

No. 249, A.]

[Published May 3, 1945.]

CHAPTER 103.

AN ACT to repeal and recreate 62.24 of the statutes, relating to police justices of the peace in cities.

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

62.24 of the statutes is repealed and recreated to read:

62.24 POLICE JUSTICE COURT. (1) PRESIDING JUSTICE.

(a) The common council of any city may by ordinance provide for the election of a justice of the peace to be "police justice of the peace" in addition to justices of the peace otherwise provided for by law. Such police justice of the peace shall be elected at large as provided by the council. He shall qualify pursuant to section 62.09 (4):

(b) The council may fix a salary for such justice which shall be in lieu of fees and costs.

(c) In case of his absence, sickness or disability, he may, by written order filed in his court, designate a justice of the peace to perform his duties during such time.

(2) JURISDICTION. (a) The police justice of the peace shall have the jurisdiction, both as to subject matter and as to territory, of any other justice of the peace and the exclusive jurisdiction of offenses against ordinances of the city.

(b) The police justice of the peace may punish a violation of a city ordinance by fine or imprisonment, or both, and may sentence any person convicted of a violation of a city ordinance, or of a misdemeanor, to pay a fine and the costs of prosecution or be imprisoned in the county jail, and may order the prisoner, if able, to be kept at hard labor. Prisoners confined in the county jail or in some other penal or correctional institution for violation of a city ordinance shall be kept at the expense of the city and such city shall be liable therefor.

(c) Civil actions, except actions under city ordinances, may be removed to another justice of the peace the same as such actions may be removed from one justice of the peace to another justice of the peace.

(d) No other justice of the peace shall have criminal jurisdiction of offenses committed in the city, nor power to issue warrant for, examine, commit or hold to bail any person charged with an offense therein.

(c) In criminal actions where affidavit of prejudice shall be filed as provided by section 361.35, the police justice of the peace shall call in a justice of the peace to try the case. The officer so sitting shall have the powers and duties of the police justice of the peace, and shall receive such compensation as the council shall determine, to be paid by the city.

(3) PROCEDURE. (a) The court of the police justice of the peace shall be called the "Police Justice Court." It shall be open daily except Sundays and legal holidays.

(b) The procedure shall be the same as is applicable to other justices of the peace, except as otherwise provided.

(c) The police justice of the peace shall keep a criminal docket wherein shall be entered the substance of every complaint, date of the issuance of warrant, and date and substance of return thereon, plea of the accused, name of the witnesses, names and verdict of the jury, if any, and the judgment.

(d) Juries shall be selected in criminal cases in the same manner as in other justice courts except that either side may challenge 2 talesmen preemptorily.

(e) The taxable costs shall be the same as in other justice courts, and shall be paid to the justice or officer earning the same unless he is receiving a salary in lieu thereof, when they shall be paid into the city treasury.

(4) COUNCIL MAY ABOLISH. (a) The council may by ordinance abolish the police justice court at the end of any term for which the police justice of the peace shall have been elected.

(b) In cities having no police justice court the council may fix the fees or compensation of officers and magistrates for services in actions for violation of city ordinances.

(5) EXCEPTION. This section shall not apply to cities having a court or judge with substantially the same jurisdiction as that conferred by subsection (2), except that any city of the second class, within which a municipal court is located, having a jurisdiction of at least \$25,000 in civil cases, may, by ordinance, establish a police justice court, as provided in this section, and thereupon the jurisdiction of such municipal court shall not be deemed to include offenses against ordinances of such city and the police justice court thus created shall be vested with the jurisdiction specified in subsection (2).

(6) EXISTING POLICE JUSTICES. In any city which has a police justice pursuant to section 62.24 of the 1943 or prior statutes, the provisions of that section shall remain effective until such time that a police justice of the peace is designated under the provisions of this section but not later than May 1, 1947.

Approved May 1, 1945.

No. 92, S.]

[Published May 4, 1945.

CHAPTER 104.

AN ACT to amend 49.10, 50.03 (2), 50.10, 50.11 (1), 58.06 (2); and to create 50.03 (2a) and (2b) and 50.07 (2a) of the statutes, relating to the public care of the tuberculous.

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

SECTION 1. 49.10 of the statutes is amended to read:

49.10 If any person at the time of receiving any relief, support or maintenance at public charge, under this chapter or as an inmate of any county or municipal institution in which the state is not chargeable with all or a part of the inmate's maintenance or as a tuberculosis patient provided for in chapter 50 and section 58.06 (2), or at any time thereafter, is the owner of property, the authorities charged with the care of the poor of the municipality, or the board in charge of the institution, chargeable with such relief, support or maintenance may sue for and collect the value of the same against such person and against his estate. In any such action or proceeding the statutes of limitation shall not be pleaded in defense, except that nothing contained herein shall be construed to eliminate the bar of the nonclaim statute (section 313.08); but the court may, in its discretion, refuse to render judgment or allow the claim in favor of the claimant in any case where a parent, wife or child is dependent on such property for future support. The records kept by the municipality or institution for the purpose of showing the names and value of the relief, support and maintenance furnished shall be prima facie evidence. *This section shall not apply to any person who shall receive care for pulmonary tuberculosis as provided in section 50.03 (2a) and section 50.07 (2a).*