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# Wisconsin Legislative Council

## ACT MEMO

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February 24, 2020

### 2019 Wisconsin Act 70 [2019 Senate Bill 214]

### Municipal Ordinance Enforcement and Court Procedures

2019 Wisconsin Act 70 changed various aspects of prior law relating to municipal courts. Specifically, the act does all of the following:

- Requires a municipality to include costs for the municipal prosecuting attorney and law enforcement agency separately from the **municipal court budget**.
- Aligns the process for dissolving an **agreement for a joint municipal court** with the end of a judge's term, but requires that an ordinance to dissolve an agreement must be submitted to the county clerk and the director of state courts before October 1 of the year preceding the end of the municipal judge's current term.
- Clarifies that a municipality must only reimburse a county for **county jail charges** if the municipal charges were the only sufficient basis for confinement.
- Clarifies a provision of current law that prohibits a municipal court clerk from wearing attire suggesting that the clerk is a law enforcement officer to specify that a clerk also may not wear **attire** suggesting the clerk is an employee of a law enforcement agency.
- Requires a municipality to provide an **armed guard or law enforcement officer** for municipal court sessions, if requested by a municipal judge.
- Applies the approach to **calculating time** in circuit courts to time calculations in municipal courts.
- Makes relatively minor modifications relating to **initial appearances**.
- Allows a municipal judge to also transfer citations and complaints arising from the same incident when transferring an **operating while intoxicated (OWI) case** to circuit court.
- Specifies that requests for **substitution or disqualification** result in a new judge, not a new court.
- Removes a requirement that a judge must request a new judge in writing in cases of **illness, absence, or vacancy**.
- Provides new factors for a judge to consider when determining whether to allow an appearance by **telephone or audiovisual means**.
- Requires a defendant seeking to **void a judgment** based on certain conditions to have disclosed certain information.
- Clarifies that **restitution** is available in cases of theft and death.
- Clarifies procedures for collection of **unpaid forfeitures**, including by allowing enforcement through a court order.

- Prohibits municipal courts from imposing fees for filing a **motion to reconsider** a judgment, except for actual expenses, and specifies responses a municipal court may make to such a motion.
- Expands the categories of municipal court procedures that are required to be **electronically recorded**.
- Clarifies procedures for **appeals** of municipal court decisions to circuit court, including creating a 30-day timeline for transmitting the case to circuit court, and specifying that a circuit court may review an order lifting a stay at any point, without waiting for the appeal to be perfected.
- Clarifies that **OWI cases** transferred to circuit court are subject to a standard \$5 filing fee and that forfeitures in such cases must be sent to the municipality.
- Allows a defendant to be **served** by mail to the defendant's attorney at the address on file with the court.
- With respect to considering a defendant's **ability to pay** in actions for relief from judgment, adds a cross-reference to clarify that ability-to-pay considerations are guided by factors set forth in statute.

**Effective date:** January 23, 2020

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