




# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 02/02/2012 (Per: TKK)

### Compile Draft – Appendix **D** ... Part 01 of 01

A  The 2011 drafting file for  
LRB-3795

C  The 2011 drafting file for  
LRB-3797

B  The 2011 drafting file for  
LRB-3796

D  The 2011 drafting file for  
LRB-3799

**2011 LRB-3799** has been copied/added to the drafting file for

**2011 LRB-4010/1**

**2011 DRAFTING REQUEST**

**Bill**

Received: **12/30/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

May Contact: **Laura Rose 266-9791**

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: **tracy.kuczenski@legis.wisconsin.gov**  
**Rep.Ottj@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Grant municipal judges authority to order default judgment at trial stage

---

**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>
/?							
/P1	tkuczens 01/19/2012	jdye 01/23/2012	rschluet 01/23/2012	_____	sbasford 01/23/2012		
				_____	lparisi 01/23/2012		
				_____			

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 12/30/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact: Laura Rose 266-9791

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: tracy.kuczenski@legis.wisconsin.gov

Rep.Ott@legis.wisconsin.gov

Changed to Rep. Ott, Ta... Jim Ott

Pre Topic:

No specific pre topic given

Topic:

Grant municipal judges authority to order default judgment at trial stage

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>
/?							
/P1	tkuczens 01/19/2012	jdyer 01/23/2012	rschluet 01/23/2012	_____	sbasford 01/23/2012		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 12/30/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact: Laura Rose 266-9791

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: tracy.kuczenski@legis.wisconsin.gov  
Rep.Ott@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Grant municipal judges authority to order default judgment at trial stage

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>
1/2	tkuczens	Pl-23 jld		_____	_____	_____	_____

FE Sent For:

<END>

## Kuczenski, Tracy

---

**From:** Rose, Laura  
**Sent:** Friday, December 30, 2011 10:57 AM  
**To:** Kuczenski, Tracy; Hurley, Peggy  
**Subject:** Law revision bill request

**Attachments:** 1394\_001.pdf

Hi Tracy and Peggy



1394\_001.pdf  
(140 KB)

Representative Jim Ott, who is the Assembly Co-chair of the Law Revision Committee, asked me to get these items drafted as remedial legislation. This request will be by the Law Revision Committee, as opposed to a state agency. The statute seems to allow for that (see s. 13.83(1)(c)4., Stats.).

I hope it's okay that I sent it to both of you since you are both listed under "Courts".

I'll have another Ott request soon from the same group, but it won't be remedial. I'll send that in a separate email.

Thank you, and happy new year!

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

**MEMORANDUM TO MEMBERS OF THE SENATE AND ASSEMBLY  
FROM THE WISCONSIN MUNICIPAL JUDGES ASSOCIATION  
December, 2011**

The Wisconsin Municipal Judges Association has reviewed the implementation of 2009 Wis. Act 402 since its effective date of January 1, 2011. As might be expected with a bill which ran 49 pages, there are several areas that need to be addressed in a trailer bill. It is our understanding that a number of issues might be addressed by a bill put forward by the Law Revision Committee. They are as follows:

*[Handwritten scribbles]*  
4) Specific authority is given to the judge in secs. 800.035 and 800.045 to order default judgments at the initial appearance and pretrial stages. Similar authority should be given at the trial stage. This would be accomplished by the creation of a new sec. 800.08(5) which would authorize the judge to order judgment under sec. 800.09 if a defendant fails to appear at trial.

*[Handwritten scribbles]*  
800.035(a)

*[Handwritten scribbles]*  
For information, please contact Judge Dan Koval, City of Madison Municipal Court, (608) 264-9282, [dkoval@cityofmadison.com](mailto:dkoval@cityofmadison.com) or James Gramling, (414) 412-7962, [velagram2@aol.com](mailto:velagram2@aol.com).



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3799/2 P1

TKK:.....

RMR JLD

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1/19/12

soon

LX

Gen

1 **AN ACT ...; relating to:** authority of a municipal court judge to order a default  
2 judgment against a defendant who fails to appear at trial.

***Analysis by the Legislative Reference Bureau***

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:***

3 **SECTION 1.** 800.08 (5) of the statutes is created to read:  
4 800.08 (5) If a defendant does not appear at trial, the court may enter a default  
5 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.

\*  
\*

6

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3799:P1  
TKKjld:rs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT to create** 800.08 (5) of the statutes; **relating to:** authority of a municipal  
2 court judge to order a default judgment against a defendant who fails to appear  
3 at trial.

---

***Analysis by the Legislative Reference Bureau***

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:***

4 **SECTION 1.** 800.08 (5) of the statutes is created to read:  
5 800.08 (5) If a defendant does not appear at trial, the court may enter a default  
6 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.

1

(END)