.

Insert 2 - 7

- 6
- 7

SECTION ^{auto ref B} (3) 59.40 (2) (L) of the statutes is repealed.

SECTION ^{auto ref C} (4) 800.02 (2) (a) of the statutes is amended to read:

800.02 (2) (a) The citation or complaint shall be signed by contain the name of a law enforcement officer, attorney representing the municipality, or, if applicable, a conservation warden. In addition, the governing body of a municipality authorized to adopt the use of citations or complaints may designate by ordinance or resolution

BILL

1 other municipal officials who ~~may sign and~~ are authorized to issue and be named in
 2 citations or complaints with respect to ordinances which are directly related to the
 3 official responsibilities of the officials. Officials granted the authority to ~~sign and~~
 4 issue and be named in citations and complaints may delegate, with the approval of
 5 the governing body, the authority to employees. Authority delegated to an official or
 6 employee may be revoked only in the same manner by which it is conferred.

7 **SECTION 5.** 800.08 (5) of the statutes is created to read:

8 800.08 (5) If a defendant does not appear at trial, the court may enter a default
 9 judgment under s. 800.09.

10 **SECTION (6.)** 814.08 (1) of the statutes is amended to read:

11 814.08 (1) In actions appealed from municipal court, where there is no new
 12 trial, if the judgment is affirmed or the appeal dismissed the respondent shall have
 13 costs; if reversed, the appellant; if affirmed in part and reversed in part, the court
 14 may award the costs or such part thereof as is just to either party. ~~In actions appealed~~
 15 ~~by the defendant from municipal court, where there is no new trial, if the judgment~~
 16 ~~finding the defendant guilty under s. 800.09 is affirmed, or if the defendant's appeal~~
 17 ~~is dismissed, the defendant shall pay the full costs of the transcript prepared under~~
 18 ~~s. 800.14 (5), minus the \$10 transcript payment under s. 814.65.~~ Where there is a
 19 new trial, costs shall be awarded to the successful party; but if the appeal is from a
 20 judgment in favor of the appellant he or she shall have costs only if he or she obtains
 21 a more favorable judgment, and otherwise the respondent shall have costs. In all
 22 those cases full costs shall be the applicable fee under s. 814.61 (8) and all
 23 disbursements made for return of the judge and officers' and witnesses' fees, together
 24 with all costs taxable in the municipal court in the action.

25 **SECTION (7.)** 814.65 (5) of the statutes is amended to read:

Insert 3-7

Insert 3-10

auto ref D

auto ref E

BILL

1 814.65 (5) COSTS AND FEES ON APPEAL. On appeal from municipal court, the
2 appellant shall pay the fee prescribed in s. 814.61 (8). ~~The appellant shall also pay~~
3 ~~a fee of \$10 for the transcript prepared under s. 800.14 (5).~~ Costs shall be as provided
4 in s. 814.08.

(END)

5

Insert 4-5 ✓

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4010/lins
TKK:jld/kjf/med:jm

1 **Insert 1-7**

2 **#** (suggested as remedial legislation by the Law Revision Committee) ✓

Insert 2-analysis

3 **3 LRS. Check Component** For further information, see the **Notes** provided by the Law Revision Committee of the Joint Legislative Council. ✓

4 **Insert 2-1**

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., stats., as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (j), stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

5 **Insert 2-7**

NOTE: Sections 1 to 3 eliminate references to the circuit court clerk's responsibilities to file the oaths and bonds taken by municipal judges. Due to the enactment of 2009 Wisconsin Act 402, the clerk of the city, town, or village where the judge was elected is required to file the judge's oath and bond.

6 **Insert 3-7**

NOTE: Section 4 eliminates the requirement that a municipal citation or complaint must be signed by a law enforcement officer, attorney representing the municipality, or a conservation warden, municipal official, or municipal employee. This signature requirement is eliminated due to the increased use of electronically generated citations. Instead, the bill requires that the citation or complaint contain the name of the law enforcement officer, attorney, or conservation warden, municipal official, or employee. *

7 **Insert 3-10**

NOTE: Municipal judges currently have the authority to enter a default judgment if the defendant fails to make an initial appearance or to make a deposit for the amount set for the violation. This provision gives a municipal judge to order a default judgment at a municipal trial, if the defendant fails to appear.

8 **Insert 4-5**

NOTE: Sections 6 and 7 delete obsolete references to payment for appeal transcripts, since another statute, section 800.14 (5), covers all issues related to payment for transcripts.

Kuczenski, Tracy

From: Rose, Laura
Sent: Wednesday, February 08, 2012 9:18 AM
To: Kuczenski, Tracy
Subject: RE: LRB 0410/2

Hi Tracy

Tracy

That's okay -- this is the first time that I can remember that the Law Revision Committee and not a state agency requested a bill draft, so I'm confused too! Since the statute only allows state agencies or legislative entities to request remedial legislation, I think the prefatory note should say that the bill is "requested and introduced" by the Law Revision Committee under s. 13.83(1)(c)4 and 5.

Thanks

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Kuczenski, Tracy
Sent: Wednesday, February 08, 2012 8:40 AM
To: Rose, Laura
Subject: RE: LRB 0410/2

Oh, sorry Laura. We have a standard Prefatory note that has two options: case review and remedial legislation. I meant to use the remedial legislation, not the case review... The remedial legislation language reads: "This bill is a remedial legislation proposal, requested by the ??? and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats."

But, your suggested language does not contain this provision about remedial legislation -- is it not remedial legislation? And was it only the law revision committee that is involved in the request, or was it suggested by some other entity (a municipal judges group?).

Thanks, and sorry again.

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Rose, Laura
Sent: Wednesday, February 08, 2012 8:31 AM
To: Kuczenski, Tracy
Subject: LRB 0410/2

Hi Tracy,

I noticed a small correction that is needed to this draft.

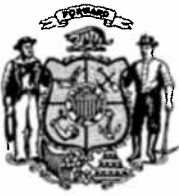
In this prefatory note, the correct statutory reference is s. 13.83(1)c4. Also, it was not introduced as a result of the case and opinion review. I think the pref note should read as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Let me know if you have any questions. Thanks again.

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4010/2 3

TKK:jld/kjf/med:rs

RMNR
Starr

2011 BILL

2/8/12

Today (see changes on p. 2, prefatory note)

1 AN ACT *to repeal* 19.01 (4) (c) 3. and 59.40 (2) (L); *to amend* 19.01 (4) (c) 4.,
2 800.02 (2) (a), 814.08 (1) and 814.65 (5); and *to create* 800.08 (5) of the statutes;
3 **relating to:** the role of the clerk of a circuit court in filing the oath and bond
4 of a municipal judge; signatures on citations or complaints alleging a violation
5 of a municipal ordinance; the fee for a transcript of an electronic recording of
6 municipal court proceedings; and the authority of a municipal court judge to
7 order a default judgment against a defendant who fails to appear at trial
8 (suggested as remedial legislation by the Law Revision Committee).

Analysis by the Legislative Reference Bureau

This bill makes several changes to municipal court practice and procedure.

Current law requires municipal judges to take and file an official oath and execute and file an official bond. 2009 Wisconsin Act 402 (Act 402) made a number of changes to the law governing municipal courts and municipal judges. Prior to the enactment of Act 402, municipal judges were required to file the oath and bond with the clerk of the circuit court. Act 402 requires municipal judges to, instead, file the oath and bond with the clerk of the city, town, or village, where the judge was elected.

This bill eliminates a provision that requires municipal judges to file the oath and bond with the clerk of the circuit court for which the municipal judge serves. The

BILL

bill also eliminates a requirement that the clerks of the circuit courts annually send a certified list of all municipal court judges who filed their official bonds with the clerks during the preceding year.

Under current law, a citation or complaint alleging a violation of a municipal ordinance must be signed by a law enforcement officer, an attorney representing the municipality, or, under certain circumstances, a conservation warden, municipal official, or municipal employee (signatory). This bill eliminates the requirement that the citation be signed and, instead, requires only that the name of the signatory appear in the citation or complaint.

Current law requires a defendant in municipal court to make an initial court appearance in person or in a written response to the citation or complaint. Current law permits a municipal court judge to order a default judgment against a defendant who fails to make an initial appearance or to make a deposit in the amount set for the violation. This bill permits a municipal court judge to order a default judgment against a defendant who fails to appear at trial.

Under current law, a person who appeals a municipal court judgment or decision (appellant) must pay for the cost of any transcript made of electronic recordings of the municipal court action. Current law also requires the appellant to pay a \$10 fee for the preparation of the transcript. Finally, under certain circumstances, current law requires a defendant appellant who does not prevail on appeal or whose appeal is dismissed to pay for the cost of the transcript. This bill eliminates the requirement that the appellant pay a \$10 transcript fee, and eliminates the duplicative requirement that a defendant appellant pay for the cost of the transcript if the appellant does not prevail on appeal.

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) ⁴⁰ and 5., stats. ^{requested and} as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (j), stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 19.01 (4) (c) 3. of the statutes is repealed.

2 **SECTION 2.** 19.01 (4) (c) 4. of the statutes is amended to read:

3 19.01 (4) (c) 4. All judges ~~or other than municipal judges, and all judicial~~
4 officers, ~~not included in subds. 1. and 3. other than judicial officers under subd. 1.,~~
5 elected or appointed for that county, or whose jurisdiction is limited to that county.

BILL

1 **SECTION 3.** 59.40 (2) (L) of the statutes is repealed.

NOTE: Sections 1 to 3 eliminate references to the circuit court clerk's responsibilities to file the oaths and bonds taken by municipal judges. Due to the enactment of 2009 Wisconsin Act 402, the clerk of the city, town, or village where the judge was elected is required to file the judge's oath and bond.

2 **SECTION 4.** 800.02 (2) (a) of the statutes is amended to read:

3 800.02 (2) (a) The citation or complaint shall ~~be signed by~~ contain the name of
4 a law enforcement officer, attorney representing the municipality, or, if applicable,
5 a conservation warden. In addition, the governing body of a municipality authorized
6 to adopt the use of citations or complaints may designate by ordinance or resolution
7 other municipal officials who ~~may sign and~~ are authorized to issue and be named in
8 citations or complaints with respect to ordinances which are directly related to the
9 official responsibilities of the officials. Officials granted the authority to ~~sign and~~
10 issue and be named in citations and complaints may delegate, with the approval of
11 the governing body, the authority to employees. Authority delegated to an official or
12 employee may be revoked only in the same manner by which it is conferred.

NOTE: Section 4 eliminates the requirement that a municipal citation or complaint must be signed by a law enforcement officer, attorney representing the municipality, or a conservation warden, municipal official, or municipal employee. This signature requirement is eliminated due to the increased use of electronically generated citations. Instead, the bill requires that the citation or complaint contain the name of the law enforcement officer, attorney, or conservation warden, municipal official, or employee.

13 **SECTION 5.** 800.08 (5) of the statutes is created to read:

14 800.08 (5) If a defendant does not appear at trial, the court may enter a default
15 judgment under s. 800.09.

the authority

* NOTE: Municipal judges currently have the authority to enter a default judgment if the defendant fails to make an initial appearance or to make a deposit for the amount set for the violation. This provision gives a municipal judge to order a default judgment at a municipal trial, if the defendant fails to appear.

16 **SECTION 6.** 814.08 (1) of the statutes is amended to read:

BILL**SECTION 6**

1 814.08 (1) In actions appealed from municipal court, where there is no new
2 trial, if the judgment is affirmed or the appeal dismissed the respondent shall have
3 costs; if reversed, the appellant; if affirmed in part and reversed in part, the court
4 may award the costs or such part thereof as is just to either party. ~~In actions appealed~~
5 ~~by the defendant from municipal court, where there is no new trial, if the judgment~~
6 ~~finding the defendant guilty under s. 800.09 is affirmed, or if the defendant's appeal~~
7 ~~is dismissed, the defendant shall pay the full costs of the transcript prepared under~~
8 ~~s. 800.14 (5), minus the \$10 transcript payment under s. 814.65. Where there is a~~
9 new trial, costs shall be awarded to the successful party; but if the appeal is from a
10 judgment in favor of the appellant he or she shall have costs only if he or she obtains
11 a more favorable judgment, and otherwise the respondent shall have costs. In all
12 those cases full costs shall be the applicable fee under s. 814.61 (8) and all
13 disbursements made for return of the judge and officers' and witnesses' fees, together
14 with all costs taxable in the municipal court in the action.

15 **SECTION 7.** 814.65 (5) of the statutes is amended to read:

16 814.65 (5) COSTS AND FEES ON APPEAL. On appeal from municipal court, the
17 appellant shall pay the fee prescribed in s. 814.61 (8). ~~The appellant shall also pay~~
18 ~~a fee of \$10 for the transcript prepared under s. 800.14 (5).~~ Costs shall be as provided
19 in s. 814.08.

NOTE: Sections 6 and 7 delete obsolete references to payment for appeal transcripts, since another statute, section 800.14 (5), covers all issues related to payment for transcripts.

Parisi, Lori

From: Rose, Laura
Sent: Wednesday, February 08, 2012 11:05 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-4010/3 Topic: Compile of municipal courts drafts

Please Jacket LRB 11-4010/3 for the SENATE.