



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1265/2
RPN:kjf:ph

**SENATE AMENDMENT 1,
TO 2009 SENATE BILL 383**

January 13, 2010 – Offered by COMMITTEE ON JUDICIARY, CORRECTIONS, INSURANCE,
CAMPAIGN FINANCE REFORM, AND HOUSING.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 10, line 10: before “A municipal” insert “This”.
- 3 **2.** Page 10, line 13: delete that line and substitute “administrative district.
4 A court shall become operative and function after the effective date of this subsection
5 ... [LRB inserts date], when the city”.
- 4 **3.** Page 10, line 23: after “judges” insert “The municipal governing body shall
5 determine the amount budgeted for court maintenance and operations.”.
- 5 **4.** Page 12, line 16: delete “~~unless~~” and substitute “unless”.
- 6 **5.** Page 12, line 17: delete that line and substitute “a longer different term, not
7 exceeding 4 years nor less than 2 years, is provided by charter ordinance or ~~bylaw~~
8 enacted under s. 66.0101. The term”.
- 7 **6.** Page 15, line 10: delete lines 10 to 19 and substitute:

1 “**SECTION 31g.** 755.10 of the statutes is renumbered 755.10 (1) and amended
2 to read:

3 755.10 (1) The Except as provided in sub. (2), the judge shall in writing appoint
4 such clerks and deputy clerks as the personnel that are authorized by the council or
5 board. The council or board shall authorize at least one clerk for each court. Except
6 as provided in sub. (2), the hiring, termination, hours of employment, and work
7 responsibilities of the court personnel, when working during hours assigned to the
8 court, shall be under the judge’s authority. Their salaries shall be fixed by the council
9 or board. The clerks shall, before entering upon the duties of their offices, take the
10 oath provided by s. 19.01 and give a bond if required by the council or board. The cost
11 of the bond shall be paid by the municipality. Oaths and bonds of the clerks shall be
12 filed with the municipal clerk.”.

13 **7.** Page 15, line 19: after that line insert:

14 “**SECTION 31m.** 755.10 (2) of the statutes is created to read:

15 755.10 (2) (a) In the municipal court located in the city of Milwaukee the court
16 administrator shall in writing appoint the personnel that are authorized by the
17 council or board. In the municipal court located in the city of Milwaukee the hiring,
18 termination, hours of employment, and work responsibilities of the court personnel,
19 when working during hours assigned to the court, shall be under the court
20 administrator’s authority.”.

21 **8.** Page 16, line 2: after “system” insert “used by the court”.

22 **9.** Page 17, line 11: after “department” insert “by design or signage”.

23 **10.** Page 23, line 18: after that line insert:

1 “4. Inform the defendant that if he or she is unable to pay the forfeiture, costs,
2 fees, or surcharges due to poverty, he or she may request an installment payment,
3 community service, or a stay of the judgment.”.

4 **11.** Page 23, line 24: after “800.09” insert “, and then determine if the
defendant is unable to pay the judgment because of poverty, as that term is used in
s. 814.29 (1) (d)”.

5 **12.** Page 25, line 4: delete the material beginning with “~~charged~~” and ending
with “(5)” on line 5 and substitute “charged with a violation of an ordinance ~~which~~
that is in conformity with s. 346.63 (1) or (5)”.

6 **13.** Page 31, line 12: delete the material beginning with “~~within~~” and ending
with “cause” on line 15 and substitute “for pretrial discovery within 30 days after the
initial appearance in person or by and attorney and ~~shows cause therefor~~”.

7 **14.** Page 31, line 18: after “committed.” insert “The defendant may move for
pretrial discovery at any other time upon a showing of cause for that discovery.”.

8 **15.** Page 34, line 2: after “814.29 (1) (d)” insert “, and that he or she may
request community service in lieu of payment of the judgment”.

9 **16.** Page 34, line 7: after “income” insert “, or to perform community service
in lieu of payment of the judgment”.

10 **17.** Page 37, line 9: after that line insert:

11 “3m. If the court terminates the defendant’s suspension as the result of the
12 defendant’s agreement to a payment plan or community service and the defendant
13 is later suspended because he or she defaults on that plan or service, the new
14 suspension shall be reduced by the amount of time that the suspension was served

1 before being terminated by the court. This subdivision does not apply to a municipal
2 court located in the city of Milwaukee.”.

3 **18.** Page 37, line 14: after “judgment” insert “because of poverty, as that term
is used in s. 814.29 (1) (d)”.

4 **19.** Page 37, line 15: delete “The court may” and substitute “If the court
determines that the inability to pay the judgment is because of poverty, the court
shall”.

5 **20.** Page 37, line 17: after “subsection” insert “, including community service”.

6 **21.** Page 43, line 3: after “judgment” insert “, or order that the judgment be
satisfied by community service”.

7 **22.** Page 48, line 7: delete that line and substitute “bond or the transcript fee
may petition the municipal court for a waiver. A defendant claiming an inability to
pay with regard to the appeal fee or jury fee may petition the circuit court for a
waiver.”.

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(END)