

1975 Assembly Bill 599

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CHAPTER 231, Laws of 1975

AN ACT to amend 66.12 (3) (a), 288.195 (1), 345.37 (2) and 345.43 (1) (a); and to repeal and recreate 300.20 (1) of the statutes, relating to court costs in traffic ordinance forfeiture actions, entering pleas and demands for jury trial.

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

SECTION 1. 66.12 (3) (a) of the statutes is amended to read:

66.12 (3) (a) In forfeiture actions for violations of ordinances, ~~except those under~~

~~ss. 345.20 to 345.53~~, on default of appearance or on a plea of guilty or no contest, the clerk's or justice's fee shall be not more than \$2, but if it is necessary to issue a warrant or summons or the action is tried as a contested matter, additional clerk's or justice's fees may be added, but the total fee of such fees shall not exceed \$3.50, except that a municipality need not advance clerk's or justice's fees, but shall be exempt from payment of such fees until the defendant pays costs ~~pursuant to~~ under this section. In forfeiture actions in which a municipality prevails, costs and disbursements shall be allowed to the municipality, subject only to such limitations as the court directs.

SECTION 2. 288.195 (1) of the statutes is amended to read:

288.195 (1) In forfeiture actions for violations of ordinances, ~~except under ss. 345.20 to 345.53~~, on default of appearance or on a plea of guilty or no contest, the clerk's or justice's fee shall be not more than \$2, but if it is necessary to issue a warrant or summons or the action is tried as a contested matter, additional clerk's or justice's fees may be added, but the total fee of such fees shall not exceed \$3.50, except that a municipality need not advance such fees, but shall be exempt from payment of fees until the defendant pays costs under this section.

SECTION 3. 300.20 (1) of the statutes is repealed and recreated to read:

300.20 (1) Fees of the municipal justice are \$2 on default of appearance or on a plea of guilty or no contest and not more than \$3.50 if it is necessary to issue a warrant or summons or the action is tried as a contested matter.

SECTION 4. 345.37 (2) of the statutes is amended to read:

345.37 (2) If he has made a deposit under s. 345.26, the citation may serve as the initial pleading and he shall be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs and the applicable suit tax, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons under ch. 968. If the defendant fails to appear in response to the summons, the court shall issue a warrant under ch. 968. If the court accepts the plea of no contest, the defendant may move within ~~10 days~~ 6 months after the date set for his appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if he shows to the satisfaction of the court that his failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening, the defendant is found not guilty the court shall immediately notify the division to delete the record of conviction based on the original proceeding and shall order the defendant's deposit returned to him.

SECTION 5. 345.43 (1) (a) of the statutes is amended to read:

345.43 (1) (a) If a case has been transferred under s. 345.425, or if in county court either party files a written demand for a jury trial within ~~20~~ 10 days after the ~~date of the issuance of the citation~~ defendant enters a plea of not guilty under s. 345.34 and immediately pays the fees specified in par. (b), the court shall place the case on the jury calendar of the county court or shall forthwith transfer the case to circuit court for trial. The demand shall specify whether trial is to be by a jury of 6 or 12. If no party demands a trial by a jury of 12, the right to trial by a jury of 12 is waived forever.