

CHAPTER 614

AN ACT to repeal, amend and repeal and recreate various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language, correcting references, eliminating unnecessary and obsolete provisions, and reconciling conflicts (Revisor's correction bill on court reorganization matters).

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

SECTION 1. 17.12 (2) (a) of the statutes is amended to read:

17.12 (2) (a) Elective. Elective officers * * * by recall as provided in s. 10.44.

SECTION 2. 17.23 (2) (b) of the statutes is repealed.

SECTION 3. 19.01 (4) (a) and (b) of the statutes are amended to read:

19.01 (4) (a) In the office of the secretary of state: Of all members and officers of the legislature; of the governor, lieutenant governor and state superintendent; of the justices, reporter and clerk of the supreme court; of the judges and reporters of the circuit *and county* courts; of all notaries public; of every officer, except the secretary of state, state treasurer * * * *and* attorney general * * *, whose compensation is paid in whole or in part out of the state treasury, including every member or appointee of a board or commission whose compensation is so paid; and of every deputy or assistant of an officer who files with the secretary of state;

(b) In the executive office: Of the secretary of state, state treasurer * * * *and* attorney general * * *;

SECTION 4. 48.31 (3) of the statutes is amended to read:

48.31 (3) The detention home shall be in charge of a superintendent and shall be furnished and conducted, as far as possible, as a family home. The judge or, where 2 or more counties operate a joint detention home, the committee of judges shall appoint the superintendent and other necessary personnel for the care and education of the children in the detention home, subject to civil service regulations in counties having civil service. In counties having a * * * *population of more than 500,000*, the chief probation officer may serve as superintendent of the detention home if the county board so determines.

SECTION 5. 51.04 (1) of the statutes is amended to read:

51.04 (1) The sheriff or any other police officer may take into temporary custody any person who is violent or who threatens violence and who appears irresponsible and dangerous. The sheriff or other police officer shall take temporary custody of any person when it appears by application delivered to such officer and executed by 3 persons, one of whom shall be a physician licensed to practice medicine and surgery in this state, that such person has a mental illness, is in need of hospitalization, and is irresponsible and dangerous to himself or others. The application shall set forth the name and address of the patient together with a statement by the physician which describes the illness and reasons why the patient is considered irresponsible and dangerous. This is an emergency provision intended for the protection of persons and property. Such person may be kept in custody until regular proceedings are instituted to cope with the case, but not exceeding 5 days. The application provided

for herein shall be presented by such sheriff or other police officer to the county * * * court of the county in which the patient is found, and shall be considered an application for mental examination within the meaning of s. 51.01 (1) (a).

SECTION 6. 51.065 (2) of the statutes as amended by chapter 497 (Bill 324, S), laws of 1961, is amended to read:

51.065 (2) The report of the 2 examining physicians shall contain a recommendation that the mentally deficient person be committed to the northern or southern colony and training school, and shall be forwarded by the physicians to the county court of the county in which the patient is found * * *. In the case of minors under the age of 18 years, the report and recommendation of the examining physicians shall be forwarded to the juvenile court.

SECTION 7. 51.07 (1) of the statutes is repealed.

SECTION 8. 51.07 (2) of the statutes is amended to read:

51.07 (2) Unless previously fixed by the county board of the county in which the examination is held, the examining physician shall receive a fee of not less than \$4 nor more than \$20 as fixed by the court, for participation in * * * *commitment* proceedings, and 10 cents per mile for necessary travel.

SECTION 9. Sections 52.24, 52.25, 52.26, 52.27 and 52.30 of the statutes, as amended by chapter 495 (Bill 116, S), laws of 1961, are amended by substituting "court commissioner" for "officer" in the phrase "court or officer", wherever it appears.

SECTION 10. 52.31 of the statutes, as amended by chapter 495 (Bill 116, S), laws of 1961, is amended to read:

52.31 (1) If the defendant does not enter into a settlement agreement with the complainant as provided in s. 52.28 or 52.29 and there is probable cause to believe him to be the father of the child, the * * * court or * * * *court commissioner* shall cause him to be bound over for trial at the next term of the circuit or county court for the proper county.

(2) The * * * court or * * * *court commissioner* shall thereupon certify and return the examination and all testimony so taken before him with all process and papers in the case to the clerk of said circuit or county court. If any examination has been had as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his paternity, and the district attorney afterwards discovers admissible evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another proceeding shall be had.

SECTION 11. 59.77 (8) (intro. par.) of the statutes is amended to read:

59.77 (8) (intro. par.) Whenever any county having a population of * * * 500,000 or more is liable for juror, witness, interpreter, attorney, guardian ad litem fees on the part of the state or of the defendant in any action or proceeding before a judge of the circuit * * * or county * * * court * * * or before the medical examiner of such county, the procedure to secure payment of such fees shall be as follows:

SECTION 12. 59.82 of the statutes is amended to read:

59.82 The auditing committee of the county board in counties which have such a committee and in other counties the county auditor, or the

county clerk if there is no county auditor, shall personally, before the meeting of the county board in each year, inspect the docket of every justice of the peace, * * * municipal * * * *justice of the peace* or other magistrate in the county who is authorized to receive fines under s. 960.34, when such magistrate has had any criminal case during the previous year and ascertain therefrom the amount of such fines received by any such magistrate during the preceding year ending October 31 and make a separate written report for each such magistrate, which report shall be verified by his affidavit, embrace the title of each case in which any such fine was received, the date of conviction and the total amount of fines received during the period covered by such report. To facilitate the making of such examinations and reports the several magistrates shall deliver their dockets to the auditing committee, county auditor or county clerk, as the case may be, at such time before or during the annual meeting of the county board and at such place as such committee, auditor or clerk may designate, to be forthwith examined and to be returned to such magistrate on the same day of delivery. The county board shall, at their annual meeting, compare the reports upon such examinations with those made by magistrates pursuant to said s. 960.34.

SECTION 13. 62.26 (6) (a) of the statutes is amended to read:

62.26 (6) (a) Justices of the peace and * * * *municipal justices of the peace* shall qualify and have jurisdiction in each county the same as though the city lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. If a defendant resides in either of said counties, venue upon appeal or certiorari in civil cases shall be in such county, otherwise in that one of said counties where the cause of action arose, if it arose in either, otherwise in either county. In criminal cases venue upon appeal or certiorari shall be in the county where the offense was committed. In cases of removal of a cause, the papers shall be transmitted to the nearest justice of the peace of the city competent to try the same, and if there be none such or he be absent or sick, then to the nearest justice of the peace of the county where a defendant was served and in criminal cases of the county where the offense was committed.

SECTION 14. 66.12 (2) of the statutes is amended to read:

66.12 (2) Appeals in actions to recover forfeitures and penalties imposed by any ordinance, resolution or bylaw of the city or village may be taken either by the defendant or by such municipality to the circuit court * * * in the same manner as from judgments in civil actions by justices of the peace, except that such appeal shall be perfected within 5 days after judgment is entered. If the appeal is taken by the defendant he shall, as a part thereof, execute a bond to the city or village with surety, to be approved by the justice or judge, conditioned that if judgment be affirmed in whole or in part he will pay the same and all costs and damages awarded against him on such appeal. In case such judgment shall be affirmed in whole or in part execution may issue against both defendant and his surety. The appellant shall pay the fees and suit taxes prescribed in s. 306.02 (1). Upon perfection of the appeal the defendant shall be discharged from custody. In all actions brought by a city or village lying in 2 or more counties appeals may be taken to the circuit court * * * of the county wherein the offense was tried. All commitments to county institutions shall be made to such county.

SECTION 15. 66.12 (3) (b) of the statutes, as renumbered from 66.12 (3) by chapter 519 (Bill 123, S), laws of 1961, is amended to read:

66.12 (3) (b) All forfeitures and penalties recovered for the violation of any ordinance, resolution or by-law of any city or village shall be paid into the city or village treasury for the use of such city or village,

except as otherwise provided in s. 62.13 (9) (a). The * * * *municipal* justice or judge shall report and pay into the treasury, quarterly, or at more frequent intervals if so required, all moneys collected by him belonging to such city or village, which report shall be certified and filed in the office of the treasurer; and he shall be entitled to duplicate receipts for such moneys, one of which he shall file with the city or village clerk.

SECTION 16. 66.12 (4) of the statutes is repealed.

SECTION 17. 253.02 (1) of the statutes, as amended by chapters 1 (Bill 21, S) and 503 (Bill 219, A), laws of 1961, is repealed and recreated to read:

253.02 (1) The following county courts have branches as follows:

(a) Two branches:

- 5. Columbia
- 8. Dodge
- 20. Jefferson
- 23. La Crosse
- 29. Manitowoc
- 30. Marathon
- 35. Ozaukee
- 45. Sauk
- 49. Shawano-Menominee
- 50. Sheboygan
- 55. Walworth
- 58. Washington
- 60. Waukesha
- 64. Winnebago
- 65. Wood

(b) Three branches:

- 5. Brown
- 10. Douglas
- 15. Fond du Lac
- 20. Kenosha
- 30. Outagamie

(c) Four branches:

- 10. Dane
- 30. Racine
- 32. Rock

(m) Twelve branches:

- 5. Milwaukee

SECTION 18. 253.02 (1r), (1s), (1w) and (1x) of the statutes, as created by chapters 491 (Bill 65, A), 492 (Bill 90, A), 503 (Bill 219, A), 527 (Bill 269, S) and 538 (Bill 261, A), laws of 1961, are repealed.

SECTION 19. 253.06 of the statutes, as amended by chapter 495 (Bill 116, S), laws of 1961, is amended to read:

253.06 The term of office of every elected county judge is 6 years, and until his successor is elected and qualifies, which term commences with the first Monday in January next succeeding his election, except that the judges elected for the Rock county court, branch No. 3, and for the Brown county court, branch No. 2, at the spring, 1966, election shall serve for terms commencing the first Monday in May 1966 and ending the first Monday in January 1972; the judge elected for the Rock county court, branch No. 2, at the April 1965 election shall serve for a term commencing on the last Monday in June 1965, and ending the first Monday in January 1971; the judge elected for the Douglas county court, branch No. 2, at the spring, 1965, election shall serve for a term commencing the first Monday in

May 1965, and ending the first Monday in January 1971; the judges elected for the Outagamie county court, branch No. 2, and the Douglas county court, branch No. 3, at the spring, 1967, election shall serve for terms commencing May 1, 1967 and ending the first Monday in January 1973; the judge elected for the Milwaukee county court, branch No. 11, at the spring, 1967, election shall serve for a term beginning the first Monday in June 1967, and ending the first Monday in January 1973; the judge elected for the Fond du Lac county court, branch No. 2, at the spring, 1964, election shall serve for a term beginning May 1, 1964, and ending the first Monday in January 1970; the judge elected for the Sheboygan county court branch No. 2, at the spring, 1962, election shall serve for a term beginning the first Monday in June 1962, and ending the first Monday in January 1968; the judge elected for the Ozaukee county court branch No. 2, in the spring 1962 election shall serve for a term commencing the first Monday in July 1962 and ending the first Monday in January, 1968; and the judge elected for the Dane county court, branch No. 3, at the spring, 1961, election shall serve for a term beginning the first Monday in July 1961 and ending the first Monday in January 1967. *The judges of the second branch of county court in La Crosse county and the third branch of county court in Brown county shall be elected at the spring, 1962 election for a term beginning the first Monday in May, 1962 and ending the first Monday in January 1968. The judges of the second branch of county court in Columbia and Sauk counties, of the third branch of county court in Fond du Lac county, and of the fourth branch of county court in Rock county shall be elected at the spring, 1962 election for a term beginning the first Monday in July, 1962 and ending the first Monday in January 1968.*

SECTION 20. 253.11 (2) of the statutes, as created by chapter 495 (Bill 116, S), laws of 1961, is amended to read:

253.11 (2) The county court shall have jurisdiction over all actions for ordinance violations within the county except violations of ordinances of towns, villages or cities which have established municipal justices of the peace. * * *

SECTION 21. 253.11 (3) of the statutes, as created by chapter 495 (Bill 116, S), laws of 1961, is repealed.

SECTION 22. 253.26 of the statutes, as created by chapter 495 (Bill 116, S), laws of 1961, is amended to read:

253.26 PRESUMPTION IN FAVOR OF ORDERS. When the validity of any order or judgment of a county court in a proceeding under Title XXIX, or to terminate a life estate or joint tenancy, in an inheritance tax proceeding, shall be drawn in question in another action or proceeding, everything necessary to have been done or proved to render the order or judgment valid, and which might have been proved by parol at the time of making the order or judgment and was not required to be recorded, shall, after 20 years from such time be presumed to have been done or proved unless the contrary appears on the same record.

SECTION 23. 253.34 (3) of the statutes, as created by chapter 495 (Bill 116, S), laws of 1961, is amended by substituting "sub. (1)" for the reference to "s. 253.44 (1)".

SECTION 24. 289.21 (1) of the statutes is amended by substituting "county courts" for "municipal courts" in the last sentence.

SECTION 25. 299.01 (4) (b) of the statutes, as created by chapter 519 (Bill 123, S), laws of 1961, is amended by substituting "s. 299.12 (1) (a) 2 or 3" for the reference to "s. 299.12 (1) (b) or (c)".

SECTION 26. 946.15 (1) and (2) of the statutes are amended to read:

946.15 (1) A justice of the peace, * * * *municipal justice of the peace* or constable who directly or indirectly acquires a financial interest in any note, bond, demand or cause of action for the purpose of commencing an action thereon before a justice of the peace or * * * *municipal justice*; or

(2) A justice of the peace, * * * *municipal justice of the peace*, or constable who lends or advances, agrees to lend or advance, or procures to be lent or advanced anything of value to another as an inducement to such other person to place a cause of action in his hands for prosecution or collection or as a reward or consideration for such other person having done so; or

SECTION 27. 954.09 (last sentence) of the statutes, as amended by chapter 561 (Bill 235, A), laws of 1961, is amended to read:

954.09 (last sentence) If there are 2 or more defendants and less than all join in the affidavit of prejudice then the * * * *examining magistrate* shall be changed as to all the defendants.

SECTION 28. 957.052 of the statutes, as created by chapter 561 (Bill 235, A), laws of 1961, is amended by substituting "s. 255.04 (6)" for the reference to "s. 255.04 (b)".

SECTION 29. 960.34 of the statutes is amended to read:

960.34 All fines imposed by a justice court, * * * *municipal * * * justice of the peace* or other magistrate, if paid before the defendant is committed, shall be received by the court or magistrate. The amount thereof, the date when received and the title of the action shall be entered on the docket or other record required to be kept and be paid to the county treasurer within 30 days after the receipt thereof. And the court or magistrate shall at the same time report in writing to the treasurer the date of conviction, the title of the action and the crime for which the fine was imposed.

SECTION 30. Section 2a of Chapter 1, Laws 1961, is repealed.

SECTION 31. This act shall take effect January 1, 1962.

Approved December 21, 1961.
