

1977 Assembly Bill 1240

Date published: May 11, 1978

CHAPTER 305, Laws of 1977

AN ACT to repeal 345.50 (3) and 755.08; to renumber and amend 345.20 (2); to amend 17.02 (3), 17.24, 17.25 (1), 23.50 (1) and (3), 23.74 (1), 23.77 (1) (a), 23.82 (3) (intro.), 23.83 (1) and (3), 23.84, 41.05 (6) (n), 41.07 (1) (a) 6, 41.09 (9), 41.10 (8), 56.18 (1) and (3), 59.17 (3), 59.40, 59.72 (1), 59.77 (3), (4) (intro.) and (a), (5) (intro.), (6), (7) and (8) (d), 60.225, 60.28, 60.32, 60.45 (4) and (11), 66.114 (1), 66.12 (1) (a), (2) and (3), 288.11, 288.12, 288.14, 288.15, 288.195 (1), 345.23 (3), 345.315 (1), (2), (4) and (5), 345.34 (3), 345.37 (3), 345.425 (1), 345.43 (1) (a), 345.50 (1), 751.03 (5), 754.11 (2), 755.01, 755.02, 755.03, 757.22 (4) and (5), 814.08 (1), 815.05 (intro.), 885.01 (1), 885.02 (1), 885.04, 885.10, 887.01 (1), 887.23 (1), 889.13 and 895.34; to repeal and recreate chapter 300 and 755.045; and to create 17.23 (1) (bm), 17.24 (3), 66.119 (5), 288.015, 345.20 (2) (b), 755.001, 755.01 (3), 755.17 and 990.01 (17m) of the statutes, relating to revising municipal court procedure.

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

SECTION 1. 17.02 (3) of the statutes is amended to read:

17.02 (3) (title) MUNICIPAL JUDGES. Of the resignation of municipal ~~justices~~ judges in any city or village, however organized, or in any town, by the city, village or town clerk, as the case may be, to the clerk of the circuit court for ~~his~~ the county.

SECTION 2. 17.23 (1) (bm) of the statutes is created to read:

17.23 (1) (bm) In the office of municipal judge, by election under s. 8.50.

SECTION 3. 17.24 of the statutes is amended to read:

17.24 Vacancies in village offices. (1) ~~A~~ Except as provided in sub. (3), a vacancy in any elective village office may be filled by appointment by a majority of the members of the village board for the residue of the unexpired term or until a special election is held under sub. (2). A vacancy in an appointive office shall be filled in the same manner as the original appointment.

(2) ~~A~~ Except as provided in sub. (3), a vacancy in any elective office in a village may be filled by special election of a successor for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, if it happens 90 days or more before such day, but if the vacancy happens within 90 days before the first Tuesday of April, then the successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in ~~such the~~ office shall may be held at the time of holding the regular election for ~~such the~~ office.

SECTION 4. 17.24 (3) of the statutes is created to read:

17.24 (3) A vacancy in the office of municipal judge shall be filled by election under s. 8.50.

SECTION 5. 17.25 (1) of the statutes is amended to read:

17.25 (1) In the town board, by the remaining supervisors and the town clerk, except when the vacancy is caused by removal by the circuit judge as provided by law, which latter vacancy shall be filled by appointment by the ~~said~~ judge. Vacancies in other elective town offices shall be filled by appointment by the town board, except vacancies caused by removal by the judge of the circuit court which latter vacancy shall be filled by the ~~said~~ judge and vacancies in the office of municipal judge shall be filled by election under s. 8.50. Persons appointed under this subsection to fill vacancies shall hold office for the residue of the unexpired term, except persons appointed to fill vacancies ~~in the office of municipal justice and member as members~~ of the water or light commission, which persons shall hold office only until their successors are elected and qualify and such successors shall be elected at the annual town meeting next after the vacancy occurs if ~~such the~~ vacancy occurs 12 days or more prior to ~~such the~~ meeting; otherwise at the annual town meeting held in the year next succeeding; but no election to fill a vacancy in ~~such the~~ office shall may be held at the time of holding the regular election for ~~such the~~ office.

SECTION 6. 23.50 (1) and (3) of the statutes, as affected by chapter 29, laws of 1977, are amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 shall apply to all actions in county court to recover forfeitures and penalty assessments for violations of s. 134.60 and chs. 23, 26, 27, 28, 29, 30, 31 and 350, and any administrative rules promulgated thereunder and violations of local ordinances enacted by any local authority in accordance with s. 30.77.

(3) All actions in municipal court to recover forfeitures and penalty assessments for violations of local ordinances enacted by any local authority in accordance with s. 30.77 ~~may shall~~ utilize the procedure in ~~ss. 23.50 to 23.85 ch. 300.~~ Such actions shall be brought before the municipal court having jurisdiction. Provisions relating to citations, arrests, questioning, releases, searches, deposits and stipulations of no contest in ss. 23.51 (1), (3) and (5), 23.53, 23.54, 23.56 to 23.64, 23.66 and 23.67 shall apply to violations of such ordinances.

SECTION 7. 23.74 (1) of the statutes is amended to read:

23.74 (1) The defendant shall be informed of the right to a jury trial in county court on payment of fees required by s. 23.77 (1). ~~If the defendant requests a jury trial in municipal court and pays the fees required by s. 23.77, the justice shall promptly transmit all papers and fees in the cause to the clerk of the county court of the county where the violation occurred.~~

SECTION 8. 23.77 (1) (a) of the statutes is amended to read:

23.77 (1) (a) ~~If a case has been transferred under s. 23.74, or if~~ in county court either party files a written demand for a jury trial within 20 days after the court appearance date and immediately pays the suit tax and jury and clerk's fees specified in s. 23.82, the court shall place the case on the jury calendar ~~of the county court.~~ The demand shall specify whether trial is to be by a jury of 6 or 12. If no party demands a jury of 12, the right to trial by jury of 12 is waived forever.

SECTION 9. 23.82 (3) (intro.) of the statutes is amended to read:

23.82 (3) (intro.) The following fees shall be paid to the clerk of court upon appeal from county court to the circuit court:

SECTION 10. 23.83 (1) and (3) of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

23.83 (1) JURISDICTION ON APPEAL. Appeal may be taken by either party. ~~On appeal from municipal court the appeal is to the circuit court for the county, and the defendant is entitled to a new trial and to a jury trial, on request.~~ On appeal from the county court, the appeal is to the court of appeals.

(3) PROCEDURE ON APPEAL. ~~Within 15 days after judgment, appeal may be taken to the circuit court by filing a notice of appeal with the municipal court, and by serving a copy of the notice on the opposing party or attorney.~~ An appeal to the court of appeals shall be in accordance with chs. 808 and 809.

SECTION 11. 23.84 of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

23.84 Forfeitures collected; to whom paid. All Except for actions in municipal court, all moneys collected in favor of the state or a municipality for forfeiture and penalty assessment shall be paid by the officer who collects the same to the appropriate municipal or county treasurer, within 20 days after its receipt by the officer. In case of any failure in such payment the municipal or county treasurer may collect the payment from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per annum from the time when it should have been paid.

SECTION 12. 41.05 (6) (n) of the statutes is amended to read:

41.05 (6) (n) Each supreme court justice and circuit judge who makes the election ~~pursuant to under~~ s. 41.02 (12) (i) shall be given prior service credit as of January 1, 1952, in accordance with s. 41.08 (1) (a) 1 for service prior thereto as supreme court justice, circuit judge or county judge, or as full-time judge of a court of record, or municipal or inferior court, at the rate of 2 times the employer credit for current service. Prior service credit for service as county judge, or as full-time judge of a court of record, or municipal or inferior court, shall be based only upon his or her salary as such judge (excluding fees and salary as juvenile judge) computed on the basis of the earnings for the last 3 years of service as such judge (or less if the total ~~be is~~ less), and ~~such the~~ prior service credit shall be reduced by an amount equal to the accumulated prior service credit theretofore granted to ~~such the~~ participating employe for service as such judge and by an amount equal to the accumulation of all normal and employer matching credits for service as such judge, including interest which has been credited.

SECTION 13. 41.07 (1) (a) 6 of the statutes is amended to read:

41.07 (1) (a) 6. In all counties under 500,000, every county judge whose official oath is filed on or after January 1, 1954 and every other full-time judge of a court of record, or municipal or inferior court, whose official oath is filed on or after January 1, 1956, shall be included within the fund and be subject to this subchapter notwithstanding s. 41.02 (12) (i) except that in computing his normal contributions, all fees and all salary as juvenile judge shall be disregarded and no prior service credit ~~shall may~~ be granted because of ~~such the~~ inclusion.

SECTION 14. 41.09 (9) of the statutes is amended to read:

41.09 (9) The creditable service of every supreme court justice and circuit or county judge shall include all periods of service as a supreme court justice, circuit judge or county judge, or as full-time judge of a court of record, or municipal or inferior court, or as a member of the legislature, or as a state constitutional officer elected by vote of the people, but excluding any such period of service for which credit has been granted under any other public retirement system in this state except as provided in s. 41.05 (6) (n). The creditable service of each circuit judge and county judge who has received any supplemental salary ~~pursuant to under~~ s. ~~252.071 or 253.07~~ 753.071 or 754.07 (2) shall also include, for the county which paid ~~such the~~ salary, a period equal to the total period of service as a circuit judge or county judge in ~~such the~~ county.

SECTION 15. 41.10 (8) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

41.10 (8) Notwithstanding any other provision, the cost of all prior service credits and employer current service credits granted on and after January 1, 1954, to county judges and on and after January 1, 1956, to full-time judges of courts of record, or municipal or inferior court (other than a county court) for such service shall be paid by the state. Effective January 1, 1962, the state shall make employer current service contributions only on salaries of judges and reporters who are paid ~~pursuant to~~ under ss. 754.07 (1) and 754.35 (3) in counties of less than 500,000 population.

SECTION 16. 56.18 (1) and (3) of the statutes are amended to read:

56.18 (1) Every court, ~~municipal justice or other officer in such county, of record~~ authorized to commit any person to the county jail upon conviction of any offense ~~or violation of any city or village ordinance~~, or authorized to sentence any person to imprisonment in the state prison for any term not exceeding 2 years, may in lieu of ~~such the~~ sentence commit or sentence ~~such the~~ person to ~~said the~~ house for an equivalent term, at hard labor. All mittimus and warrants of commitment in such cases shall be directed to the superintendent of ~~said the~~ house and shall be his ~~or her~~ authority for the detention of the person sentenced or committed.

(3) ~~Such The~~ county may contract with any other county, upon such terms as may be agreed upon by their respective county boards, to receive into ~~said the~~ house any person who may be sentenced to confinement therein by any court, ~~municipal justice or other officer of record~~ of such other county; and thereupon, so long as ~~such the~~ contract remains in force, every court, ~~municipal justice or other officer of record~~ in such other county, authorized to commit or sentence any person to the county jail may, in lieu of ~~such the~~ sentence or commitment, sentence or commit ~~such the~~ person to ~~said the~~ house for an equivalent term, at hard labor; and any officer to whom the process of commitment in ~~such the~~ case is delivered for execution shall convey ~~such the~~ person to the ~~said the~~ house and deliver ~~him the person~~, with the commitment papers, to the superintendent of ~~said the~~ house; and thereafter ~~such the~~ person shall be detained and treated by all persons, courts and officers as if sentenced and committed to ~~said the~~ house by any court, ~~municipal justice or other officer of record~~ in the county in which ~~said the~~ house is established.

SECTION 17. 59.17 (3) of the statutes is amended to read:

59.17 (3) SAME. Sign all orders for the payment of money directed by the board to be issued, and keep in a book therefor a true and correct account thereof, and of the name of the person to whom each order is issued; but he ~~or she~~ shall ~~in no case not~~ sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; ~~nor shall he and shall not~~ sign or issue any such order for the payment of the services of any ~~municipal justice~~, clerk of court, district attorney or sheriff until the person claiming ~~such the~~ order files an affidavit stating that he ~~or she~~ has paid into the county treasury all moneys due the county and personally collected or received ~~by him in his an~~ official capacity; ~~nor shall he and shall not~~ sign or issue any order for the payment of money for any purpose in excess of the funds appropriated for such purpose unless first authorized by a resolution passed by the county board ~~pursuant to~~ under s. 65.90 (5).

SECTION 18. 59.40 of the statutes is amended to read:

59.40 Not to act as attorney. No person acting as clerk of any circuit or county court in this state ~~shall be allowed to~~ may practice as attorney or solicitor in the court in which ~~he the person~~ is acting as clerk; ~~nor shall he and the person shall not be eligible to~~ for the office of ~~municipal justice~~ judge during the time ~~he the person~~ holds the office of ~~such the~~ clerk.

SECTION 19. 59.72 (1) of the statutes is amended to read:

59.72 (1) In counties having a population of less than 300,000, according to the last preceding state or U.S. census, the county clerk shall act as auditor, unless an auditor is appointed as provided in sub. (2), and, when directed by resolution of the county

board, shall examine the books and accounts of any county officer, board, commission, committee, trustees or other officer or employe intrusted with the receipt, custody, or expenditure of money, or by or on whose certificate any funds appropriated by the county board are authorized to be expended, whether compensated for services by fees or by salary, ~~and the books and accounts of municipal justices~~, and all original bills and vouchers on which moneys have been paid out and all receipts of moneys received by them. ~~He~~ The clerk shall have free access to such books, accounts, bills, vouchers and receipts as often as may be necessary to perform the duties required under this subsection and ~~he~~ or she shall report in writing the results of ~~such~~ the examinations to the county board.

SECTION 20. 59.77 (3), (4) (intro.) and (a), (5) (intro.), (6), (7) and (8) (d) of the statutes are amended to read:

59.77 (3) OF JUDICIAL OFFICERS. County judges, and court commissioners ~~and municipal justices~~ shall, on or before the first Monday of November in each year, forward to the county clerk of their respective counties a correct statement of all actions or proceedings had before them, during the year next preceding, in which the county shall have become liable for costs, giving the names of the parties in each action or proceeding, the nature and result of the same, the amount of costs in detail in each case, and what items, if any have been paid and the amount thereof. The county clerk shall file such statements in his or her office; ~~and no such officer who shall neglect~~. Any such officer who neglects to make and return such statements within the time above prescribed in this subsection shall not receive any compensation from the county for any service rendered by him or her in any criminal case or proceeding during the year next preceding the time when such the statement is required to be made and returned. ~~Each such municipal justice shall also, at the time of making any such statement, annex thereto and file with the said clerk a sworn statement, giving the titles of all criminal actions tried before him during the same period in which the defendant, or any defendant, shall have been convicted, and shall also state therein that he filed a certificate of conviction in each such case as and within the time required by law; and no bill of any municipal justice shall be allowed, in whole or in part, unless accompanied by such sworn statement, nor unless all such certificates of conviction have been filed.~~

(4) OF COURT OFFICERS; CERTIFICATION; AUDIT BY DISTRICT ATTORNEY; WAIVER. (intro.) Fees of officers, in any action or proceeding before a ~~municipal justice~~, court commissioner or county judge, shall be certified to and allowed by the county board in the manner following, and in no other way:

(a) At least 10 days before the annual meeting of ~~such the~~ board every such officer shall make and file with the county clerk a certified statement of all actions or proceedings had or tried before him or her in which the state was a party, and wherein the county has become liable for the fees of officers, within the year next preceding the date of ~~such the~~ statement, showing the title and nature of the action or examination, date of trial, the names of all officers, who actually attended court and gave in a statement of their attendance and travel; and also such on the part of the defendant as were allowed against the county, and the amount to which they are severally entitled. ~~Such~~ The statement shall be substantially in the following form:

STATE OF WISCONSIN

v.

....
IN MUNICIPAL COURT
Complaint for
Before, Municipal Justice Judge.
Heard the day of, 19..
To the County Board of County:

I hereby certify that in the foregoing entitled action the following named persons rendered services therein, and attended before me in the capacity stated, and that they are severally entitled to the amounts specified below for ~~said the~~ services, attendance and travel, and that ~~said the~~ services were actually and necessarily rendered, and said action was prosecuted in good faith:

A.B. (constable or sheriff), actually and necessarily traveled in serving the herein, miles, and attended court days, and is entitled to dollars for other just and lawful services in the cause, and in all is entitled to dollars.

Dated this day of, 19..

(5) OF JURORS, WITNESSES, INTERPRETERS; PENALTY. (intro.) Whenever any county is liable for fees of jurors, witnesses on the part of the state or on the part of the defendant, or of interpreters in any action or proceeding before a ~~municipal justice~~, court commissioner or county judge, procedure to secure payment of the same shall be as follows:

(6) FEES FOR STATEMENTS AND CERTIFICATES. Every court commissioner ~~and municipal justice~~ shall receive from the county treasurer 12 cents per folio for making statements and returns required by sub. (3) and 25 cents for making each certificate required by sub. (4). All such statements and certificates shall be transmitted to the county clerk by registered mail and for transmitting ~~such the~~ statements and certificates ~~such the~~ court commissioner ~~or municipal justice~~ shall receive 12 cents.

(7) (title) COURT COMMISSIONERS. The county board at any session thereof, either an adjourned or a special session, may as provided in sub. (4) (b) examine and allow any statement, account or claim of any court commissioner ~~and municipal justice~~ which is on file with the county clerk before the opening of ~~such the~~ session of the county board.

(8) (d) Any judge, ~~municipal justice~~ or court commissioner, juror, witness, interpreter, attorney, guardian ad litem or recipient of transcript fees who makes, signs or indorses any such certificate or order which is untrue in respect to anything material, which he ~~or she~~ knows to be false, or which he ~~or she~~ has not good reason to believe is true, shall be punished as provided in s. 946.12.

SECTION 21. 60.225 of the statutes is amended to read:

60.225 Town officers residing in new villages. Any town officer, except a ~~municipal justice~~ judge, who ~~shall reside~~ resides within the territory embraced within any village hereafter organized, shall continue to be such town officer and discharge all the duties thereof until 10 days after the next annual town meeting in ~~said the~~ town unless ~~his the~~ successor ~~shall have~~ qualifies sooner qualified.

SECTION 22. 60.28 of the statutes is amended to read:

60.28 Refusals to serve; temporary disability. If the treasurer-elect refuses to serve or the office becomes vacant, or if he ~~shall be~~ or she is unable for ~~any cause~~ to perform ~~his~~ official duties, the town board shall forthwith appoint a treasurer for the remainder of ~~such the~~ term; and ~~such the~~ appointment shall not exonerate the former treasurer or his ~~or her~~ sureties from any liability incurred. If the incumbent of any other town office, except that of ~~municipal justice~~ judge, ~~shall from any cause be~~ is unable to perform ~~his~~ official duties, the town board may appoint a suitable person to discharge the duties of ~~such the~~ office until the disability is removed. The appointee shall file an oath of office and give the like bond required of the officer in whose place he ~~or she~~ is appointed and within the time ~~hereinbefore~~ prescribed in this section.

SECTION 23. 60.32 of the statutes is amended to read:

60.32 Auditing accounts; meetings for; vacancies in board. The town board shall meet on the 2nd Tuesday next preceding the annual town meeting and also on the first Tuesday of December, and at such other times as they deem necessary to audit and settle all charges against the town and if the 3 supervisors are not present, the chairman, or in his ~~or her~~ absence, either of the other supervisors attending, shall ~~call the municipal justice of the town to act instead of the absent supervisor or supervisors, and if any such vacancy cannot be filled by reason of there being no legally qualified municipal justice in the town, fill the vacancy may be filled by selecting a qualified elector thereof of the town. Said The~~ elector if so chosen shall take and file the usual oath of office, so as to make a board of audit composed of 3. No such special meeting shall may be held unless notice of the ~~same meeting~~ meeting is given to each supervisor at least 2 days prior to the time fixed therefor, and ~~none no one~~ but supervisors shall may act on the board of audit at ~~such the~~ special meetings.

SECTION 24. 60.45 (4) and (11) of the statutes are amended to read:

60.45 (4) To transmit to the clerk of the circuit court, immediately after the election or appointment of any municipal ~~justice judge~~ judge in ~~his~~ the town, a written notice, stating the name of each such municipal ~~justice judge~~ judge and the term for which ~~he was~~ elected or appointed, and when to fill vacancy, who was the last incumbent of the office, and likewise the name of every constable after he ~~shall have~~ or she has qualified.

(11) To demand and obtain the official books and papers of any municipal ~~justice judge~~ judge when his or her office ~~shall become~~ becomes vacant and his or her successor ~~be~~ is not elected or appointed and qualified, or when any municipal ~~justice shall die~~ judge dies, and dispose of the same as required by law.

SECTION 25. 66.114 (1) of the statutes is amended to read:

66.114 (1) When any person is arrested for the violation of a city or village ordinance and the action is to be in county court, the chief of police or police officer designated by ~~him~~ the chief, marshal, ~~municipal justice~~ or clerk of court may accept from ~~such the~~ person a bond, in an amount not to exceed the maximum penalty for ~~such the~~ violation, with sufficient sureties, or ~~his own~~ the person's personal bond upon depositing the amount thereof in money, for ~~his~~ appearance in the court having jurisdiction of ~~such the~~ offense. A receipt shall be issued therefor.

SECTION 26. 66.119 (5) of the statutes is created to read:

66.119 (5) MUNICIPAL COURT. If the action is to be in municipal court, the citation under s. 300.02 (2) shall be used.

SECTION 27. 66.12 (1) (a), (2), and (3), as affected by chapters 29 and 182, laws of 1977, of the statutes are amended to read:

66.12 (1) (a) An action for violation of a ~~city or village~~ municipal ordinance, resolution or bylaw is a civil action. All forfeitures and penalties imposed by any ordinance, resolution or bylaw of the city or village, except as provided in ss. 345.20 to 345.53, may be collected in an action in the name of the ~~city or village~~ municipality before the municipal ~~justice, court~~ or a court of record, ~~to~~. If the action is in municipal court, the procedures under ch. 300 apply and the procedures under this section do not apply. If the action is in a court of record, it shall be commenced by warrant or summons under s. 968.04; but the marshal, constable or police officer may arrest the offender in all cases without warrant under s. 968.07. The affidavit where the action is commenced by warrant may be the complaint. The affidavit or complaint shall be sufficient if it alleges that the defendant has violated an ordinance, resolution or bylaw of the ~~city or village~~ municipality, specifying the same by section, chapter, title or otherwise with sufficient plainness to identify the same. ~~The provisions of s. 300.03 (5) pertaining to bail judge may release a defendant without bail or may permit him or her to execute an unsecured appearance bond upon arrest shall apply to such actions.~~ In arrests without a warrant or summons a statement on the records of the court of the offense charged shall stand as the complaint unless the court directs that formal complaint be issued. In all actions ~~hereunder~~ under this paragraph the defendant's plea shall be guilty, not guilty or no contest and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in ~~such the~~ case at issue, any other provision of law notwithstanding.

(2) APPEALS. Appeals in actions in courts of record to recover forfeitures and penalties imposed by any ordinance, resolution or bylaw of the ~~city or village~~ municipality may be taken either by the defendant or by such municipality to the circuit court. ~~Appeals from municipal court shall be taken under s. 300.10, except that such appeals shall be perfected within 10 days after judgment is entered.~~ Appeals from county court in actions to recover forfeitures for ordinances enacted under ch. 349 shall be taken under s. 345.50. All other appeals from county court shall be taken in accordance with ch. 299. If the appeal is taken by the defendant he or she shall, as a part thereof, execute a bond to the ~~city or village~~ municipality with surety, to be approved by the ~~municipal justice or~~ judge, conditioned that if judgment is

affirmed in whole or in part he or she will pay the same and all costs and damages awarded against him or her on such the appeal. If the judgment is affirmed in whole or in part, execution may issue against both defendant and his or her surety. ~~The appellant shall pay the fees and suit taxes prescribed in s. 300.20 (3).~~ Upon perfection of the appeal the defendant shall be discharged from custody.

(3) (title) COSTS AND FEES; FORFEITURES TO GO TO MUNICIPAL TREASURY. (a) In forfeiture actions in courts of record for violations of ordinances 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 of such fees shall not exceed ~~\$3.50~~ \$5, except that a municipality need not advance clerk's ~~or justice's~~ fees, but shall be exempt from payment of such the fees until the defendant pays costs 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.

(b) All forfeitures and penalties recovered for the violation of any ordinance, resolution or bylaw of any city or village shall be paid into the city or village treasury for the use of the city or village, except as otherwise provided in sub. (1) (b) and s. 165.87. The ~~municipal justice or judge~~ shall report and pay into the treasury, quarterly, or at more frequent intervals if so required, all moneys collected belonging to the city or village, which report shall be certified and filed in the office of the treasurer; and the ~~justice or judge~~ shall be entitled to duplicate receipts for such moneys, one of which he or she shall file with the city or village clerk.

SECTION 28. 288.015 of the statutes is created to read:

288.015 Applicability in county court. This chapter applies to actions in county court. The procedure in ss. 288.14, 288.15 and 288.18 and ch. 300 applies to actions in municipal court.

SECTION 29. 288.11 and 288.12 of the statutes are amended to read:

288.11 Duty of town officers. The chairman of the town shall cause an action to be commenced under this chapter for the recovery of any forfeiture which he ~~shall know or have~~ or she knows or has reason to believe has been incurred in his the town, if the same forfeiture is recoverable before a municipal justice court, and every other town officer knowing or having reason to believe that any forfeiture has been incurred shall forthwith notify such the town chairman thereof.

288.12 Duty of district attorney. ~~Such~~ The town chairman shall forthwith notify the district attorney of his the county of every forfeiture which he or she knows, has reason to believe or which he or she has been so informed has been incurred in his the town, which cannot be recovered before a municipal justice court, who shall forthwith cause an action to be commenced for the recovery thereof as well as for the recovery of every forfeiture which he ~~shall or she otherwise know or have~~ knows or has reason to believe has been incurred; and such the district attorney shall attend to and conduct any action so commenced by such the chairman, when requested by him or her so to do.

SECTION 30. 288.14 and 288.15 of the statutes are amended to read:

288.14 Treasurers to collect. Every town, village and city treasurer shall demand of and recover from each municipal justice judge of his the town, village or city, respectively, all moneys received by such municipal justice judge upon judgments rendered by him in actions under this chapter, and every such municipal justice judge shall, on demand of either such treasurers, produce to him his the treasurer the court docket for examination and all process and papers concerning or in such the actions. In case of refusal or neglect by such the municipal justice judge to pay over promptly such the moneys upon such demand such the treasurer shall cause an action to be instituted for the recovery thereof against such the municipal justice and his sureties upon his judge and the sureties upon the municipal judge's official bond.

288.15 Payment to county treasurer. On or before the first Monday of February in each year every such town, village and city treasurer shall pay to the treasurer of his

the county all moneys so collected by him or her accruing to the state, taking a receipt therefor; and at the same time shall file with the county clerk of ~~his~~ the county a statement, upon oath, containing the names of the municipal ~~justices~~ judges of ~~his~~ the town, village and city, respectively, the amount of moneys so collected from each, the date of collection, the name of the defendant in each case, the cause of action and date of the summons and judgment.

SECTION 30m. 288.195 (1) of the statutes is amended to read:

288.195 (1) In forfeiture actions for violations of ordinances 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 of such fees shall not exceed ~~\$3.50~~ \$5, 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 31. Chapter 300 of the statutes, as affected by chapters 26, 135 and 187, laws of 1977, is repealed and recreated to read:

CHAPTER 300

MUNICIPAL COURT PROCEDURE

300.01 Commencement of action. (1) In municipal court, personal jurisdiction in municipal ordinance violation cases and cases involving a violation of a resolution or bylaw if the resolution or bylaw is authorized by statute is obtained over a defendant when the defendant:

(a) Is served with a summons and complaint or citation and such documents are filed with the court;

(b) Is arrested and brought before a court; or

(c) Voluntarily appears before a municipal judge.

(2) Service under sub. (1) (a) shall be as provided in s. 968.04 (3) (b) 2 or by personal service by a municipal employe.

NOTE: This section sets out the 3 methods in which personal jurisdiction is obtained over a defendant in municipal ordinance violation cases. Personal jurisdiction can be achieved in no other way. The method of service under sub. (1) is made identical with the method for serving a summons in a criminal proceeding under ch. 968.

300.02 Form of citation, complaint, summons and warrant in municipal ordinance violation cases. (1) ACTION. An action in municipal court for violation of a municipal ordinance, or violation of a resolution or bylaw if the resolution or bylaw is authorized by statute, is a civil action and the forfeiture or penalty imposed by any ordinance of the municipality may be collected in an action in the name of the municipality.

(2) CITATION FORM. (a) The citation shall be signed by a peace officer or endorsed by a municipal attorney or, if applicable, signed by a conservation warden and shall contain substantially the following information:

1. The name, address and date of birth of the defendant.

2. The name and department of the issuing officer.

3. The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution or bylaw violated and a designation of the violation in language which can be readily understood.

4. A date, time and place for the court appearance, and a notice to appear.

5. Provisions for amount of deposit and stipulation in lieu of a court appearance, if applicable.

6. Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.

7. Notice that the defendant may by mail prior to the court appearance enter a plea of not guilty and may within 10 days after entry of the plea request a jury trial.

8. Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture and penalty assessment plus costs, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

9. Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.

10. Any other pertinent information.

(b) Except for parking violations, in traffic regulation actions in municipal court, the uniform citation and complaint form specified in s.345.11 shall be used in lieu of the citation form specified in par. (a). In actions for violations of local ordinances enacted in accordance with s. 30.77, the citation form specified in s. 23.54 shall be used in lieu of the citation form specified in par. (a).

(3) COMPLAINT FORM. The complaint shall be signed by a complainant and shall contain substantially the following information:

(a) The name, address and date of birth of the defendant.

(b) The department permit or license number of the defendant, if applicable.

(c) The name and department of the issuing officer.

(d) The title of the cause, specifying the name of the court and county in which the action is brought and the names and addresses of the parties to the action.

(e) A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the ordinance, resolution or bylaw upon which the cause of action is based and a demand for a forfeiture, the amount of which shall not exceed the maximum set by the statute involved, the penalty assessment and such other relief that is sought by the plaintiff.

(f) Notice that the defendant may by mail prior to the court appearance enter a plea of not guilty and may within 10 days after entry of the plea request a jury trial.

(g) In an action by or against a ch. 180 or 181 corporation, the complaint must state the corporate existence and whether the corporation is a domestic or foreign corporation.

(4) SUMMONS FORM. (1) The summons shall be signed by a municipal judge and shall contain the following information:

(a) The title of the cause, specifying the name of the court and county in which the action is brought and the names of all parties to the action.

(b) A direction summoning and requiring the defendant to appear in a specified court on a particular date not less than 10 days following service of the summons to answer the accompanying citation or complaint.

(c) A notice that in case of failure to appear, judgment may be rendered against the defendant according to the demand of the citation or complaint, or the court may issue a warrant for the defendant's arrest.

(5) WARRANT FORM. The warrant shall be in the name of the state of Wisconsin, shall be directed to all law enforcement officers in the state, may be addressed to any law enforcement officer in the state, shall be signed by the municipal judge who authorizes its issuance and shall contain or have attached thereto the following information:

(a) The name of the defendant.

(b) The offense alleged.

(c) A copy of the citation or complaint.

(d) A finding of probable cause that the defendant committed the offense.

(e) A command to arrest the defendant and bring him or her before the municipal judge or other municipal judge or judge of the county.

(f) The date of issuance.

(6) **AUTHORITY TO ARREST WITHOUT A WARRANT.** A person may be arrested without a warrant for the violation of a municipal ordinance if the arresting officer has reasonable grounds to believe that the person is violating or has violated the ordinance.

NOTE: This section sets out the information to be included in the citations, complaints, summonses and warrants used in municipal ordinance violation cases. All the data required for a particular form must be included, although additional information may be included if felt advisable by the person prosecuting a particular ordinance violation.

It is felt that the minimum information required on a citation, complaint, summons or warrant meets any due process requirements of giving a particular defendant sufficient information of the facts and circumstances of the ordinance violation for which he or she is charged.

300.03 Stipulation of no contest prior to the initial appearance. (1) If a person is issued a citation in a case specified in s. 300.02 (1), the person may make a stipulation of no contest and deposit as follows:

(a) In traffic regulation cases, as provided in s. 345.27.

(b) In boating violations, as provided in s. 23.67.

(c) In other violations, the person may make such a stipulation and deposit only if the governing body of the municipality has approved the deposit schedule under sub. (3). The person may make the stipulation of no contest and deposit to the municipal court at any time prior to the initial appearance.

(2) The person who has made a stipulation and deposit under sub. (1) may appear in court. In such case, the court shall allow the person to withdraw his or her plea of no contest. The person need not appear in court.

(3) The amount of the deposit shall be set by the municipal judge, but shall not be effective until approved by the governing body of the municipality. The amount shall not exceed the maximum penalty for the offense, including any penalty assessment which would be applicable under s. 165.87, plus court costs.

300.04 Initial appearance; stipulation of guilt; deposit. (1) (a) When a defendant appears or is brought before a municipal court, the municipal judge shall read the charge as stated in the warrant, complaint or citation to the defendant and shall explain the range of penalties which may be imposed.

(b) 1. The court shall inform the defendant:

a. That he or she may plead guilty, not guilty or no contest or may request a continuance;

b. Of the effect of a plea of no contest; and

c. Of the right to a jury trial.

2. The defendant shall plead to the charges and the municipal judge shall enter the plea in the court docket. If the defendant refuses to plead, the municipal judge shall enter a plea of not guilty.

(c) If the defendant pleads guilty or no contest, the court shall convict the defendant of the offense charged and render judgment.

(d) If the defendant pleads not guilty and within 10 days after entry of the plea requests a jury trial and pays the required fees, the municipal judge shall promptly transmit all papers and fees in the cause to the clerk of the county court of the county

where the violation occurred for a jury trial under s. 345.43. The plea of not guilty and request for jury trial may be made by mail. In cases not governed by ss. 345.20 to 345.53, the amount of deposit set out in the citation shall accompany the mailed request. Upon receipt of the request, the county court will set a time for trial. Any deposit made personally or by mail is forfeited upon nonappearance at the time set for trial. The required fee for a 12-person jury is \$24, plus the applicable suit tax and clerk's fee. The required fee for a 6-person jury is \$12, plus the applicable suit tax and clerk's fee.

(e) If the defendant agrees to immediate trial by the court, and the municipality is prepared for trial, the case may be tried immediately. If trial is not held immediately, the municipal judge shall then set a date for trial or advise the defendant that he or she will later be notified of the date set for trial.

(2) (a) A municipal judge may release a defendant without a deposit.

(b) If the municipal judge determines that the defendant should not be released under par. (a) and the defendant is charged with a traffic or boating violation, the municipal judge shall release the defendant on a deposit as bail in the amount established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66. For other violations, the municipal judge shall establish a deposit as bail in an amount not to exceed the maximum penalty for the offense, including any penalty assessment which would be applicable under s. 165.87. On failure of the defendant to make a deposit as bail under this paragraph, he or she shall be committed to jail pending trial while the default continues.

(c) If the defendant has made a deposit under par. (b) or s. 300.03 and does not appear, he or she is deemed to have tendered a plea of no contest and submits to a forfeiture and a penalty assessment imposed by s. 165.87 plus costs, 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. If the defendant fails to appear in response to the summons, the court shall issue a warrant under s. 968.09. If the defendant has made a deposit but does appear, the court shall allow the defendant to withdraw the plea of no contest.

(3) (a) If the court accepts a plea of no contest or judgment is entered against a defendant by default, the defendant may move within 6 months after the date set for the appearance to withdraw the plea of no contest, reopen the judgment and enter a plea of not guilty upon a showing to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening the defendant is found not guilty, the court shall in traffic cases under ss. 345.20 to 345.53 immediately notify the department of transportation to delete the record of conviction based on the original proceeding and shall order the defendant's deposit returned.

(b) In this subsection, "default judgment" means only a judgment where there has been a plea of no contest and a forfeiture of a deposit.

(4) If a case is brought before a court that does not have jurisdiction, the case shall be transferred to the proper court.

NOTE: This section sets out the procedure to be used when a defendant initially appears before a municipal court. Subsection (1) (b) lists various information that must be brought to the defendant's attention at the initial appearance. Provision is made for a defendant to plead guilty or no contest at the initial appearance or to request a continuance. A plea of no contest means admission of guilt for purposes of the ordinance violation only and does not bind the defendant in a civil suit for the same wrong.

Section (1) (d) sets out the procedure for the defendant to request a jury trial after pleading not guilty.

Subsection (1) (e) provides that if a defendant pleads not guilty and agrees to immediate trial, the trial may be held at the same time as the defendant makes his or her initial appearance.

Subsection (2) sets out the procedure for a municipal judge to release a defendant with or without a deposit. If a deposit is required, sub. (2) (b) sets out the procedure for determining what the deposit should be.

Subsection (2) (c) sets out the procedure for a municipal judge to follow if a defendant has made a deposit and does not appear at the time of trial. It also allows the defendant to reopen a plea of no contest within 6 months if the plea was originally given due to mistake, inadvertence, surprise or excusable neglect.

300.05 Substitution of municipal judge. (1) In cases specified in s. 300.02 (1), a person charged with a violation may file a written request for a substitution of a new judge for the municipal judge assigned to the trial of that case. The written request shall be filed not later than 7 days after the initial appearance in person or by an attorney. The municipal judge against whom a request has been filed may set initial bail and accept a plea of not guilty.

(2) Except as provided in sub. (4), no person may fill more than one such written request in any one action.

(3) In municipal court, upon receipt of the written request, the case shall be transferred as provided in s. 751.03 (5). Upon transfer, the municipal judge shall transmit to the appropriate court all the papers in the action and the action shall proceed as if it had been commenced in that court.

(4) If upon an appeal from a judgment or order or upon a writ of error the appellate court orders a new trial or reverses or modifies the judgment or order in a manner such that further proceedings in the municipal court are necessary, the person charged with a violation may file a request under sub. (1) within 20 days after the entry of the judgment or decision of the appellate court whether or not another request was filed prior to the time the appeal or writ of error was taken.

NOTE: This section sets out the procedures to be used when a defendant requests a substitution of a new judge in an ordinance violation case. The request must be made not later than 7 days after the initial appearance in the case by the defendant.

The section also provides that the same administrative procedure for assignment of judges in courts of record when a request for substitution has been made will also be used in assigning a municipal judge to replace a municipal judge for whom a request for substitution has been made.

300.06 Illness, absence or vacancy; pending actions triable by court which receives papers; continuance on vacancy and notice of trial. (1) If any municipal judge is to be temporarily absent or is sick or disabled, the municipal judge may by written order, filed in the court and with the chief judge of the judicial administrative district for approval, designate another municipal judge of the county to perform his or her duties for a single period not to exceed 30 days or the municipal judge may deliver the docket and all papers relating to any pending action to the county court of the county and the county court may try the action and enter judgment as though the action was begun before that court.

(2) If any municipal judge is incompetent, unable or fails to act, or in the event of a vacancy, s. 751.03 (5) applies. The parties and their attorneys shall be notified of the transfer to another municipal judge or to county court prior to trial. The municipal judge designated or the county judge to whom the case is transferred may, while in possession of the docket, issue execution upon or give a certified transcript of any unsatisfied judgment appearing therein.

NOTE: This section governs the procedures to be followed when a municipal judge is temporarily absent from court or is sick or disabled. Another municipal judge may be designated to perform the duties of his or her court for a period not to exceed 30 days.

If a municipal judge is incompetent, unable or fails to act, or if the office of municipal judge is vacant, the provisions of s. 751.03 (5) for assignment of another municipal judge to the court applies.

300.07 Discovery in municipal court. Neither party is entitled to pretrial discovery, except that if the defendant moves within 7 days after the initial appearance in person or by an attorney and shows cause therefor, the court may order that the defendant be allowed to inspect documents, including lists of names of witnesses, and to test under s. 804.09, under such conditions as the court prescribes, any devices used by the plaintiff to determine whether a violation has been committed.

NOTE: Discovery prior to trial in municipal court in ordinance violation cases is limited to the court ordering, upon cause shown by a party, production of documents, including lists of names of witnesses, under s. 804.09 or the inspection of any devices used by the prosecutor in determining whether an ordinance violation has occurred.

300.08 Procedure at trial. (1) In a trial before a municipal court, the municipality may provide a prosecutor who is an attorney authorized or licensed to practice law in this state. The municipality shall first offer evidence in support of the citation or complaint. The defendant may offer evidence after the municipality has rested. If the municipality and the defendant have offered evidence upon the citation or complaint, the parties may then respectively offer rebuttal testimony only, unless the court permits them to offer evidence upon their original case. Both parties shall have the opportunity to question all witnesses.

(2) (a) Before testifying in a municipal court, every witness shall be required to declare that he or she will testify truthfully, by oath or affirmation administered in a form calculated to awaken his or her conscience and impress the witness with the duty to testify truthfully.

(b) The oath may be administered by the municipal judge or his or her designee substantially in the following form: Do you solemnly swear that the testimony you shall give in this matter shall be the truth, the whole truth and nothing but the truth, so help you God.

(c) Every person who declares that he or she has conscientious scruples against taking the oath, or swearing in the usual form, shall make a solemn declaration or affirmation, which may be in the following form: Do you solemnly, sincerely and truly declare and affirm that the testimony you shall give in this matter shall be the truth, the whole truth and nothing but the truth; and this you do under the pains and penalties of perjury.

(d) The assent to the oath or affirmation by the person making it may be manifested by the uplifted hand.

(3) The standard of proof for conviction of any person charged with violation of any municipal ordinance, bylaw or resolution specified in s. 300.02 (1) shall be evidence that is clear, satisfactory and convincing.

(4) Municipal courts shall be bound by the rules of evidence specified in chs. 901 to 911.

NOTE: This section sets out the procedure to be followed at trial before a municipal court in ordinance violation cases.

Subsection (1) states the order of presentation of evidence. After the municipality offers evidence in support of the violation, the defendant may present evidence. After each side has offered evidence upon the violation, only rebuttal testimony is allowed unless the court permits otherwise.

Every witness testifying in a municipal court must be sworn. Subsection (2) sets out the method of swearing a witness.

Subsection (3) states that the standard of proof for conviction in a municipal court shall be evidence that is clear, satisfying and convincing.

Subsection (4) states that the Wisconsin Rules of Evidence, chs. 901 to 911, shall apply in municipal court.

300.09 Judgment; failure to appear; plea of guilty. (1) JUDGMENT. If a municipal court finds a defendant guilty it may render judgment by ordering payment of a forfeiture and the penalty assessment imposed by s. 165.87 plus costs of prosecution and by imprisonment in default of such payment. Persons who fail to pay forfeitures, penalty assessments and costs shall be committed to a jail or a house of correction in the county in which the cause of action arose for not more than 90 days and shall be kept at the expense of the municipality. Any person committed under this section may be accorded privileges under s. 56.08. The court may defer payment of any judgment for not more than 60 days. At the time the judgment is rendered, the court shall inform the defendant of the date by which payment of the forfeiture, penalty assessment and costs must be made, and of the possible consequences of failure to make the payment in timely fashion.

(2) JUDGMENT ON PLEA OF GUILTY OR NO CONTEST OR ON FAILURE TO APPEAR. (a) If the defendant pleads guilty or no contest, the court shall convict the defendant of the offense charged and render judgment.

(b) If the person arrested and released fails to appear personally or by an attorney at the time fixed for hearing of the case, the defendant may be deemed to have entered a plea of no contest and the money deposited, if any, or such portion thereof as the court determines to be an adequate penalty, plus the penalty assessment and costs, may be declared forfeited by the court or may be ordered applied upon the payment of any penalty which may be imposed, together with the penalty assessment and costs. In either event, any remaining money shall be refunded to the person who made the deposit.

(c) This subsection shall not apply to violations of parking ordinances. Bail given for appearance to answer a charge under any such ordinance may be forfeited as determined by the municipality.

NOTE: Subsection (1) governs the procedure for rendering judgment upon a finding of guilty of a defendant. A court may allow the defendant up to 60 days to pay a judgment. Failure to pay a judgment exposes a person to possible commitment to a jail or house of correction for not more than 90 days. If a defendant is indigent and unable to pay the forfeiture, the defendant cannot be imprisoned for nonpayment. The defendant must demonstrate that his or her inability to pay the fine is a result of indigency and must be afforded a hearing to determine his or her ability to pay the fine. See State ex rel. Pedersen v. Blessinger, (1972) 56 Wis. 2d 286, 201 N.W.2d 778.

Subsection (2) provides that a municipal judge shall convict a defendant of the violation for which he or she is charged if the defendant pleads either guilty or no contest. If the defendant fails to appear at the time that the offense is to be heard by a municipal judge, the judge may deem the defendant to have entered a plea of no contest and then determine the appropriate penalty. Payment for the forfeiture and penalty assessment may be secured from any deposit made by the defendant. Any money remaining from a deposit after payment of the forfeiture, penalty assessment and costs shall then be refunded to the person making the deposit.

300.10 Municipal court fees and costs. (1) COURT COSTS. Court costs are \$5 on each separate matter that comes before the municipal judge, whether it is on default of appearance or a plea of guilty or no contest or on issuance of a warrant or summons or the action is tried as a contested matter.

(2) **WITNESS AND INTERPRETER'S FEES.** The fees of witnesses and interpreters shall be paid as specified in s. 885.05.

(3) **FEES PAID TO MUNICIPALITY.** All fees and costs collectible by a municipal judge shall be paid to the municipality which brought the matter before the municipal judge.

(4) **FORFEITURES, FEES, PENALTY ASSESSMENTS AND COSTS TURNED OVER TO THE MUNICIPALITY.** All forfeitures, fees, penalty assessments and costs paid to a municipal court under a judgment before a municipal judge shall be paid to the municipal treasurer within 7 days after receipt of the money by a municipal judge or other court personnel. At the time of the payment, the municipal judge shall report to the municipal treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any.

(5) **ATTORNEY FEES.** A municipal court shall not impose and collect attorney fees.

(6) **TAXATION OF FEES AND COSTS.** Other than fees specified in sub. (1), no fees or costs are taxable by a municipality to a party before a municipal court unless it is directly chargeable to the municipality as a disbursement, such as service of process costs.

(7) **COSTS AND FEES ON APPEAL.** On appeal from municipal court, the filing fee as designated in s. 59.42 (3), and the suit tax as designated in s. 814.21 are applicable. The appellant shall also pay a fee of \$10 for the transcript prepared under s. 300.14

(4). Costs shall be as provided in s. 814.08.

NOTE: This section governs all applicable fees and costs in municipal courts.

Subsection (1) states that fees of the municipal court are [\$5] for each separate matter that comes before the justice, no matter whether it is on default, on a plea of guilty or no contest, on the issuance of a warrant or summons, or the trial of a contested matter.

Subsection (2) allows witness and interpreter's fees in municipal court. These fees are identical to witness and interpreter's fees found in s. 885.05 for courts of record.

Subsection (3) makes clear that all fees and costs collected by a municipal judge are paid to the municipality that commences the action.

Subsection (4) requires a municipal judge to pay to the municipal treasurer, within 7 days after collection, all forfeitures, fees, penalty assessments and costs paid to the municipal judge. This provision helps assure that money collected in a municipal court is deposited in the accounts of the municipal treasurer in an expeditious manner.

Subsection (7) describes the fees and costs to be paid by a defendant on appeal from a municipal court decision.

300.11 Municipal court docket and transcript entries. (1) Every municipal judge shall keep a docket in which he or she shall enter, in actions to which they relate:

(a) The title of every action commenced before the municipal judge, including the name and address of the defendant;

(b) The process issued, date and place where it issued, when returnable and the return of the officer;

(c) A brief statement of the charges, including the nature and time of the offense and the section of law violated;

(d) Every adjournment, stating at whose request and to what time;

(e) The date and time trial was held;

(f) The names of witnesses sworn, stating at whose request;

- (g) The judgment rendered by the municipal judge, including the penalties imposed, the date and time of rendering judgment and the costs assessed in the action;
 - (h) The record of contempt convictions under s. 300.12;
 - (i) The amount of bail and names and addresses of sureties, if any;
 - (j) The time of ordering any stay of execution;
 - (k) The time of issuing execution and the name of the officer to whom delivered;
 - (m) The return of every execution and when made and every renewal of an execution, with the date thereof;
 - (n) The date and reason of removal of the action to another court;
 - (o) The date of giving transcript of judgment;
 - (p) The date of an appeal made from judgment; and
 - (q) All motions made in the action, the decision thereon and all other proceedings in the action which the municipal judge may think useful.
- (2) Failure of the municipal judge to keep a docket properly shall not affect the jurisdiction of the municipal court or render the judgment void.
- (3) The transcript of judgment shall contain the following:
- (a) The name and location of the court.
 - (b) The title of action.
 - (c) The name, address and vocation of defendant.
 - (d) The date of judgment.
 - (e) The amount of judgment, costs and fees.
 - (f) The certification that it is a true copy of the judgment.

NOTE: Subsection (1) lists the various docket entries that are to be made by a municipal judge.

Subsection (2) makes clear that failure to properly docket a matter does not adversely affect the jurisdiction of a municipal court or a judgment rendered therein.

Subsection (3) lists the items that must be included in a transcript of judgment.

300.12 Municipal court contempt procedure. (1) A municipal judge may punish for contempt only in the following cases:

- (a) Persons guilty of disorderly, contemptuous and insolent behavior towards the municipal judge while engaged in any judicial proceeding, or other conduct which tends to interrupt the proceeding or impair the respect due his or her authority;
 - (b) Persons guilty of resistance of or disobedience to any lawful order or process made or issued by the municipal judge.
- (2) No person may be punished for contempt before a municipal judge until an opportunity has been given the person to be heard in his or her defense. For the purpose of hearing the person's defense, the municipal judge may, if the alleged offender is not present, issue a warrant for the person to be brought before the municipal judge.

(3) A municipality may by ordinance provide that a municipal judge may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50 or, upon nonpayment of the forfeiture and the penalty assessment under s. 165.87, a jail sentence not to exceed 7 days.

NOTE: This section governs contempt procedure in municipal court. Subsection (1) (a) and (b) describes the conduct before a municipal judge that may be subject to punishment for contempt.

Subsection (2) makes certain that the defendant charged with contempt before a municipal judge shall have an opportunity to make a statement in defense of the charge.

Subsection (3) states the penalty upon a finding of contempt before a municipal judge. The penalty may not exceed \$50 or, if the forfeiture and penalty assessment are not paid, a jail sentence for not more than 7 days.

300.13 Recording in municipal court. (1) Every proceeding in which testimony is taken under oath in a municipal court shall be recorded by electronic means for purposes of appeal. The recording shall be by a 7 inch recorder using one-quarter inch audio tape. The tape recorder shall have the capacity to record at a tape speed of 1 7/8 inches per second.

(2) Notwithstanding sub. (1), a municipal court is not a court of record.

NOTE: Subsection (1) requires that all testimony taken under oath in municipal court must be recorded by electronic means. Electronic means requires only a tape recorder and a microphone or microphones sufficient to pick up all testimony given under oath. The capacity of the recorder is defined to assure compatibility of equipment upon appeal. The municipal judge has the responsibility to make sure that the recorded testimony in his or her court is done in such a way that the individual giving the testimony can be readily identified.

Subsection (2) makes clear that the municipal court is not a court of record. The only purpose of recording testimony in municipal court by electronic means is to establish a record for appeal to a court of record.

300.14 Appeal from municipal court decision. (1) Appeals from judgments of municipal courts may be taken by either party to the circuit court of the county where the offense occurred. The appellant shall appeal by giving the municipal judge written notice of appeal within 20 days after judgment.

(2) On appeal by the defendant, the defendant shall execute a bond to the municipality with or without surety, approved by the municipal judge, that if the judgment is affirmed in whole or in part the defendant shall pay the judgment and all costs awarded on appeal.

(3) On meeting the requirements for appeal, execution on the judgment of the municipal court shall be stayed until the final disposition of the appeal.

(4) On appeals from judgments of municipal courts, a transcript shall be prepared of the recorded proceedings in the municipal court. The transcript prepared from the electronic recording shall be certified by the municipal judge and paid for under s. 300.10 (7). The tape of the electronic recording shall be retained by the municipal court during the pendency of the appeal and be available to the reviewing court upon its order.

(5) The appeal in circuit court from a judgment of a municipal court shall be a review of the transcript prepared under sub. (4) and the tape of the proceeding if so ordered by the court unless the court in the interest of justice orders or any party requests a trial de novo to the circuit court without a jury.

(6) The disposition of the appeal shall be certified to the municipal court by the reviewing court within 30 days of the judgment of the reviewing court.

NOTE: Any appeal from a decision of a municipal court is governed by this section.

Appeals from a municipal court are to the circuit court of the county where the offense occurred. Any appeal taken by the defendant must be done by a notice of appeal within 20 days after judgment in the municipal court. Execution of any judgment of the municipal court is then stayed pending disposition of the appeal.

Subsection (4) requires a transcript to be prepared of recorded proceedings of the matter in the municipal court being appealed. The accuracy of the written transcript shall be certified by the municipal judge. The cost of preparing the transcript is covered by the fee of \$10 paid by the defendant under s. 300.10 (7) upon appeal.

Subsection (5) states that the method of appeal in circuit court shall be a review of the written transcript prepared of the proceedings in the municipal court and the tape of the proceedings if so ordered by the circuit judge. The circuit judge retains the authority to order a trial de novo to the circuit court without a jury if such a trial is deemed necessary in the interest of justice [or is requested by any party].

Subsection (6) requires the circuit court to certify the disposition of the appeal to the municipal court from which the appeal was taken within 30 days after a judgment on appeal has been entered.

SECTION 32. 345.20 (2) of the statutes is renumbered 345.20 (2) (a) and amended to read:

345.20 (2) PROCEDURE. (a) The Except as provided in par. (b), the apprehension of alleged violators of traffic regulations and the trial of forfeiture actions for the violation of traffic regulations shall be governed by ss. 345.21 to 345.53. Where no specific procedure is provided in ss. 345.21 to 345.53, ch. 299 shall apply to such actions in county court.

SECTION 33. 345.20 (2) (b) of the statutes is created to read:

345.20 (2) (b) The trial of forfeiture actions in municipal court for the violation of traffic regulations shall be governed by ch. 300. Provisions relating to the uniform traffic citation and complaint in s. 345.11, to arrests in ss. 345.21 to 345.24, to deposits and stipulations of no contest under ss. 345.255 to 345.27, to the authority of the court under ss. 345.47, 345.48 and 345.50 and to guaranteed arrest bonds under s. 345.61 apply to violations of ordinances to be tried in municipal court.

SECTION 34. 345.23 (3) of the statutes is amended to read:

345.23 (3) Shall, if the alleged violator is not released under sub. (1) or (2), bring ~~him or her~~ without unreasonable delay before a judge or, for ordinance violations, before a municipal ~~justice judge~~ in the county in which the violation was alleged to have been committed.

SECTION 35. 345.315 (1), (2), (4) and (5) of the statutes, as affected by chapter 135, laws of 1977, are amended to read:

345.315 (1) In traffic regulation cases a person charged with a violation may file a written request for a substitution of a new judge ~~or justice~~ for the judge ~~or justice~~ assigned to the trial of that case. The written request shall be filed not later than 7 days after the initial appearance in person or by an attorney. The judge ~~or justice~~ against whom a request has been filed may set initial bail and accept a plea.

(2) Except as provided in sub. (5), no more than one judge ~~or justice~~ can be disqualified in any action.

(4) In municipal court, ~~upon receipt of the written request, the~~ a case shall be transferred as provided in ~~s. 251.182 ss. 300.05 and 751.03~~ (5). ~~Upon transfer, the justice shall transmit to the appropriate court all the papers in the action and the action shall proceed as if it had been commenced therein.~~

(5) If upon an appeal from a judgment or order or upon a writ of error the appellate court orders a new trial or reverses or modifies the judgment or order in a manner such that further proceedings in the ~~municipal trial~~ court are necessary, the person charged with a violation may file a request under sub. (1) within 20 days after the entry of the judgment or decision of the appellate court whether or not another request was filed prior to the time the appeal or writ of error was taken.

SECTION 36. 345.34 (3) of the statutes is amended to read:

345.34 (3) If a summons is served or citation is issued by a police officer for a violation of any municipal ordinance or of chs. 194 or 340 to 348 and 350, the defendant may enter a plea of not guilty based on such summons or citation by letter to the judge ~~or justice~~ at the address indicated on the summons or citation, the letter to show the defendant's return address. ~~Such~~ The letter may include a request for trial during normal daytime business hours. Upon receipt of the letter, the judge ~~or justice~~ shall reply by mail to the defendant's address setting forth a time and place for trial, ~~such~~ the time to be during normal business hours if requested by the defendant. The date of the trial shall be at least 10 days from the mailing by the judge ~~or justice~~. Nothing in this subsection forbids the setting of the trial at any time convenient to all parties concerned.

SECTION 37. 345.37 (3) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

345.37 (3) If the defendant has stipulated no contest under s. 345.27, the court, ~~or judge or justice~~ having trial jurisdiction of the violation may, on motion with or without notice, for cause shown by affidavit and upon just terms, within 10 days after the stipulation has been entered into, relieve any party from the stipulation and the effects thereof. If a party is relieved from the plea of no contest, the court, ~~or judge or justice~~ may order the stipulation or a written complaint to be filed and set the matter for trial. After trial the penalty assessment, if required by s. 165.87, costs and fees shall be taxes as provided by law.

SECTION 38. 345.425 (1) of the statutes is amended to read:

345.425 (1) The defendant shall be informed of his ~~or her~~ right to a jury trial in county court on payment of fees required by s. 345.43 (1). ~~If the defendant requests a jury trial in municipal court and pays the fees required by s. 345.43, the justice shall promptly transmit all papers and fees in the cause to the clerk of the county court of the county where the violation occurred.~~

SECTION 39. 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~~ 300.04 (1) (d) in a traffic regulation case, or if in county court either party files a written demand for a jury trial within 10 days after the 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.

SECTION 40. 345.50 (1) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

345.50 (1) JURISDICTION ON APPEAL. ~~An appeal from municipal court shall be to the circuit court for the county, and the defendant is entitled to a new trial and to a jury trial, on request.~~ An appeal from county court shall be to the court of appeals.

SECTION 41. 345.50 (3) of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 42. 751.03 (5) of the statutes, as affected by chapters 135 and 187, laws of 1977, is amended to read:

751.03 (5) The authority under sub. (1) may also be exercised in regard to municipal courts for the limited purpose of assigning a case in which a change of municipal judge has been requested under s. 757.19 (5) or ~~345.315~~ or required under s. 300.05 or 300.06 to another municipal ~~justice~~ judge or, if none is available, to county court.

SECTION 43. 754.11 (2) of the statutes, as affected by chapters 135 and 187, laws of 1977, is amended to read:

754.11 (2) The county court ~~shall have~~ has jurisdiction over all actions for ordinance violations within the county except violations of ordinances of towns, villages or cities which have established municipal ~~justices courts~~, but ordinance violation cases shall be transferred from municipal ~~justices courts~~ to county court if the defendant follows the procedure of s. ~~345.315~~ 300.04 (1) (d).

SECTION 44. 755.001 of the statutes is created to read:

755.001 Definition. In this chapter, “judge” means municipal judge.

SECTION 45. 755.01 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

755.01 Option of municipality. (1) There is created and established in and for each city, town and village, a municipal court designated “Municipal Court for the(city, town or village) of(name of municipality)”. This court shall become operative and function when the city council, town board or village board adopts an ordinance or bylaw providing for the election of a ~~justice judge~~ and the operation and maintenance of the court. A permanent vacancy in the office of municipal judge shall be filled by election under s. 8.50. Any municipal court established pursuant to ~~under~~ this section is not a court of record. The court shall be maintained at the expense of the municipality. ~~In cities of the 1st class more than one justice may be provided for. If any city which has established a municipal court consolidates with or has previously consolidated with another municipality which also had created such a court, that city may provide for the election of 2 municipal justices. After July 1, 1978, any authorized municipal court courtroom personnel not in the classified service shall be appointed by the municipal court judge or judges.~~

(2) The governing body may by ordinance or bylaw abolish the municipal court at the end of any term for which the ~~justice judge~~ has been elected.

NOTE: Subsection (1) is amended to make clear that a permanent vacancy in the office of a municipal judge must be filled by election rather than appointment. The office of municipal judge is one of public responsibility and the individual who holds the office should be placed there by the elective process. The subsection is also amended to give municipal judges the appointing authority over personnel in their court.

Section 300.06 governs temporary vacancies in the office of municipal judge.

SECTION 46. 755.01 (3) of the statutes is created to read:

755.01 (3) A municipality may establish as many branches of municipal court as it deems necessary.

SECTION 47. 755.02 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

755.02 Term. The ~~justices judges~~ shall be elected at large for a term of 2 years unless a longer term, not exceeding 4 years, is provided by ordinance or bylaw. The term shall commence on May 1 of the year of ~~his~~ the judge's election.

SECTION 48. 755.03 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

755.03 Oath and bond. (1) The ~~justice judge~~ shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in s. 757.02 (1) and at the same time execute and file an official bond in an amount to be fixed by the governing body. No ~~justice judge~~ may act as such until his or her oath and bond have been filed. ~~The oath and bond shall be filed as required by s. 19.01 (4) (c) and the requirements of sub. (2) have been complied with.~~

(2) The clerk of the circuit court shall within 10 days after the filing with him or her of the oath and bond, execute and mail to the clerk of the city, town or village, where the ~~justice judge~~ was elected, a certified copy of the bond, which certified copy shall be filed by the city, town or village clerk, and preserved in his or her office, and the same shall be presumptive evidence of its execution by the justice and his or her

sureties. The clerk of the circuit court shall also file a certified copy of the oath with the office of administrator of courts within the 10-day time period.

SECTION 49. 755.045 of the statutes, as affected by chapter 187, laws of 1977, is repealed and recreated to read:

755.045 Jurisdiction. (1) A municipal court has exclusive jurisdiction over an action in which a municipality seeks to impose forfeitures for violations of municipal ordinances of the municipality which operates the court, unless the action is transferred under s. 300.04 (1) or 300.05 (3) to a court of record. If equitable relief is demanded the municipal court does not have jurisdiction and the action must be brought in a court of record.

(2) A municipal judge may issue civil warrants to enforce matters which are under the jurisdiction of the municipal court. Municipal judges are also authorized to issue inspection warrants under ss. 66.122 and 66.123.

NOTE: This section makes clear that, unless transferred to a court of record, a municipal court is a court of exclusive jurisdiction for an action brought by a municipality wishing to impose a forfeiture for violation of one of its municipal ordinances.

SECTION 50. 755.08 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 51. 755.17 of the statutes is created to read:

755.17 Decorum in municipal court. (1) A municipal judge shall be properly attired in a robe or other suitable clothing when officially presiding in a municipal court.

(2) The courtroom for a municipal judge shall be provided by a municipality. The courtroom shall be in a public building if a suitable public building is available within the municipality. The courtroom shall be designed and furnished to create and promote the proper atmosphere of dignity and decorum for the operation of the court.

NOTE: This section governs proper decorum in a municipal court.

Subsection (1) makes certain that a municipal judge will be properly attired when officially presiding in municipal court.

Subsection (2) gives direction to a municipality that the courtroom it provides for a municipal judge must be designed and furnished to help assure the proper dignity and decorum when a municipal court is operating.

SECTION 52. 757.22 (4) and (5) of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

757.22 (4) No law partner of any district attorney ~~shall~~ may act as a municipal ~~justice judge~~ or court commissioner in any case in which the state may be a party or defend in any court any person charged with any offense, or appear in any civil action against the state in which it is the duty of ~~such~~ the district attorney to prosecute or appear for the state.

(5) Any attorney who violates sub. (2), (3) or (4), and any municipal ~~justice judge~~ or court commissioner who violates or knowingly permits any such violation, may be fined not to exceed \$100 for each such offense.

SECTION 53. 814.08 (1) of the statutes is amended to read:

814.08 (1) In actions appealed from municipal court, where there is no new trial, if the judgment ~~be is~~ affirmed or the appeal dismissed the respondent shall have costs; if reversed, the appellant; if affirmed in part and reversed in part, the court may award the costs or such part thereof as ~~shall seem~~ is just to either party. Where there is a new trial costs shall be awarded to the successful party; but if the appeal ~~be is~~ from a judgment in favor of the appellant he or she shall have costs only ~~when he shall obtain~~ if he or she obtains a more favorable judgment, and otherwise the respondent shall

have costs. In all such cases full costs shall be \$10 fees and all disbursements made for state tax, return of the ~~justice judge~~, and officers' and witnesses' fees, together with all costs taxable in the municipal court in ~~such the~~ action.

SECTION 54. 815.05 (intro.) of the statutes is amended to read:

815.05 Execution, how issued; contents. (intro.) The execution must be issued from and be sealed with the seal of the court and signed by the clerk where the judgment roll, or a certified copy thereof, or the transcript of the municipal ~~justice's judge's~~ judgment is filed, directed to the sheriff, or coroner ~~when if~~ the sheriff is a party or interested, countersigned by the owner or his ~~or her~~ attorney, and must intelligibly refer to the judgment, stating the court, the county where the judgment roll or a certified copy thereof or ~~such the~~ transcript is filed, the names of the parties, the amount of the judgment, if it ~~be is~~ for money, and the amount due thereon, and the time of docketing in the county to which the execution is issued, and shall require the officer, substantially as follows:

SECTION 55. 885.01 (1) of the statutes is amended to read:

885.01 (1) By any judge or clerk of a court or court commissioner or municipal ~~justice judge~~, within the territory in which ~~such the~~ officer or the court of which he ~~or she~~ is ~~such the~~ officer has jurisdiction, to require the attendance of witnesses and their production of lawful instruments of evidence in any action, matter or proceeding pending or to be examined into before any court, magistrate, officer, arbitrator, board, committee or other person authorized to take testimony in the state.

SECTION 56. 885.02 (1) of the statutes is amended to read:

885.02 (1) The subpoena may be in the following form:

Subpoena.

State of Wisconsin

... County.

The State of Wisconsin, To

You are hereby required to appear before, a municipal ~~justice judge~~ in and for ~~said the~~ county, at ~~his the municipal judge's~~ office in the town of (or before, designating the court, officer or person and place of appearance), on the day of, at o'clock in the noon of ~~said that~~ day, to give evidence in a certain cause then and there to be tried between, plaintiff, and, defendant, on the part of the (or to give evidence in the matter [state sufficient to identify the matter or proceeding in which the evidence is to be given] then and there to be heard, on the part of).

Given under my hand this day of, 19...

.... (Give official title)

SECTION 57. 885.04 of the statutes is amended to read:

885.04 (title) Municipal judge; subpoena served in state. A subpoena to require attendance before a municipal ~~justice judge~~ may be served ~~in a county adjoining that of anywhere in the state if authorized by~~ the municipal ~~justice judge~~, and shall ~~oblige such require the~~ attendance of any witness, so served, ~~not residing more than 30 miles from the office of such municipal justice.~~

SECTION 58. 885.10 of the statutes is amended to read:

885.10 Witness for indigent defendant. Upon satisfactory proof of the inability of the defendant to procure the attendance of witnesses for his ~~or her~~ defense, the judge, ~~or court commissioner, or municipal justice~~, in any criminal action or proceeding to be tried or heard before him ~~or her~~, may direct ~~such the~~ witnesses to be subpoenaed as ~~he shall he or she determines is proper and necessary~~, upon the defendant's oath or affidavit, or that of ~~his the defendant's attorney, deem proper and necessary. And witnesses.~~ Witnesses so subpoenaed shall be paid their fees in the manner that witnesses for the state therein are paid.

SECTION 59. 887.01 (1) of the statutes is amended to read:

887.01 (1) WITHIN THE STATE. An oath or affidavit required or authorized by law, except oaths to jurors and witnesses on a trial and such other oaths as are required by law to be taken before particular officers, may be taken before any judge, court commissioner, resident U.S. commissioner who has complied with s. 706.07, clerk, deputy clerk or calendar clerk of a court of record, notary public, town clerk, village clerk, city clerk, municipal ~~justice judge~~, county clerk or ~~his the clerk's~~ deputy within the territory in which ~~such the~~ officer is authorized to act; and, when certified by ~~such the~~ officer to have been taken before him or her, may be read and used in any court and before any officer, board or commission. Oaths may be administered by any person mentioned in s. 885.01 (3) and (4) to any witness examined before him or her.

SECTION 60. 887.23 (1) of the statutes is amended to read:

887.23 (1) WHO MAY REQUIRE. The department of health and social services, the state superintendent, or the board of regents of the university of Wisconsin system may order the deposition of any witness to be taken concerning any institution under his, her or its government or superintendence, or concerning the conduct of any officer or agent thereof, or concerning any matter relating to the interests thereof. Upon presentation of a certified copy of such order to any municipal ~~justice judge~~, notary public or court commissioner, ~~such the~~ officer shall take the desired deposition in the manner provided for taking depositions to be used in actions. When any officer or agent of any institution is concerned and will be affected by the testimony, 2 days' written notice of the time and place of taking ~~such the~~ deposition shall be given him or her. Any party interested may appear in person or by counsel and examine the witness touching the matters mentioned in the order. The deposition, duly certified, shall be delivered to the authority which ordered it.

SECTION 61. 889.13 of the statutes is amended to read:

889.13 (title) Transcript of municipal court records. A certified transcript from the original records, papers and files in or concerning any action or proceeding in municipal court ~~shall is~~ not be admissible in evidence outside of the county, unless there ~~shall be~~ is affixed a certificate of the clerk of the circuit court of the county, under seal, that the person who certified the transcript was, at the date thereof, a municipal ~~justice judge~~ of the county, or other person having legal custody of the books and papers; and if the judgment was rendered by another, that such other was, at the date of the rendition of the judgment, a municipal ~~justice judge~~ of the county.

SECTION 62. 895.34 of the statutes is amended to read:

895.34 Renewal of sureties upon becoming insufficient and effects thereof. If any bail bond, recognizance, undertaking or other bond or undertaking given in any civil or criminal action or proceeding, ~~shall become~~ becomes at any time insufficient, the court or judge thereof, municipal ~~justice judge~~ or any magistrate before whom such action or proceeding is pending, may, upon notice, require the plaintiff or defendant, ~~as the case may be,~~ to give a new bond, recognizance or undertaking. Every person becoming surety on any such new bond, recognizance or undertaking ~~shall be~~ is liable from the time the original was given, the same as if he or she had been the original surety. If any person ~~shall fail~~ fails to comply with the order made in ~~such the~~ case the adverse party ~~shall be~~ is entitled to any order, judgment, remedy or process to which he or she would have been entitled had no bond, recognizance or undertaking been given at any time.

SECTION 63. 990.01 (17m) of the statutes is created to read:

990.01 (17m) JUDGE. "Judge" does not include a municipal judge, except as provided in ch. 755.

SECTION 64. **Change in terminology.** (1) Wherever the term "municipal justice" or "municipal justice's" appears in the following sections of the statutes, the term "municipal judge" or "municipal judge's" is substituted: 13.24 (1), 60.55 (9), 61.25 (2), 62.09 (13) (a), 345.21 (2), 345.26 (1) (a) and (5), 345.27, 706.07 (2) (h), 757.02 (1) (intro.), 757.34, 801.57, 806.12, 885.05 (1) (a), 887.20 and 911.01 (1).

(2) Wherever the term "municipal justices" appears in the following sections of the statutes, the term "municipal judges" is substituted: 19.01 (4) (c), 35.85 (3), 59.395 (2) and (4), 60.02, 60.20, 61.197 (1) (intro.), 110.07 (1) (b), 165.84 (5), 757.02 (title) and 758.19 (5).

(3) Wherever the terms "justice" and "justice's" appear in the following section of the statutes, the terms "judge" and "judge's" are substituted: 288.195 (title) and (1), 755.04, 755.05, 755.09, 755.15, 755.16 and 757.22 (3).

SECTION 65. Cross reference changes. In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

A	B	C
Statute Sections	Old Cross References	New Cross References
755.14 (2)	300.21	300.10 (4)

SECTION 66. Effective date. This act shall take effect on July 1, 1978.
