State of Misconsin 2023 - 2024 LEGISLATURE

LRB-4933/1 KRP:cjs

2023 SENATE BILL 661

November 9, 2023 - Introduced by Senators Larson, L. Johnson, Hesselbein, Spreitzer and Roys, cosponsored by Representatives Clancy, Madison, Palmeri, Baldeh, Cabrera, Drake, Shelton, Sinicki, Snodgrass, Stubbs, Hong, Moore Omokunde, Emerson, Ohnstad, Joers, C. Anderson, Jacobson, J. Anderson and Ortiz-Velez. Referred to Committee on Housing, Rural Issues and Forestry.

AN ACT to renumber and amend 799.24 (3); and to create 799.24 (3) (b) of the statutes; relating to: procedures in eviction actions for noncompliance with stipulated judgments of dismissal.

Analysis by the Legislative Reference Bureau

This bill requires certain procedural safeguards before judgment is entered in a small claims eviction action based on noncompliance with a stipulated dismissal.

Current law establishes certain procedures to be followed in small claims actions brought in circuit court. Small claims actions include eviction actions, actions to recover earnest money given towards the purchase of real property, and certain other civil actions in which the amount claimed is \$10,000 or less. Under current law, the parties to a small claims action may settle the action and stipulate to a judgment of dismissal, and, if a party does not comply with the stipulation, the other party may file an affidavit of noncompliance, and the court may vacate the stipulated judgment and enter judgment against the noncomplying party without notifying the noncomplying party.

The bill provides that, if such a stipulation is entered in a small claims eviction action, the court may vacate the stipulated judgment only if prior written notice is provided to the noncomplying party. The bill also provides that the court may not enter judgment against the noncomplying party unless 1) the complying party applies for such entry, files proof by affidavit of noncompliance with the terms of the stipulation, and files proof that proper notice has been provided to the noncomplying party, and 2) the court holds an evidentiary hearing.

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For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 799.24 (3) of the statutes is renumbered 799.24 (3) (a) and amended to read:

799.24 (3) (a) Prior to the entry of judgment, upon stipulation of the parties to a schedule for compliance with the stipulation, the court or circuit court commissioner may enter a stipulated judgment of dismissal in lieu thereof. Any Except as provided in par. (b), any such judgment may be vacated without notice to the obligated party, and the unsatisfied portion thereof entered, upon application by the prevailing party and proof by affidavit of noncompliance with the terms of the stipulation.

Section 2. 799.24 (3) (b) of the statutes is created to read:

799.24 (3) (b) If a stipulated judgment of dismissal is entered under par. (a) in an action for eviction, the court or circuit court commissioner may vacate the stipulated judgment only if prior written notice is provided to the obligated party. The court or circuit court commissioner may not enter the unsatisfied portion of the stipulated judgment unless all of the following occur:

- 1. The prevailing party applies for such entry, files proof by affidavit of noncompliance with the terms of the stipulation, and files proof that proper notice has been provided.
 - 2. The court or circuit court commissioner holds an evidentiary hearing.

20 (END)