



2013 SENATE BILL 275

August 29, 2013 – Introduced by Senator GROTHMAN, cosponsored by Representative J. OTT. Referred to Committee on Judiciary and Labor.

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.

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 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 that 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.

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

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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.

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

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.

6 **SECTION 3.** 59.40 (2) (L) of the statutes is repealed.

7 **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
12 other municipal officials who ~~may sign and~~ are authorized to issue and be named in

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

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

7 800.08 (5) If a defendant does not appear at trial, the court may enter a default
8 judgment under s. 800.09.

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

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

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

