

1983 Assembly Bill 1005

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1983 Wisconsin Act 302

AN ACT to repeal 59.39 (5) and (6); and to amend 59.395 (2) and (3), 75.521 (4), 757.66 and 767.29 (1) of the statutes, relating to court record keeping requirements.

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

SECTION 1. 59.39 (5) and (6) of the statutes are repealed.

SECTION 2. 59.395 (2) and (3) of the statutes are amended to read:

59.395 (2) Keep a ~~book or books~~ record called registers of officials and write or copy therein in tabular form the names of court commissioners, deputy sheriffs, notaries public and municipal judges. ~~In addition to the names of the above officers the~~ The clerk shall list the officers' names, the dates of their qualification and the commencement and termination, if any, of their terms. ~~Such~~ The names shall be in alphabetical order or there shall be an index in alphabetical order to ~~such~~ the names.

(3) Keep a ~~book or books~~ record called certificate lists and write or copy therein a list of all certificates issued by him or her to witnesses, interpreters, jurors, sheriffs, deputy sheriffs and deputy clerks, stating the persons to whom issued, the number, date and amount of each certificate. A certified copy of ~~such~~ the list for the previous year shall be furnished to the county board at each annual session and shall be entered in full on the board records.

SECTION 3. 75.521 (4) of the statutes is amended to read:

75.521 (4) DUTY OF THE CLERK OF CIRCUIT COURT. Each clerk of the circuit court with whom ~~such~~ the list of tax liens is filed, shall index it by year and list number, and alphabetically by the names of those set forth in the list, ~~pursuant to~~ under sub. (3) (a) 2, in a separate ~~book~~ record kept for that purpose and ~~such~~ the clerk shall be entitled to a fee of \$3 for ~~such~~ receiving, filing and indexing of each such list, in lieu of any other fees to which he or she might otherwise be entitled for ~~such~~ those services. The circuit court of ~~such~~ the county in which ~~such~~ the delinquent list is filed ~~is hereby given~~ has jurisdiction of the proceeding authorized by this section.

SECTION 4. 757.66 of the statutes is amended to read:

757.66 Recovery of legal fees paid for indigent defendants. Whenever a county or the state has paid for legal representation of an indigent defendant and the county board or the department of justice so requires, the clerk of the court where representation for the indigent was appointed shall prepare, sign and file in the office of the register of deeds, in a record book there to be kept for the purpose, a certificate stating the name and residence of the indigent beneficiary, the amount paid by the county or the state for his or her legal representation, the date when paid, the court and county in which the case was heard and such other information as the county board directs. If a certificate is filed within 6 months after payment is made by the county or the state it may, within the time after the filing provided by s. 893.86, commence an action to recover from the indigent defendant, or his or her estate if the action is commenced within the time set for filing claims by creditors, the amount paid by the county or the state for his or her legal representation. In any such action ss. ~~893.86 and~~ 859.01 and 893.86, so far as applicable, may be pleaded in defense. The claim shall not take precedence over the allowances in ss. 861.31, 861.33 and 861.35. The district attorney or the department of justice, as applicable, shall commence and prosecute all actions and proceedings necessary under this section to make the recovery when it appears that the indigent defendant or his or her estate is able to pay the claim.

SECTION 5. 767.29 (1) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

767.29 (1) All orders or judgments providing for temporary or permanent maintenance payments or support of children shall direct the payment of all such sums to the clerk of the court for the use of the person for whom the same has been awarded. A party securing an order for temporary maintenance payments or support money shall forthwith file ~~said the~~ order, together with all pleadings in the action, with the clerk of the court. ~~Said~~ The clerk shall disburse the money so received ~~pursuant to said~~ under the judgment or order and take receipts therefor. All moneys received or disbursed under this section shall be entered in a record book kept by ~~said the~~ clerk, which shall be open to inspection by the department of health and social services for the administration of the child and spousal support and establishment of paternity program under s. 46.25, the parties to the action and their attorneys, and the family court commissioner. If the maintenance payments or support money adjudged or ordered to be paid shall not be paid to the clerk at the time provided in ~~said the~~ judgment or order, the clerk or the family court commissioner of ~~said the~~ county shall take such proceedings as either of them deems advisable to secure the payment of ~~such the~~ sum including enforcement by contempt proceedings under ch. 785 or by other means. Copies of any order issued to compel ~~such the~~ payment shall be mailed to counsel who represented each party when ~~such the~~ maintenance payments or support money was awarded. In case any fees of officers in any of ~~said the~~ proceedings, including the compensation of the family court commissioner at the rate of \$50 per day unless ~~such the~~ commissioner is on a salaried basis, ~~be is~~ not collected from the person proceeded against, the ~~same~~ fees shall be paid out of the county treasury upon the order of the presiding judge and the certificate of the clerk of the court.

SECTION 8. **Terminology changes.** (1) JUDGMENT BOOK. Wherever the term "judgment book" appears in the following sections of the statutes, the term "judgment record" is substituted: 32.06 (9) (a), 32.08 (6) (b) and 815.15.

(2) JUDGMENT DOCKET BOOK. Wherever the term "judgment docket book" appears in the following section of the statutes, the term "judgment record" is substituted: 799.24 (1).

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(3) MINUTE BOOK. Wherever the term “minute book” appears in the following section of the statutes, the term “minute record” is substituted: 895.171 (2).
