



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1117/P3
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-1120

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

CIRCUIT COURTS

This bill consolidates several general purpose revenue appropriations, related to circuit court costs, to the director of state courts into one biennial appropriation and requires the director to define circuit court costs.

OTHER COURTS AND PROCEDURE

This bill consolidates general purpose revenue appropriations for the director of state courts and the state law library.

Currently, with limited exceptions, a person paying certain court fees, such as a fee to commence a civil action or a small claims action, must also pay a \$21.50 justice information system surcharge. This bill eliminates the exceptions to the payment of the surcharge.

Under current law, with certain exceptions, a defendant in a forfeiture action in circuit court must pay a fee of \$25 when judgment is entered against the defendant. This bill eliminates the exceptions to the payment of the fee.

Under current law, if a person is required to appear in a circuit court or in a municipal court to answer a charge of operating an all-terrain vehicle, a snowmobile, a motor vehicle, or a boat under the influence of an intoxicant or with a prohibited

blood alcohol concentration, the court, upon finding that the person committed the violation, imposes and collects from the person any costs charged to, paid by, or expected to be charged to, a law enforcement agency to withdraw the person's blood.

Under the bill, a court also imposes on and collects from a person who operates an aircraft under the influence of an intoxicant or with a prohibited blood alcohol concentration, the costs charged to, paid by, or expected to be charged to, a law enforcement agency to collect the person's blood.

Under current law, the Judicial Commission, composed of five nonlawyers appointed by the governor with the consent of the senate and two judges and two state bar members appointed by the supreme court, investigates any misconduct or permanent disability of a judge or court commissioner. The supreme court reviews the actions of the Judicial Commission and determines the appropriate discipline or action to take in response to the judicial commission's investigation. The bill moves the appropriations for administering the Judicial Commission to the supreme court.

Under current law, the Judicial Council consists of 21 designated or appointed members, including a supreme court justice, one court of appeals judge, four circuit court judges, the chairpersons of the senate and assembly committees dealing with judicial affairs or their designees, and the attorney general or his or her designee. Current law empowers the council to investigate and report on matters including the following: 1) to advise the supreme court of changes to the rules of pleading, practice, and procedure that would simplify procedure and promote a speedy determination of litigation on its merits; 2) to study the organization, jurisdiction, and methods of administration and operation of all the courts in the state; and 3) to recommend to the legislature changes to the business of the courts that can be accomplished only through legislation. This bill eliminates the Judicial Council and its appropriations.

For further information see the *state* 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:

SECTION 1. 16.74 (2) (b) of the statutes is amended to read:

16.74 (2) (b) Contracts for purchases by the senate or assembly shall be signed by an individual designated by the organization committee of the house making the purchase. Contracts for other legislative branch purchases shall be signed by an individual designated by the joint committee on legislative organization. Contracts for purchases by the judicial commission ~~or judicial council~~ shall be signed by an individual designated by the commission ~~or council~~, respectively. Contracts for other

judicial branch purchases shall be signed by an individual designated by the director of state courts.

SECTION 2. 20.455 (2) (i) 16. of the statutes is created to read:

20.455 (2) (i) 16. The amount transferred to s. 20.625 (1) (k) shall be the amount in the schedule under s. 20.625 (1) (k).

SECTION 3. 20.505 (1) (id) (intro.) of the statutes is amended to read:

20.505 (1) (id) *Justice information fee receipts.* (intro.) All moneys less \$700,000 received from the justice information surcharge under s. 814.86 (1) for the purpose of annually transferring the amounts indicated in subds. 1. to 8 7. The following amounts shall be transferred to the following appropriation accounts:

SECTION 4. 20.505 (1) (id) 8. of the statutes is repealed.

SECTION 5. 20.625 (1) (a) of the statutes is amended to read:

20.625 (1) (a) *Circuit courts.* A sum sufficient for salaries and expenses of the judges, ~~reporters and assistant reporters~~ of the circuit courts.

SECTION 6. 20.625 (1) (as) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 7. 20.625 (1) (c) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 20.625 (1) (cg) of the statutes is created to read:

20.625 (1) (cg) *Circuit court costs.* Biennially, the amounts in the schedule to make payments to counties for circuit court costs under s. 758.19 (5).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9. 20.625 (1) (d) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 10. 20.625 (1) (e) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 11. 20.625 (1) (k) of the statutes is amended to read:

20.625 (1) (k) *Court interpreters.* The amounts in the schedule to pay interpreter fees reimbursed under s. 758.19 (8) and ~~2009 Wisconsin Act 28, section 9109 (1).~~ All moneys transferred from the appropriation account under s. 20.505 (1) (id) ~~8.~~ 20.455 (2) (i) 16. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.455 (2) (i).

SECTION 12. 20.665 (intro.) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 13. 20.665 (1) (title) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 14. 20.665 (1) (a) and (cm) of the statutes are consolidated, renumbered 20.680 (3) (d) and amended to read:

20.680 (3) (d) *General Judicial commission general program operations and contractual agreements.* ~~The Biennially, the~~ amounts in the schedule for the general program operations of the judicial commission. ~~(cm) *Contractual agreements.*~~ Biennially, the amounts in the schedule and for payments relating to contractual agreements for investigations ~~or,~~ prosecutions, or both.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 15. 20.665 (1) (mm) of the statutes is renumbered 20.680 (3) (m) and amended to read:

20.680 (3) (m) *Federal aid; judicial commission.* All federal moneys received as authorized under s. 16.54 and approved by the joint committee on finance to carry out the purposes for which made and received.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 16. 20.670 of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 17. 20.680 (2) (title) of the statutes is amended to read:

20.680 (2) (title) DIRECTOR OF STATE COURTS AND LAW LIBRARY.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 18. 20.680 (2) (a) of the statutes is amended to read:

20.680 (2) (a) *General program operations.* ~~The~~ Biennially, the amounts in the schedule to carry into effect the functions of the director of state courts and general program operations for the state law library.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 19. 20.680 (2) (b) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 20. 20.680 (3) (title) of the statutes is amended to read:

20.680 (3) (title) BAR EXAMINERS AND RESPONSIBILITY; JUDICIAL COMMISSION.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 21. 20.680 (4) (title) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 22. 20.680 (4) (a) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 23. 20.680 (4) (g) of the statutes is renumbered 20.680 (2) (L).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 24. 20.680 (4) (h) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 25. 20.923 (6) (d) of the statutes is repealed.

SECTION 26. 230.08 (2) (wh) of the statutes is repealed.

SECTION 27. 751.12 (5) of the statutes is repealed.

SECTION 28. 751.20 of the statutes is repealed.

SECTION 29. 753.061 (5) of the statutes is repealed.

SECTION 30. 758.13 of the statutes is repealed.

SECTION 31. 758.19 (5) of the statutes is repealed and recreated to read:

758.19 (5) From the appropriation under s. 20.625 (1) (cg), the director of state courts shall make payments to counties for circuit court costs. The director of state courts shall define “circuit court costs” for purposes of this subsection.

SECTION 32. 758.19 (6) of the statutes is repealed.

SECTION 33. 758.19 (8) of the statutes is repealed.

SECTION 34. 814.63 (1) (b) of the statutes is renumbered 814.63 (1).

SECTION 35. 814.63 (1) (c) of the statutes is repealed.

SECTION 36. 814.63 (3m) (a) of the statutes is amended to read:

814.63 (3m) (a) Except as provided in par. (d), if a defendant is required to appear in court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the court shall impose and collect from the defendant any costs charged to or paid by a law enforcement agency for the withdrawal of the defendant’s blood if the court finds that the defendant violated s. 23.33 (4c), 30.681, 114.09, 346.63, or 350.101, or a local ordinance in conformity therewith.

SECTION 37. 814.63 (5) of the statutes is amended to read:

814.63 **(5)** Of the fees received by the clerk under sub. (1) ~~(b)~~, the county treasurer shall pay \$17.50 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The secretary of administration shall credit \$5 of the \$17.50 to the appropriation under s. 20.680 (2) (j).

SECTION 38. 814.65 (4m) (a) of the statutes is amended to read:

814.65 **(4m)** (a) Except as provided in par. (d), if a defendant is required to appear in municipal court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the municipal court shall impose and collect from the defendant any costs charged to or paid by a law enforcement agency for the withdrawal of the defendant's blood if the court finds that the defendant violated a local ordinance in conformity with s. 23.33 (4c), 30.681, 114.09, 346.63, or 350.101.

SECTION 39. 814.86 (1) of the statutes is amended to read:

814.86 **(1)** ~~Except for an action for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the~~ The clerk of circuit court shall charge and collect a \$21.50 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

SECTION 40. 885.38 (8) (a) 1. of the statutes is amended to read:

885.38 **(8)** (a) 1. The county in which the circuit court is located shall pay the expenses in all proceedings before a circuit court and when the clerk of circuit court uses a qualified interpreter under sub. (3) (d). The county shall be reimbursed as

provided in the manner determined by the director of state courts under s. 758.19 (8) for expenses paid under this subdivision.

SECTION 41. 973.06 (1) (j) of the statutes is amended to read:

973.06 (1) (j) If the defendant violated s. 23.33 (4c), 30.681, 114.09, 346.63, 350.101, 940.09 (1), or 940.25, any costs charged to or paid by a law enforcement agency for the withdrawal of the defendant's blood, except that the court may not impose on the defendant any cost for an alternative test provided free of charge as described in s. 343.305 (4). If at the time the court finds that the defendant committed the violation, the law enforcement agency has not paid or been charged with the costs of withdrawing the person's blood, the court shall impose and collect the costs the law enforcement agency reasonably expects to be charged for the withdrawal, based on the current charges for this procedure. Notwithstanding sub. (2), the court may not remit these costs.

SECTION 42. [2009 Wisconsin Act 28](#), section [9109 \(1\)](#) is repealed.

SECTION 9307. Initial applicability; Circuit Courts.

(1) COSTS OF BLOOD WITHDRAWALS. The treatment of sections 814.63 (3m) (a), 814.65 (4m) (a), and 973.06 (1) (j) of the statutes first applies to a blood withdrawal that occurs on the effective date of this subsection.

(END)