

Assembly Bill 696

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CHAPTER 275, LAWS OF 1967

AN ACT to renumber 252.015 (1) (e), 253.02 (1) (a) 50, (b) 5, (c) 30 and (d) 5 and 273.035; to amend 57.025 (4) and (6), 252.015 (1) (b), (d) and (2), 252.017, 252.18 (1) (b), 253.02 (1) (m), 253.13 (2) (a) and (c) to (h), 253.18 (2), 253.185 and 253.35 (1) (b); to repeal and recreate 252.016 (2) (b); and to create 252.015 (1) (am), 252.015 (1) (k), 253.02 (1) (a) 60 and (e), 253.185 and 273.035 (2) of the statutes, relating to creating additional branches of circuit court in the 2nd, 3rd, 4th and 21st judicial circuits, and additional county court branches for Brown, Dane, Milwaukee, Racine, Sheboygan and Waupaca counties, and altering a function of the 2nd judicial circuit.

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

SECTION 1. 57.025 (4) and (6) of the statutes are amended to read:

57.025 (4) The senior judge of the criminal branches of the circuit court shall appoint a chief probation officer for said courts. The chief and additional probation officers shall receive such salaries and necessary expenses as determined by the county board. They shall be officers of ~~both~~ *all such* courts but subject to the control of the senior judge of the criminal branches of the circuit court, except as to matters pertaining exclusively to the probationers of the misdemeanor and traffic branches of the county court, as to which such courts shall have control. The chief shall have power to arrest and shall execute the orders of such courts affecting their probationers.

(6) Probation officers shall make presentence and preprobation investigations and report thereon as required by ~~either~~ *any such* court. To prevent absconding, to enforce discipline and for violation of probation, an officer may arrest any probationer and hold him in the county jail for a reasonable time.

SECTION 2. 252.015 (1) (am) of the statutes is created to read:

252.015 (1) (am) Third circuit, 2 branches.

SECTION 3. 252.015 (1) (b), (d) and (2) of the statutes are amended to read:

252.015 (1) (b) Second circuit, ~~16~~ 17 branches.

(d) Fourteenth circuit, ~~2~~ 3 branches.

(2) Each such branch constitutes a circuit court with all the powers and jurisdiction possessed by circuit courts in circuits having one judge only, and may be designated in all papers and proceedings either by its respective number or by the name of its presiding judge, except that in the 2nd circuit, branches 11 ~~and~~, 12 ~~and~~ 17 shall be designated as the criminal court branches.

SECTION 4. 252.015 (1) (e) of the statutes is renumbered 252.015 (1) (m).

SECTION 5. 252.015 (1) (k) of the statutes is created to read:

252.015 (1) (k) Twenty-first circuit, 2 branches.

SECTION 6. 252.016 (2) (b) of the statutes is repealed and recreated to read:

252.016 (2) (b) The judges shall for periods of not less than 2 years designate 2 or more of their number who shall devote their time primarily and regularly to actions affecting marriage and to such other work as is

incidental thereto and which is generally described as the work of a family court, and shall also for such periods designate another of their number as auxiliary family court judge to devote his time primarily and regularly to such litigation and work and to other family related court matters; and each branch presided over by a judge so designated shall be known and denominated as a "Family Court Branch." In assigning a judge to family court work, the judges shall, wherever feasible, give due consideration and preference to whoever of their number may indicate a desire or willingness to undertake such work. Any judge so named may be redesignated for successive terms of 2 years. The judges of such branches shall meet from time to time and divide their work, apportioning to each branch its due portion thereof, and shall compile and publish an annual report of the family court. In case of the absence, sickness or other disability of any such judges, other judges shall be designated to assist temporarily in the performance of the work of such family court. Of the judges initially designated to devote all or part of their time primarily and regularly to family court work under this paragraph, one shall serve for a term of one year, one for a term of 18 months and one for a term of 2 years, so as to provide continuity in family court work by having the respective terms of such judges so designated expire at not less than separate 6 month intervals.

SECTION 7. 252.017 of the statutes is amended to read:

252.017 In circuits in which there are 2 or more branches, the judges may provide for the distribution of the work and assignment of cases among branches except that in the 2nd circuit, branches 11 ~~and~~, 12 ~~and~~ 17 shall be designated as the criminal court branches and all cases specified in s. 252.015 for the 2nd circuit criminal branch jurisdiction including all appeals from convictions in criminal actions and from ordinances and traffic forfeiture violations from the county court of Milwaukee county, and all commitments and transfers for trial in case of crimes and misdemeanors not triable in ~~said~~ the county court branches shall be assigned by the clerk to those branches and shall be reassigned to another branch only in case of disqualification, illness or vacation of the judges or congestion or vacancies in branches 11 ~~and~~, 12 ~~and~~ 17. The judges of ~~said~~ the 2nd circuit criminal court branches 11 ~~and~~ 12 shall allocate the work of said branches ~~and~~. All assignments of work to said branches by the clerk shall be subject to the approval of said judges. No grand jury shall hereafter be drawn or summoned for the circuit court of Milwaukee county unless either a judge of one of the criminal court branches ~~thereof shall make and file makes and files~~ with the clerk an order in writing directing a grand jury to be summoned, and specifying the time at which such grand jury shall appear before the court.

SECTION 8. 252.18 (1) (b) of the statutes is amended to read:

252.18 (1) (b) In branches 11 ~~and~~, 12 ~~and~~ 17 of the 2nd circuit (criminal court branches) the circuit judge may appoint 2 reporters in each branch. The reporters and assistant reporters serving in the municipal court of Milwaukee county on December 31, 1961, shall be given the first appointments, shall retain their civil service status and shall be paid by the county in the same total salary as is received by other reporters under county civil service, ~~provided that~~. The state shall reimburse Milwaukee county annually on voucher signed by the circuit judges of ~~said such~~ branches for that portion of said reporter's salary which is paid by the state. Whenever the service of any of the ~~said~~ reporters first appointed, ~~as provided~~, is terminated, his successor shall be appointed and paid in the same manner as the reporters in the other branches of ~~said~~ the circuit, ~~as provided in~~ under par. (a).

SECTION 9. 253.02 (1) (a) 50, (b) 5, (c) 30 and (d) 5 of the statutes

are renumbered 253.02 (1) (b) 33, (c) 5, (d) 30 and (e) 5, respectively.

SECTION 10. 253.02 (1) (a) 60 and (e) of the statutes are created to read:

253.02 (1) (a) 60. Waupaca.

(e) Six branches:

SECTION 11. 253.02 (1) (m) of the statutes is amended to read:

253.02 (1) (m) ~~Twelve~~ *Thirteen* branches:

SECTION 12. 253.13 (2) (a) and (c) to (h) of the statutes are amended to read:

253.13 (2) (a) As used in this subsection "county court" or "court" means the county court in counties having a population of 500,000 or more. ~~Branch Branches 11 and 13~~ of the county court (children's ~~court courts~~), in addition to the jurisdiction, powers and duties prescribed for juvenile courts under ch. 48, shall also have jurisdiction in actions or proceedings involving the custody of children under 18 years of age whether raised by habeas corpus or otherwise, except such children as are wards of or whose care and custody is under the control of other courts. Where ~~the words~~ "juvenile court" ~~are~~ *is* used in the statutes, ~~they it~~ shall be deemed to include ~~said branch branches 11 and 13~~ of the county court (children's ~~court courts~~) or the ~~judge judges~~ of said ~~court courts~~ in counties of 500,000 or more, except as otherwise specifically provided.

(c) Such ~~court courts~~ shall be held at the county seat, or at such other place within the county designated by the county board.

(d) Practice and procedure in ~~such branch branches 11 and 13~~ of the county court shall be the same as is now or may hereafter be provided by law for civil courts.

(e) ~~The Each such~~ court shall have a clerk with such assistants as the county board determines and a stenographic reporter, ~~each of whom shall be all~~ appointed pursuant to ss. 63.01 to 63.17, and shall be paid such compensation as the county board determines. The ~~clerk clerks~~ shall be appointed by the clerk of the circuit court. The ~~reporter reporters~~ shall be appointed by the judge of ~~said the~~ branch ~~11~~. Each such clerk shall be an officer of the court and, before entering upon his duties, shall take and subscribe the constitutional oath of office and furnish an official bond in such amount and with such sureties as the county board determines; such oath and bond shall be filed in the office of the clerk of the circuit court of such county. ~~The Each~~ reporter of ~~said such~~ court shall be an officer of ~~said the~~ court and shall take and file a constitutional oath of office. He shall be furnished by the county with all necessary supplies.

(g) Any judge of the county court of such county may hold court with the judge of ~~said branch 11 or 13~~ (children's ~~court courts~~) upon request of the judge of ~~said branch 11~~ *one of such branches*, and in case of the absence or ~~the~~ disability of ~~the either~~ judge of ~~said branch 11 or 13~~ without said request having been made, the senior judge of the county court of such county shall designate some judge of ~~said the~~ county court to so hold court, whose duty it shall be to act temporarily in the place of ~~said such~~ judge of ~~said branch 11 or 13~~, and while so doing, the judge, so substituting, shall have all of the powers of the regularly elected ~~judge of said branch 11~~ *judges of such branches*.

(h) The orders and judgments of ~~said branch branches 11 and 13~~ of the county court (~~children's court~~) in all actions and proceedings tried before ~~it~~ *them* may be appealed from, examined and reviewed by either the circuit court of said county, not as a trial de novo, but as a review of

the record, or the supreme court in the same manner as other orders and judgments of the circuit court may be appealed from and reviewed.

SECTION 13. 253.18 (2) of the statutes is amended to read:

253.18 (2) In counties having a population of 500,000 or more, branches 1 and 2 shall be the probate branches, branch 3 shall be the traffic court branch. Branch 4 shall be the misdemeanor court branch. ~~Branch~~ Branches 11 and 13 shall be the juvenile court ~~branch~~ branches. Branch 12 shall be the traffic-misdemeanor court branch and shall in addition to all jurisdiction otherwise prescribed or conferred by ss. 253.11 (2) and 253.12 have such jurisdiction as set forth in ss. 48.17 and 48.18 (2). Branches 5, 6, 7, 8, 9 and 10 shall be the civil court branches. The revenue from all actions for the violation of ordinances of a city of the 1st class, in any such county, brought in the county court shall be paid to the city monthly as provided in s. 288.10. Said city of the 1st class shall have access to all books and records concerned with accounting of revenues and expenditures relating to this chapter.

SECTION 13m. 253.185 of the statutes is created to read:

253.185 BOARD OF COUNTY JUDGES. In counties having a population of 500,000 or more, there is created a board of county judges consisting of the judges of all branches of the county court for that county. The board shall meet regularly and make such rules and institute such measures as the board determines will promote justice and expedite the business of the courts in accordance with s. 253.18.

SECTION 13n. 253.35 (1) (b) of the statutes is amended to read:

253.35 (1) (b) In counties having a population of 500,000 or more, the judges of branches Nos. 1 and 2 and 4 of the county court may each appoint 2 reporters and the 2nd reporter for branch 4 shall be shared with branch 12 of said court, but the division of work of such reporters shall be under the direction and supervision of the judge of branch 4. In counties having a population of 50,000 or more, in which the county court is a single branch court, the county judge may appoint 2 reporters.

SECTION 14m. 269.70 (1) of the statutes is amended to read:

269.70 (1) A circuit judge of the circuit court of any county may appoint, and remove at any time, any retired or former circuit or county court judge to act, in matters referred to him by the judge, in conciliation matters and in pretrial procedure under s. 269.65. When a matter for conciliation is referred to him for such purpose, the conciliator shall have full authority to hear, determine and report findings to the court. Such conciliators may be appointed court commissioners as provided in s. 252.14 (2).

SECTION 14r. 273.035 of the statutes is renumbered 273.035 (1).

SECTION 14s. 273.035 (2) of the statutes is created to read:

273.035 (2) Upon the issuance of the order, the court commissioner shall be paid a fee of 50 cents for signing the order and a fee of \$10 for attendance upon the examination. The attendance fee shall be returned in any case where it appears by affidavit filed that the order was not served upon the judgment debtor. These are the only fees to which the court commissioner is entitled for proceedings under this chapter.

SECTION 15. One judge each for the 17th branch of the 2nd judicial circuit, the 3rd branch of the 14th judicial circuit, and the 2nd branch of the 21st judicial circuit shall be elected in Milwaukee county, in Brown, Door and Kewaunee counties and in Racine county, respectively, in the spring election of 1968. The terms of office for the judges chosen at these elections shall commence on the first Monday in June 1968 and expire on the first Monday in January 1974.

SECTION 16. A judge for the 2nd branch of the 3rd judicial circuit shall be elected in Winnebago and Calumet counties in the spring election of 1969. The term of office for the judge chosen at this election shall commence on the first Monday in January 1970 and expire on the first Monday in January 1976.

SECTION 17. One judge each for the 6th branch of Dane county court and the 13th branch of Milwaukee county court shall be elected in Dane county and Milwaukee county, respectively, in the spring election of 1968. The terms of office for the judges chosen at these elections shall commence on the first Monday in June 1968 and expire on the first Monday in January 1974.

SECTION 18. A judge for the 3rd branch of Sheboygan county court shall be elected in Sheboygan county in the spring election of 1968. The term of office for the judge chosen at this election shall commence on the first Monday in January 1969, and expire on the first Monday in January 1975.

SECTION 20. A judge for the 4th branch of Brown county court shall be elected in Brown county in the spring election of 1969. The term of office for the judge chosen at this election shall commence on the first Monday in July 1969 and expire on the first Monday in January 1975.

SECTION 21. A judge for the 2nd branch of Waupaca county court shall be elected in Waupaca county in the spring election of 1969. The term of office for the judge chosen at this election shall commence on the first Monday in July 1969 and expire on the first Monday of January 1975.

SECTION 22. Any law or part thereof conflicting with this act is, insofar as it conflicts with this act and no further, superseded by this act.

SECTION 22m. The provisions of section 10.06 (1) (a) and (b) and (2) (a) shall not apply to the judicial offices created by this act which are to be filled in the spring election of 1968. The secretary of state shall send to each county clerk a type A notice of judicial offices created by this act to be filled in the spring election of 1968 and publish notice of the elections for such offices the following Tuesday. The county clerk shall publish for 2 consecutive Tuesdays, commencing as soon as practicable after receipt of notice from Secretary of State, type A notice of the elections for such offices.

SECTION 23. SECTION 6 shall take effect January 1, 1968.

Approved December 27, 1967