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Wisconsin Court System

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Wisconsin Court System

This paper is divided into five sections: (1) the history of the Wisconsin court system; (2) Supreme Court organization and current funding levels; (3) Court of Appeals organization and current funding levels; (4) circuit court organization and current funding levels; and (5) an outline of the legal process in Wisconsin.

History of the Wisconsin Court System

The Wisconsin court system was established when Wisconsin became a state in 1848 by Article VII of the Wisconsin Constitution. The state was divided into five judicial districts, with five judges who were required to meet in Madison at least once a year as a Supreme Court. In 1853, a separate Supreme Court was created with three members (one elected as chief justice). Two more members were added in 1877. An amendment in 1889 required that all justices be elected with the longest serving member presiding as Chief Justice. In 1903, the Supreme Court was expanded to its current seven members.

At that time, the Wisconsin Constitution also required separate "probate courts" and allowed for the Legislature to establish inferior courts. As a result, county courts were created with various types of jurisdiction and overlapping authority. In addition, municipalities established police justice courts for enforcement of local ordinances.

In 1962, the court system was reorganized into a two-tiered trial system, with circuit courts and county courts. The state was divided into 26 judicial circuits, of one or more counties and one or more judges. In addition, county courts were

created with at least one judge in each county. County courts had exclusive jurisdiction in probate, mental health, small claims and juvenile proceedings.

Funding for the court system was a combination of state and county appropriations. Supreme Court operations were fully funded by the state. The state paid for salaries and fringe benefits of circuit court judges and court reporters and travel expenses for judges on temporary assignment, while counties paid all other salaries and expenses. In addition, the state paid for the salary and fringe benefits of county judges; however, counties were required to reimburse the state for 50% of these costs. The state also paid annual supplements to counties for family court commissioners. State law authorized counties to pay county supplements to the statutory salaries of circuit and county judges and their court reporters. If supplements were authorized, they were the responsibility of the counties. Municipal courts were funded solely by local units of government.

In 1977, the Constitution was amended to eliminate the requirement of one probate court in each county, and the Legislature passed the "Court Reorganization Act" effective August 1, 1978, merging circuit and county courts into one trial court system. An intermediate level Court of Appeals was also created. The operations of the Court of Appeals were fully funded by the state. Authorization for municipal courts was retained for municipalities to adjudicate local ordinance violations, such as parking enforcement. Municipalities were responsible for any costs relating to those courts.

As a result of court reorganization, the 26 circuit courts were expanded to the current 69, and existing circuit and county judges became judges in

the circuit in which their chambers were located (respective court reporters remained with the judge). A circuit court was established in each county except for three circuits which each contain two counties. All matters pending in county courts were transferred to the circuit court. The Act also phased out four existing judgeships and phased in 13 additional judgeships for a total of 190 circuit court judges in 1980. Fifty-one judgeships have subsequently been created, bringing the total number of circuit court judges to 241. 1999 Act 9 authorized the 241st judgeship, in Waupaca County, effective August 1, 2000.

Since August 1, 1978, the state has assumed the total cost of salaries and fringe benefits for circuit court judges and court reporters, and per diem payments and travel expenses for reserve judges and court reporters. Counties are responsible for other circuit court operational costs including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, jury costs and other operating costs, however, the state provides payments to counties to offset some of these costs. State funding of circuit court operations is discussed in more detail in the Circuit Courts section below. Operational costs of the Supreme Court and Court of Appeals remain with the state while the full cost of municipal courts has continued to remain with the municipalities that choose to operate a municipal court.

Supreme Court

The Supreme Court is the highest court in the state. The Court has discretion over which cases to hear. Four or more justices must approve a petition for original jurisdiction in a case, and three or more justices are required to grant appellate jurisdiction to review a decision of a lower court.

The Supreme Court consists of seven justices elected, on a nonpartisan basis, to 10-year terms.

Any mid-term vacancies are filled with gubernatorial appointees until a regularly-scheduled election. The justice with the greatest seniority serves as Chief Justice, unless he or she chooses otherwise. In 2006-07, the Supreme Court Justices receive an annual salary of \$134,389, and the Chief Justice is paid \$142,389.

In 2006-07, the Supreme Court's budget totals approximately \$26.7 million (all funds) as shown in Table 1. Expenditures in 2005-06 totaled approximately \$25.3 million. The Supreme Court's general operations are funded through a sum sufficient, general purpose revenue (GPR) appropriation that includes salaries and fringe benefits for justices and court staff and operational costs. General fund expenditures are partially offset by filing fees, which generated revenue of \$56,100 in 2005-06.

Table 1: 2006-07 Supreme Court Funding

	Funding	Positions
General Operations	\$4,503,900	38.50
Director of State Courts	16,656,900	126.25
Bar Examiners & Responsibility	2,893,500	35.50
Law Library	<u>2,661,100</u>	<u>16.50</u>
Total	\$26,715,400	216.75

In addition to the general operations of the Supreme Court, the Court is charged with various other responsibilities including providing administrative services to the entire state court system, regulating the practice of law in Wisconsin and maintaining a state law library. These functions are also funded under the Supreme Court's budget. The Director of State Courts, who is appointed by the Supreme Court, is responsible for the overall management of the judicial system. Such responsibilities include personnel, budget development, judicial education, the circuit court information program, interdistrict court assignments and court planning and research. In 2006-07, the Director of State Courts Office has authorized 126.25 positions and a budget of \$16.7 million, of which \$9 million is program revenue (PR) for the circuit court auto-

mation programs from various court fees.

Also included under the Supreme Court's budget is the Bar Examiners and Responsibility program, which includes the Board of Bar Examiners and Office of Lawyer Regulation. These entities are funded from: (a) annual assessments to Wisconsin State Bar members; (b) fees for the State Bar examination; (c) State Bar admittance, reinstatements and screening fees; and (d) assessments related to disciplinary actions. The Board and Office are responsible for supervising the practice of law in Wisconsin, protecting the public from professional misconduct by members of the bar, and implementing and enforcing rules for mandatory continuing legal education and the state bar examination. For 2006-07, the Board of Bar Examiners is budgeted at \$665,400 PR and the Office of Lawyer Regulation at \$2,228,100 PR.

The state law library, located in Madison, is also funded under the Supreme Court. The majority of funding for the library is GPR, however, the library also receives program revenue from various copying fees and other services it provides. State law library expenditures in 2005-06 totaled \$2,350,300, of which \$1,955,300 was GPR and \$395,000 was program revenue. Additionally, since 1996, the state law library has contracted with Milwaukee County to operate a legal resource center in Milwaukee. Expenditures under the contract were \$179,000 for 2005-06. In 1997, a second contract with Milwaukee County was signed to provide each of the Milwaukee County circuit court judges with basic library resource materials; 2005-06 expenditures for this service were \$35,500. The state law library also provides books for the Milwaukee circuit court judges' chamber collection, whose costs are reimbursed by the county. Finally, in January, 1999, the Director of State Courts signed a contract with Dane County to operate the Dane County Legal Resource Center. Expenditures under the contract were \$74,600 for 2005-06. Law library services in other counties are provided by the county.

Court of Appeals

The Court of Appeals was mandated by a constitutional amendment on April 5, 1977. The Court of Appeals has supervisory authority over all actions and proceedings in all state courts, except the Supreme Court. Any final judgment or order made in the circuit courts may be appealed in the Court of Appeals as a matter of right.

The Court of Appeals had 12 judges when it was created in 1977. Today, there are four appellate districts in the state (as shown in Appendix I) with 16 judges. Appellate judges are elected, on a nonpartisan basis, for six-year terms beginning on August 1st following the spring election. In 2005-06, the appellate judges receive an annual salary of \$126,782.

The Supreme Court appoints a chief judge who serves a three-year term as the administrative head of the four appellate districts, and who selects a presiding judge in each of the districts. Judicial vacancies within the Court of Appeals are filled by gubernatorial appointment until a successor is elected. Table 2 shows the location of the chambers of each district and the number of judges assigned to that district.

Table 2: Court of Appeals

	Number of Judges
District I (Milwaukee)	4
District II (Waukesha)	4
District III (Wausau)	3
District IV (Madison)	5

The state pays all costs of the Court of Appeals. By statute, a Court of Appeals judge may hire a secretary and a law clerk. In total there are 75.5 positions funded under the Court of Appeals. As with the Supreme Court, the Court of Appeals' operations are funded through a sum sufficient GPR appropriation. In 2005-06, expenditures totaled

\$8,494,700, which were partially offset by \$225,100 from filing fees for appeals cases. In 2006-07, the Court of Appeals has a budget of \$8,817,100.

Circuit Court Overview

The circuit court is the trial court of general jurisdiction in Wisconsin, having original jurisdiction in civil and criminal cases, unless that jurisdiction is assigned to a higher court. The Wisconsin Constitution specifies that there will be judicial circuits with judges elected within those circuits. There are a total of 69 circuits and 241 branches and judges. In general, each county is its own circuit, except for three, two-county circuits including Buffalo and Pepin, Menominee and Shawano, and Florence and Forest (as shown in Appendix II). The 241 branches are divided into 10 judicial districts with a chief judge for each district appointed by the Supreme Court.

The number of court branches (judges) is statutorily determined. The Office of the Director of State Courts periodically requests the creation of additional court branches primarily based on: (a) a weighted caseload study; (b) district judicial need (the ability for neighboring circuits to cover additional workloads); (c) discussions with chief judges regarding problems handling current caseloads; and (d) the passage of a county board resolution in support of the creation of a new court branch.

Appendix III shows the most recent weighted caseload study (2005) by county. It should be noted that previous weighted caseload studies have been based solely on the number of judgeships in each county. In order to better reflect each county's judicial officer need, the Director of State Courts Office has updated the caseload study methodology to also include the number of court commissioner positions.

Judges are elected on a nonpartisan basis to six-year terms at the spring election and take office the following August 1st. Any vacancies that occur mid-term are filled by the Governor until a successor is elected. In 2006-07, circuit court judges receive an annual salary of \$119,605.

In addition to the circuit judge, there are other staff that support court operations, a number of which are described below.

Reserve Judges. Wisconsin Statutes section 753.075 allows the Chief Justice of the Supreme Court to appoint a judge who has served a total of six or more years as a Supreme Court Justice, Court of Appeals judge or a circuit court judge to serve as a reserve judge. Also, a person may serve as a reserve judge if he or she was eligible to serve as a reserve judge before May 1, 1992, (anyone who, as of May 1, 1992, had served four or more years as a judge or justice and who had not been defeated in his or her last reelection). A reserve judge may perform the same duties as other judges, or as specified by the Chief Justice. Reserve judges typically fill in for sitting judges who are absent, or for temporary vacancies.

As of October, 2006, there were 70 former judges who were certified as reserve judges. Reserve judges are state funded, and currently receive \$414.02 per day (reserve judge compensation is increased at the same percentage that the salaries of circuit court judges increase). Under 2005 Act 403, reserve judges' salaries are established at 90% of the daily salary of a circuit court judge, rather than at a statutorily-specified per diem. In 2005-06, per diem payments and travel reimbursements for reserve judges totaled \$477,000 GPR.

Court Reporters. Section 751.02, of the statutes, authorizes each judge to appoint a court reporter to record and transcribe testimony in court proceedings. Over the years, some additional court reporter positions have been approved to handle increased workloads. Currently, the state pays the

salaries and fringe benefits of 270 court reporters. Salaries for court reporters in 2006-07 range from \$35,200 to \$61,000 annually. In addition, the state pays daily fees to private court reporters filling in for absent reporters on a temporary basis (\$170 per day for uncertified reporters and \$187 per day for certified reporters).

District Court Administrators. Supreme Court Rule 70.16(4) defines a district court administrator as a state employee who is qualified to: (a) provide administrative and technical assistance; and (b) to assist the chief judge in carrying out his or her duties and responsibilities. The chief judge appoints a district court administrator from a list of candidates supplied by the director of state courts. The chief judge may reject a list and request one additional list of candidates. Each district (identified in Appendix II) has a district court administrator. District I, Milwaukee County, also has an assistant district court administrator.

Clerks of Circuit Court. The Wisconsin Constitution provides that each county organized for judicial purposes shall have a clerk of the court who shall be an elected official and hold office for a two-year term. This is the only trial court officer required by the Constitution. The duties of a clerk of court may include keeping court papers, books and records; collecting and sending payments to the county treasurer for the state and the county's portion of fines, forfeitures, fees and surcharges; collecting and disbursing maintenance and support payments; performing duties with respect to jurors; and caring for the county law library, in addition to other duties required under law or in order to assist with court needs. Under state statute, counties with more than one circuit court branch may appoint one or more deputies for each branch. In counties with a population of more than 500,000, the clerk of court must appoint an assistant chief deputy clerk to assist in criminal and ordinance matters. The county pays for the full cost of clerk of court positions.

Circuit Court Commissioners. Court commissioners are authorized to assist with certain

judicial duties and are appointed by the chief judge of the district. The county board establishes the salaries and number of commissioners, with some exceptions depending on the population of the county. The positions are funded by the county.

All counties are required to appoint a circuit court commissioner to supervise the office of family court commissioner. Counties may appoint one or more court commissioners on a part-time or full-time basis to assist in juvenile matters. Any county having a population of 500,000 or more is required to appoint a court commissioner for the office of probate court commissioner to assist in probate matters. Counties with a population of at least 100,000 but not more than 500,000 may establish a court commissioner position to supervise the office of probate court commissioner. Any county having a population of 500,000 or more is required to appoint a full-time court commissioner to assist in small claims procedures. Counties with a population of less than 500,000 may appoint a court commissioner to assist in small claims procedures.

Each circuit court commissioner must be licensed to practice law in Wisconsin and must take an official oath in the office of the clerk of court. The court commissioner has authority delegated by a judge with the approval of the chief judge which may include the following: (a) issue summons, arrest warrants or search warrants; (b) conduct initial appearances and set bail; (c) conduct preliminary examinations and arraignments and accept guilty pleas; (d) receive non-contested forfeiture pleas, order revocation or suspension of operating privileges, impose monetary penalties and refer cases to court for enforcement of nonpayment; (e) conduct initial return appearances and conciliation conferences; (f) conduct non-contested probate proceedings; (g) conduct detention and shelter care hearings for children; (h) review guardianships and protective placements; (i) officiate wedding ceremonies; (j) conduct paternity proceedings; and (k) other judicial duties depending on the needs of the court.

Registers in Probate/Probate Register. Wisconsin statute 851.71 requires the judges of each county to appoint a register in probate, subject to the approval of the chief judge. Registers in probate file and keep probate records (such as wills, trusts, and probate court records), certify court records and perform other duties as prescribed by the judge. In addition, registers in probate have the same powers as clerks of court to certify copies of papers and judicial proceedings, have the power to administer any oath required by law, may have the powers of deputy clerks when appointed for this purpose, and may make orders for hearings when the judge is absent or when given authority. The salary of the register in probate is set and paid by the county.

In addition, Wisconsin statute 865.065 requires the court to designate, by a written order, an official to act as probate registrar. The probate registrar is usually the register in probate, but may be the clerk, deputy clerk, deputy register in probate or a court legal assistant designated by the court. Duties of the probate registrar include verification of applications for informal administration of properties; determination of whether an individual died with or without a will and whether the original will is in possession of the court; determination of whether the person nominated as personal representative is not disqualified or unsuitable; and determination that no demand for formal administration has been made and a will has not been probated elsewhere.

Court Security Officers (Bailiffs). Wisconsin statute 59.27 requires the sheriff of each county to provide a list of deputies for attendance at court when such list is requested by the court. The court may authorize additional bailiffs for security during criminal matters. The county board sets the rate of compensation and the level of service to be provided by the bailiffs in circuit court. In addition, the sheriff or a deputy is required to attend the Court of Appeals when it is in session. Compensation for bailiffs attending the Court of Appeals is funded by the state, through the Court of Appeals' general operations appropriation, in

the amount of the actual salary paid to the sheriff or deputy.

Other Support Staff. In addition to the positions listed above, there are a number of support staff who assist in circuit court operations. Judges may have a law clerk or judicial assistant. In general, law clerks perform legal research and draft memoranda and decisions for the judge. Judicial assistants assist with case and calendar management, schedule court hearings, trials, conferences and legal appointments; send notices to parties and attorneys; act as receptionists; and perform general clerical tasks. In some counties, such help is provided part-time, in others these duties may be accomplished by the existing court reporter, clerk of court staff or the judge.

Under 1997 Act 27, cities of the first class (currently, only the City of Milwaukee) were allowed to create offices of municipal court commissioners. Municipal court commissioners are authorized to preside over certain criminal proceedings, including conducting certain initial appearances; receiving noncontested forfeiture pleas; ordering revocation or suspension of driving privileges; imposing forfeitures, community service or restitution; and issuing warrants for nonappearance.

Expenditures for court support staff are primarily the responsibility of the county; however, the state pays the salary and fringe benefits of court reporters and provides payments to counties that may be used to offset costs of judicial assistants and other county court costs.

Court Appointees. Individuals may be appointed to participate in court proceedings in some function. Appointments may be made by the court, attorneys for the plaintiff or defendant, or may be required by statute on a case-by-case basis. Court appointees include witnesses and expert witnesses, guardians ad litem, jurors, or interpreters. Appointees are paid on a daily, hourly or contractual basis. In some instances, the plaintiff or defendant is required to pay these costs, in other

cases the county directly pays for these appointments. State funding is available to defray some of these costs, through the interpreter reimbursement and the guardian ad litem and circuit court support payment programs.

Circuit Court Expenditures and Funding

State Expenditures

Circuit court operations have historically been funded through a combination of state and county funding. The state pays the costs of salaries and fringe benefits for circuit court judges and court reporters, and the per diem costs for reserve judges and court reporters. In addition, the state provides funding to the circuit courts under the Supreme Court's appropriations. The Director of State Courts Office performs certain administrative function for circuit courts, including the Office of Court Operations and district court administrators. The Supreme Court also provides judicial education to circuit judges. In 2005-06, the state expended \$61.3 million on these circuit court costs.

While counties are responsible for other circuit court operational costs, including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, and jury costs, the state also provides payments to counties that may be used to offset some of these costs. These programs include: (a) circuit court support payments; (b) guardian ad litem (GAL) costs; and (c) court interpreter fee reimbursements. Finally, the state provides automation services and equipment through the Circuit Court automation program (CCAP).

In 2005-06, the state expended \$33.1 million on the programs, which are summarized below. In total, the state expended \$94.4 million on the circuit court system, as identified in Table 3. Appendix IV identifies state expenditures for each county in 2005-06.

Table 3: State Expenditures on Circuit Courts, 2005-06

Circuit Court Costs*	\$70,097,700
Court Support Payments	18,739,600
Guardian Ad Litem Payments	4,738,800
Interpreter Reimbursement	<u>796,900</u>
 Total	 \$94,373,000

*Circuit court costs include costs associated with judges, court reporters, district court administrators, judicial education, the Director of State Courts Office, and Office of Court Operations and the Circuit Court Automation Program.

Circuit Court Support Payments. Under 1993 Wisconsin Act 16, the circuit court support grant program was created. The program was originally created to partially offset county costs of juror and witness fees and judicial assistants and was based on the number of circuit court branches (judges). In 1993 Act 206, the program was changed from a grant program to a payment program which specified that, except for the annual report of costs, no action is required of and no condition be imposed on a county to receive a payment. Under 1995 Wisconsin Act 27, the eligible uses under the program were expanded to include any county court costs excluding security, rent, utilities, maintenance, rehabilitation, or construction of court facilities.

Funding for circuit court support payments to counties is \$18,739,600 GPR annually. Current law awards payment amounts as follows: (a) each county receives a base payment of \$42,275 per branch/judge (or a proportional amount of \$42,275 based on caseload if two counties share a branch); (b) each county with one or fewer circuit court branches receives an additional \$10,000; and (c) counties with more than one circuit court branch receive an additional payment equal to the county's proportion of the state population times the amount remaining after funding for base payments and payments to counties with one or fewer branches have been allocated.

Guardian Ad Litem Costs. Since 1993 Wisconsin Act 16, counties have also been provided funding to offset the costs of guardian ad litem services. A guardian ad litem (GAL) is an attorney appointed by the court for persons (usually minor children) in certain proceedings, who is an advocate for the best interests of the person. Under 1995 Act 27, the program was modified from a reimbursement program to a payment program with amounts distributed based on each county's proportion of: (a) court branches; (b) revenue generated by the court support services fee (explained below); and (c) cases that would likely involve GAL services as determined by the Director of State Courts. No county may receive a GAL payment in an amount exceeding the total cost of GAL compensation that the county incurred under family, children and juvenile proceedings in the previous calendar year. Funding for GAL costs is \$4,738,500 GPR annually.

Court Interpreter Fees. The state provides reimbursement assistance to counties to offset the circuit court costs associated with interpreters for indigent persons with limited English proficiency. "Limited English proficiency" is defined as the inability to adequately hear, understand or communicate effectively in English due to either: (a) use of a language other than English; or (b) a speech impairment, hearing loss, deafness, deaf-blindness, or other disability. Under 2001 Act 16, a person has a right to a qualified interpreter and, if the person cannot afford one, an interpreter will be provided at public expense in the following proceedings:

- a. a criminal proceeding;
- b. a delinquency proceeding;
- c. a protective service proceeding;
- d. a proceeding under Chapter 48 (Children's Code); and
- e. a proceeding under Chapter 51 (Mental Health).

If a person with a hearing impairment is part of

a jury panel, the court must appoint a qualified interpreter for that person. In addition, 2001 Act 16 authorized the use of interpreters in the following circumstances:

- a. if the person with limited English proficiency requests assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may provide the assistance of a qualified interpreter to respond to the person's inquiry;
- b. with approval of the court, interpreter services outside the courtroom that are related to the court proceedings, including court-ordered psychiatric or medical exams or mediation; and
- c. in other actions or proceedings authorized by the court.

Counties are required to pay the expenses of qualified interpreters, except for costs for interpreters assisting the State Public Defender in preparing for court proceedings (the Public Defender pays these costs). County expenditures may be reimbursed by the state up to \$40 for the first hour and \$20 for each additional 0.5 hour if they are qualified interpreters certified under the requirements and procedures approved by the Supreme Court. Counties are reimbursed for qualified interpreters without certification up to \$30 for the first hour and \$15 for each additional 0.5 hour. As of October, 2006, there are 42 court interpreters certified by the Supreme Court (33 in Spanish, eight in American Sign Language, and one in Russian). The Supreme Court is currently developing certification exams for court interpreters for the Hmong language. The court interpreter fees reimbursement program expended \$796,700 GPR in 2005-06 and is budgeted \$827,100 GPR in 2006-07.

Circuit Court Automation Programs (CCAP). The circuit court automation program was created in 1987-88 to provide uniform software applications to counties, including circuit court case management, jury management, financial management, court calendaring, and training on the computer

system. Counties have the option of using the state CCAP system and receiving hardware, software, technical support, and training from the state or having their own system and receiving reimbursement from the state. The case and financial management systems have been installed in all of the state's 72 counties. However, Portage County only uses CCAP for its office of the register in probate. The county uses its own operating system for other court operations.

Operations for CCAP are supported through PR funding received from a variety of court-related fees, as follows:

- a. \$15 of the filing fee to commence civil or family actions or to change venue in such actions (\$75-\$105, depending on type of action);
- b. \$5 of the \$25 fee in forfeiture actions;
- c. \$5 of the \$20 fee to commence garnishment actions;
- d. \$5 of the \$45 filing fee for third-party complaints in civil actions;
- e. \$5 of the fee to appeal or review a municipal court or administrative decision (\$40 or \$55, depending on whether a new trial is requested);
- f. \$11.80 of the \$22 filing fee to commence or change venue in small claims actions;
- g. \$10 of the \$53 fee for filing a counterclaim or cross complaint in small claims actions; and
- h. \$6 of the \$12 justice information systems surcharge, which is applied to above-referenced actions.

In 2005-06, revenue generated from the above fees totaled \$9,155,800, and CCAP expended \$8,819,200 PR. For 2006-07, CCAP has a base budget of \$8,495,000 PR to install and maintain

system hardware and software applications, replace obsolete hardware and software, train county staff, and provide ongoing technical assistance for all components of the system.

County Expenditures

Data on county expenditures for circuit courts are limited. Each year counties report "judicial expenditures" to the Department of Revenue (DOR), which are described as expenditures involving the "circuit court, clerk of courts, probate court, family court commissioner, law library, public defenders for indigent defendants, coroner, etc." In calendar year 2005, counties reported expenditures totaling \$154.5 million. However, because there is an array of items that counties could list as judicial costs, the consistency of reports among counties is uneven. For instance, some counties report facility costs such as renovation and construction while others do not. Some counties may include the total operational cost of the courthouse, including other entities located on the premises (such as the district attorney's office and other local offices), while other counties only report the portion allocated for court operations. In addition, some costs that counties report, such as coroners, may be viewed as unrelated to court costs.

To address the issue of limited data on county judicial expenditures, statutory language was created to require counties to report "actual court costs" on all court functions except costs related to courtroom security, rent, utilities, maintenance, remodeling and construction. Counties reported spending \$166.7 million in calendar year 2005 on all court costs, of which \$141.5 million were allowable under the circuit court support payment program. It should be noted, however, that the Director of State Courts Office, which receives and compiles the data, has identified a number of inconsistencies in reporting among counties and does not feel that this number is an accurate reflection of county expenditures.

Circuit Court Revenues

Revenues generated by the circuit courts include amounts collected from fees, fines, forfeitures, and surcharges imposed by the court. Appendices V to VII provide a description of all the statutory fees, fines, forfeitures, and surcharges and indicate whether amounts collected are either retained by the state or shared between the state and counties. Appendix VIII lists court fees that are wholly retained by the county. The appendices identify how the collected revenues are dispersed.

Fines and Forfeitures. Fines are levied in criminal actions while forfeitures are imposed in civil enforcement actions (such as most traffic violations). Fine and forfeiture amounts vary depending on the specific violation. Article X, Section 2, of the Wisconsin Constitution, requires that the clear proceeds from fines and forfeitures collected by counties be deposited to the state's common school fund, for the support and maintenance of Wisconsin public schools and the "purchase of suitable libraries." Under s. 59.25(3)(j) and (m), the Legislature has authorized counties to retain, as an administrative fee, 10% of state fines and forfeitures, except for the following: (a) 50% of motor vehicle forfeitures and fines (excluding state motor vehicle size, weight and load forfeitures and fines, for which counties retain 10%); and (b) 50% of occupational driver's license fees. In 2005-06, the state received a total of \$17,767,800 from fines and forfeitures. Appendix V identifies the statutory provisions related to fines and forfeitures.

Court Fees and Surcharges. Fees are typically assessed at the initiation of an action, and revenues collected are retained by the county, sent to the state or split between the county and the state, depending on the court fee involved. Examples of court fees include fees for the following: (a) to commence legal actions or appeals; (b) to file and docket judgments; (c) to file petitions or motions; and (d) to utilize mediation in family actions. Appendix VI identifies court fees and their statutory provisions.

In addition to court fees, the Legislature has created various surcharges on certain fines and forfeitures to generate additional revenue for state programs. The amounts of most surcharges are based on either percentages of the fine or forfeiture or a flat amount, depending on the surcharge. The first surcharge, created in 1977, was the penalty assessment, created primarily to provide funding for training the state's law enforcement officers. Since then the number of surcharges and other court-ordered payments has steadily grown. Examples of surcharges include the justice information systems surcharge, the penalty surcharge, crime victim and witness assistance surcharge, and drug offender diversion surcharge. Appendix VII provides a list of statutory surcharges and how the surcharge revenue is utilized.

The surcharge that generates the most revenue for the state is the court support services surcharge. While funding for the circuit court support and GAL payment programs is provided from the general fund, the court support services surcharge was created in 1993 to offset the costs of these programs to the state. Revenue generated from the surcharge is deposited to the state's general fund and not directly appropriated to the courts. The surcharge was originally a \$20 fee on all forfeiture judgments and most civil court filings. Under 1995 Act 27, the surcharge was increased and modified according to the type of claim filed. The surcharge was increased 30% under 2001 Act 109. Under 2003 Act 33, the surcharge was further increased by 30% and is now: (a) \$51 for various small claims filings; (b) \$169 for various large claims filings; and (c) \$68 for forfeiture action judgments, appeals from municipal courts or administrative decisions, and certain court filings not covered under (a) or (b) above. In 2005-06, the court support services surcharge generated \$47,263,500 in revenue.

In addition to the court support services surcharge revenue, the state collected \$44,948,200 from other court fees and surcharges in 2005-06. Much of this revenue is designated for specific programs, such as law enforcement training,

victim/witness assistance, drug abuse treatment, and domestic abuse. Appendix IX identifies the amount of revenue generated in 2006 from fines and forfeitures, court fees, the court support services surcharge, and other surcharges by each county.

Similar to county expenditures, there are inconsistencies with reporting of counties' share of circuit court revenue. Counties report separately to the Department of Revenue (DOR) and to DOA the amount of revenue collected from the operation of the court system. For calendar year 2005, counties reported to DOA that their share of circuit court revenue was \$44,910,100. For that same period, counties reported to the Department of Revenue that their share of circuit court revenue was \$53,667,365.

Much of the difference in reported revenues results from fees wholly retained by counties (such as copy and jury fees) which are not reported to DOA, but may be included in the report to DOR. In addition, counties report to DOA on a monthly basis, whereas DOR expenditures are reported annually. Therefore, revenue that counties receive in one month may be attributed to actions completed in a prior month, and may not be consistently captured in the monthly reports to DOA. Further, data reported to DOA is detailed by statutory cite; for example the penalty surcharge and the weapons surcharge separately. Data are reported to DOR in three broader categories: (a) law and ordinance violations; (b) court fees and costs; and (c) probate fees. In addition, data reported to DOA do not include the restitution fee, the restitution administrative surcharge or the crime prevention organization contribution. Appendix X provides a county breakout of the data reported to DOA.

Comparison of Circuit Court Revenues and Expenditures

Based on the information reported to DOR, in calendar year 2005, counties spent \$154.5 million on circuit court operations and received \$53.7 million in court collected revenues. The difference

of \$100.8 million is primarily funded through local taxes and unrestricted state aid payments, such as shared revenue. Counties will receive \$156.7 million in 2006 from state shared revenue payments.

State expenditures are reported based on a fiscal year, beginning on July 1st of one year and ending on the following June 30, so that a direct comparison cannot be made between county calendar year and state fiscal year expenditures and revenues. The state spent \$94.4 million in 2005-06 for the circuit courts and, as reported by the Director of State Courts from information reported to DOA, received \$110.0 million in revenue from fines and forfeitures, court fees, and surcharges. Much of the revenue received by the state, while still offsetting total state costs, is earmarked for specific programs, such as schools, law enforcement training, victim/witness assistance, drug abuse treatment and domestic abuse.

While direct comparisons may be of limited value given the inconsistencies in reported data and the differences between the calendar year and state fiscal year, Table 4 indicates that total circuit court operating expenditures exceeded revenue collected by circuit courts by approximately \$85.2 million. These expenditures are largely financed at the state level by revenue collected from general state taxes; and at the county level by local property taxes, state shared revenues and state-funded mandate relief, and state-funded circuit court support and GAL payments, and interpreter reimbursement programs.

Table 4: Circuit Court Expenditures and Revenues at the State and County Levels (in Millions)

	Fiscal Year 2005-06 State	Calendar 2005 County
Revenues	\$110.0	\$53.7
Expenditures	<u>94.4</u>	<u>154.5</u>
Expenditures Over Revenues	\$15.6	-\$100.8

The Wisconsin Legal Process

Both state and federal courts have jurisdiction over Wisconsin citizens. State courts generally only handle cases involving state laws; however, the federal government may give state courts jurisdiction over certain federal questions. The following is an outline of the civil and criminal court processes. It should be noted that this is a general overview and does not address the detailed specifics of each case (for example, certain civil procedures may vary for small claims or family matters). This overview does not include a description of juvenile court proceedings. Information on court proceedings in juvenile matters can be found in the Legislative Fiscal Bureau's informational paper entitled, "Juvenile Justice and Youth Aids Program."

Civil Cases

Civil cases involve individual claims in which a person seeks a remedy for some alleged wrong done by another. In general, the complaining party (plaintiff), may sue the offending party (defendant), for payment of injuries suffered by the complaining party, if the complaining party suffered a wrong for which the law provides a remedy. The process is outlined below:

- a. Plaintiff files a summons and complaint with the circuit court.
- b. Defendant is served with copies and a summons directs the defendant to respond (answer) to the plaintiff's attorney.
- c. Various pretrial proceedings occur including motions, pretrial conferences, discovery and formal or informal negotiations between the parties.
- d. In most cases, a settlement is reached at this point and court proceedings end. However, for the remainder of cases trial preparations continue, although a settlement may still occur either before

trial or during trial.

e. Under state and federal law, trial by jury is guaranteed but, if both parties consent, a trial may be conducted without a jury. For civil cases in Wisconsin state court, the jury consists of six persons, unless a greater number (not to exceed 12) is requested.

f. Final judgment -- if a jury is present, five-sixths of the jurors must agree on the verdict. The court (judge) makes a judgment for the plaintiff or the defendant based on the verdict. The plaintiff must typically prove his or her case by a preponderance of the evidence (that is, jurors must be convinced that the plaintiff's evidence is more persuasive, otherwise the verdict should be for the defendant).

g. Final judgment -- if a jury trial has been waived, the court (judge) makes a judgment for the plaintiff or the defendant based on trial testimony and evidence. Either party may file for reconsideration of the circuit court's decision based on new information.

h. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The court must accept the appeal. The appellate court may uphold or reverse, in whole or in part, the decision of the circuit court.

i. Supreme Court -- either party may petition for review by the Supreme Court of a lower court's opinion. However, the Supreme Court has the authority to accept or refuse to hear the appeal. The Supreme Court is the court of final authority in Wisconsin, except for cases involving federal issues appealable to the U.S. Supreme Court.

Criminal Cases

A criminal case involves an act prohibited by state law and punishable by fine or imprisonment, or both. Civil enforcement actions, such as most traffic violations, are distinguished from criminal actions in that a forfeiture (payment) may be

imposed (much like a criminal fine), but imprisonment cannot be imposed (except under the court's contempt powers for failure to comply with a court order). There are two types of criminal cases: felonies and misdemeanors. A felony may be punishable by imprisonment in the state prison. Misdemeanors include all criminal cases that are not felonies. In general, misdemeanors have maximum sentences of less than one year in a county jail, unless the statutes state otherwise. The criminal process is outlined below.

a. The state brings action against the defendant. Typically, the prosecutor, a district attorney, files a criminal complaint in the circuit court stating the essential facts of the offense.

b. In the case of a felony, if the defendant has not been arrested at the time of the filing of the criminal complaint, the judge or court commissioner issues a warrant for arrest. Law enforcement officers must execute a warrant and make an arrest. A summons to appear is issued for a misdemeanor. A summons may be delivered through the mail.

c. The defendant is taken into custody and brought before a judge or court commissioner, and informed of the charges and the right to be represented by a lawyer. If the defendant is found to be an eligible indigent, an attorney will be appointed by the State Public Defender. Bail may be set at this time (either a cash amount or a signature bond) to assure the defendant's appearance at future proceedings. If bail cannot be produced, the defendant is held in the county jail.

d. For a misdemeanor, the accused is asked to enter a plea and a trial date, if necessary, is set. [Go to g.]

e. For a felony, the defendant has the right to a preliminary examination, which is a hearing in the circuit court to determine whether the state has probable cause to charge the individual. If probable cause is found or if the preliminary examination is waived, an arraignment is held.

f. At the arraignment, the defendant enters a plea of guilty, not guilty, no contest or not guilty by reason of mental disease or defect.

g. Most criminal cases are decided before trial (typically by a plea of guilty or no contest, but sometimes through a dismissal or other action). However, if a trial occurs, the case is heard in the circuit court in front of a judge and a jury of 12, unless both parties waive the right to a jury trial or there is an agreement between the parties for fewer jurors.

h. Jury trial -- the jury considers the evidence presented at the trial, determines the facts and renders a verdict of guilty or not guilty. Jurors must be convinced of the defendant's guilt beyond a reasonable doubt. The verdict must be unanimous. If the jury cannot make an unanimous decision, it is referred to as a "hung" jury. The defendant may be retried by a new jury at the discretion of the district attorney.

i. No jury trial -- the judge makes the ruling of guilty beyond a reasonable doubt or not guilty.

j. A not-guilty judgment -- the defendant is cleared of alleged fault or guilt (acquitted) and cannot be tried again for the same offense ("double jeopardy").

k. If guilt is determined (either through a guilty plea or trial verdict), the court (judge) enters a judgment of conviction and determines the penalty (sentencing) for the crime within the statutory range. A defendant may also plead no contest which results in the same criminal consequences as a plea of guilty, but the plea cannot be used in civil litigation against the defendant. [See Legislative Fiscal Bureau's informational paper entitled, "Felony Sentencing and Probation" for more information on sentencing.]

l. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The Court must accept the appeal. The appellate court

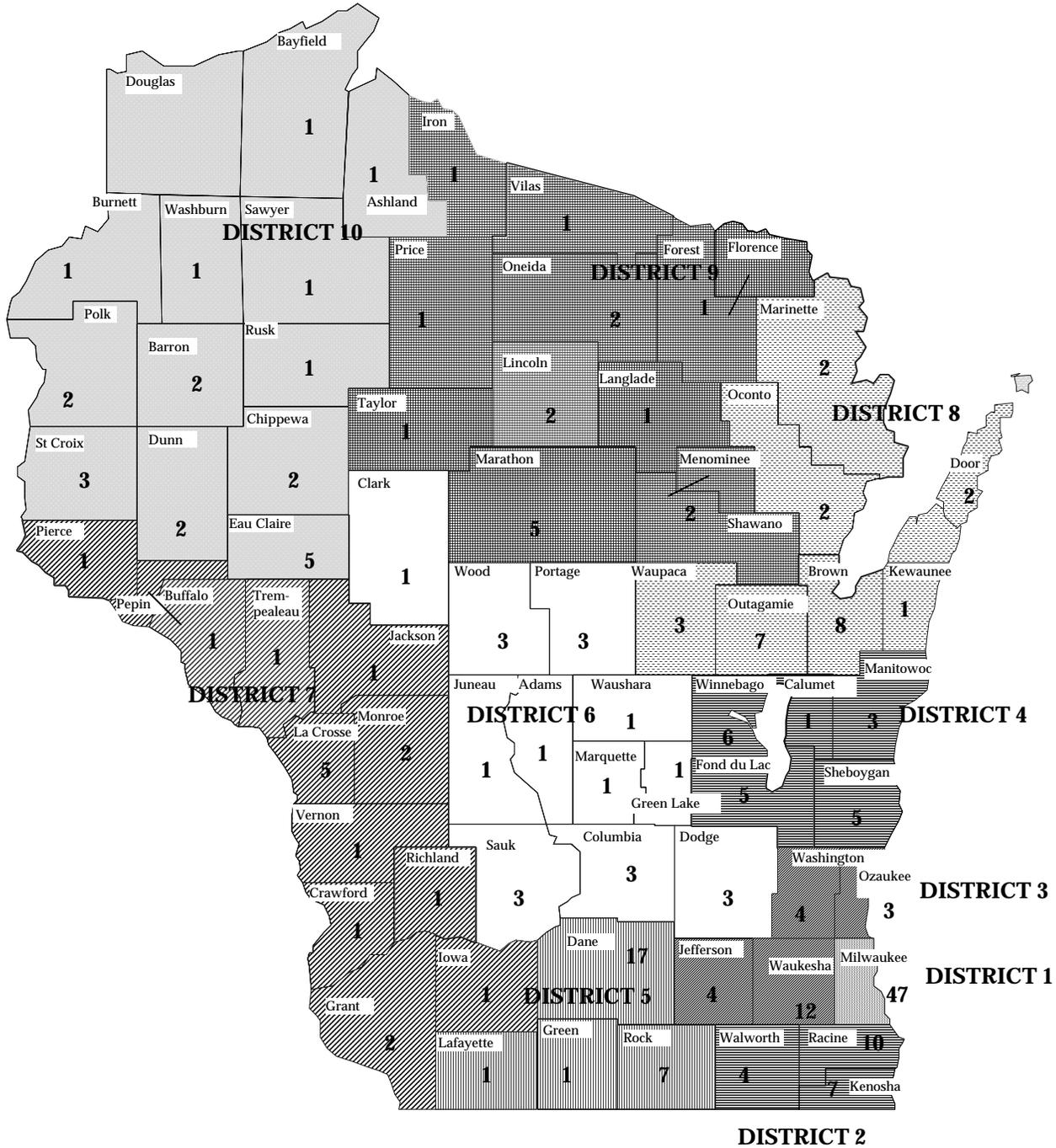
may uphold or reverse the decision of the circuit court.

m. Supreme Court -- either party may petition

for review of a lower court's opinion by the Supreme Court. However, the Supreme Court has the discretion to decide which cases it will hear. The Supreme Court is the court of final authority in Wisconsin, except for cases involving federal issues appealable to the U.S. Supreme Court.

APPENDIX II

Circuit Court Branches and Judicial Administrative Districts



10 Judicial Administrative Districts for Circuit Court Branches

241 Total Circuit Court Branches

APPENDIX III

2005 Circuit Court Caseload Study By County

<u>County</u>	<u>Caseload Study of Judicial Officer Need</u>	<u>Current Number of Judges</u>	<u>Current Number of Court Commissioners (Estimated)</u>	<u>Judicial Officer Need</u>
Adams	1.4	1.0	0.2	0.2
Ashland	1.2	1.0	0.3	-0.1
Barron	3.2	2.0	0.2	1.0
Bayfield	0.9	1.0	0.1	-0.2
Brown	13.2	8.0	4.0	1.2
Buffalo	0.7	0.6	0.2	-0.1
Burnett	1.6	1.0	0.3	0.3
Calumet	1.7	1.0	0.5	0.2
Chippewa	3.8	2.0	0.2	1.6
Clark	1.6	1.0	0.2	0.4
Columbia	3.6	3.0	0.4	0.2
Crawford	0.8	1.0	0.1	-0.3
Dane	25.0	17.0	11.0	-3.0
Dodge	5.3	3.0	0.7	1.6
Door	1.6	2.0	0.1	-0.5
Douglas	3.0	2.0	1.0	0.0
Dunn	2.8	2.0	0.2	0.7
Eau Claire	7.7	5.0	1.0	1.7
Florence	0.3	0.8	0.1	-0.5
Fond du Lac	4.9	5.0	1.0	-1.1
Forest	0.9	0.3	0.4	0.3
Grant	2.2	2.0	0.2	0.0
Green	1.9	1.0	0.3	0.6
Green Lake	1.3	1.0	0.1	0.2
Iowa	1.2	1.0	0.1	0.1
Iron	0.4	1.0	0.1	-0.7
Jackson	1.5	1.0	0.1	0.4
Jefferson	4.7	4.0	2.0	-1.3
Juneau	2.1	1.0	0.2	0.9
Kenosha	12.1	7.0	3.1	2.0
Kewaunee	0.9	1.0	0.1	-0.2
LaCrosse	6.5	5.0	1.1	0.5
Lafayette	0.8	1.0	0.0	-0.2
Langlade	1.5	1.0	0.1	0.4
Lincoln	1.9	2.0	0.2	-0.3

<u>County</u>	<u>Caseload Study of Judicial Officer Need</u>	<u>Current Number of Judges</u>	<u>Current Number of Court Commissioners (Estimated)</u>	<u>Judicial Officer Need</u>
Manitowoc	4.2	3.0	1.2	0.0
Marathon	7.8	5.0	1.0	1.8
Marinette	2.4	2.0	1.0	-0.6
Marquette	1.0	1.0	0.2	-0.2
Menominee	0.1	0.1	0.0	0.0
Milwaukee	71.7	47.0	22.0	2.7
Monroe	3.8	2.0	0.2	1.6
Oconto	1.7	2.0	0.3	-0.6
Oneida	2.3	2.0	0.5	-0.2
Outagamie	10.1	7.0	2.8	0.3
Ozaukee	3.3	3.0	1.0	-0.7
Pepin	0.4	0.4	0.1	-0.1
Pierce	1.7	1.0	0.8	-0.1
Polk	2.8	2.0	0.3	0.6
Portage	3.2	3.0	0.2	0.0
Price	0.7	1.0	0.1	-0.4
Racine	14.8	10.0	4.0	0.8
Richland	1.0	1.0	0.2	-0.2
Rock	12.1	7.0	2.9	2.2
Rusk	0.9	1.0	0.1	-0.2
Sauk	4.5	3.0	0.7	0.8
Sawyer	1.5	1.0	0.1	0.4
Shawano	2.6	1.9	0.4	0.3
Sheboygan	7.5	5.0	2.0	0.5
St. Croix	4.4	3.0	0.5	1.0
Taylor	0.9	1.0	0.1	-0.2
Trempealeau	1.5	1.0	0.3	0.2
Vernon	1.5	1.0	0.1	0.4
Vilas	1.2	1.0	0.1	0.1
Walworth	5.9	4.0	1.3	0.7
Washburn	1.1	1.0	0.2	-0.1
Washington	6.2	4.0	1.4	0.8
Waukesha	15.5	12.0	5.0	-1.5
Waupaca	3.0	3.0	0.2	-0.2
Waushara	1.4	1.0	0.3	0.1
Winnebago	9.9	6.0	3.0	0.9
Wood	<u>4.5</u>	<u>3.0</u>	<u>0.4</u>	<u>1.2</u>
Total	343.3	241.0	84.5	17.9

APPENDIX IV

**State Expenditures on Circuit Courts
2005-06**

<u>County</u>	<u>Estimated Circuit Court Costs*</u>	<u>Circuit Court Support Payments</u>	<u>Guardian Ad Litem Cost Payments</u>	<u>Court Interpreter Fee Reimbursement</u>	<u>Total</u>
Adams	\$290,900	\$52,300	\$18,500	\$0	\$361,700
Ashland	290,900	52,300	17,600	0	360,800
Barron	581,700	163,000	41,900	900	787,500
Bayfield	290,900	52,300	17,500	0	360,700
Brown	2,326,800	739,200	164,300	43,800	3,274,100
Buffalo	174,500	35,700	11,100	200	221,500
Burnett	290,900	52,300	19,100	0	362,300
Calumet	290,900	52,300	24,800	2,600	370,600
Chippewa	581,700	184,800	46,100	700	813,300
Clark	290,900	52,300	24,100	3,400	370,700
Columbia	872,600	218,800	59,000	4,500	1,154,900
Crawford	290,900	52,300	18,600	300	362,100
Dane	4,944,500	1,478,500	320,400	68,000	6,811,400
Dodge	872,600	275,600	69,100	12,100	1,229,400
Door	581,700	133,600	29,700	5,200	750,200
Douglas	581,700	158,200	21,900	0	761,800
Dunn	581,700	154,900	46,400	900	783,900
Eau Claire	1,454,300	373,500	99,500	5,500	1,932,800
Florence	77,800	22,500	2,400	0	102,700
Fond du Lac	1,454,300	379,300	101,500	4,900	1,940,000
Forest	213,100	39,700	10,500	0	263,300
Grant	581,700	169,800	44,600	800	796,900
Green	290,900	52,300	27,300	2,600	373,100
Green Lake	290,900	52,300	17,900	0	361,100
Iowa	290,900	52,300	20,400	1,200	364,800
Iron	290,900	52,300	10,700	0	353,900
Jackson	290,900	52,300	24,700	300	368,200
Jefferson	1,163,400	301,200	79,900	26,800	1,571,300
Juneau	290,900	52,300	37,400	1,300	381,900
Kenosha	2,036,000	559,000	150,200	34,000	2,779,200
Kewaunee	290,900	52,300	15,400	0	358,600
LaCrosse	1,454,300	396,200	87,400	2,600	1,940,500
Lafayette	290,900	52,300	18,300	1,100	362,600
Langlade	290,900	52,300	21,500	800	365,500
Lincoln	581,700	135,600	30,600	0	747,900

<u>County</u>	<u>Estimated Circuit Court Costs*</u>	<u>Circuit Court Support Payments</u>	<u>Guardian Ad Litem Cost Payments</u>	<u>Court Interpreter Fee Reimbursement</u>	<u>Total</u>
Manitowoc	\$872,600	\$268,900	\$57,400	\$9,000	\$1,207,900
Marathon	1,454,300	430,500	94,700	14,300	1,993,800
Marinette	581,700	159,000	37,500	300	778,500
Marquette	290,900	52,300	19,500	0	362,700
Menominee	12,500	11,700	400	0	24,600
Milwaukee	13,670,200	3,570,600	964,900	283,900	18,489,600
Monroe	581,700	156,400	43,700	6,100	787,900
Oconto	581,700	148,000	34,500	1,100	765,300
Oneida	581,700	148,100	38,500	0	768,300
Outagamie	2,036,000	580,600	120,900	20,600	2,758,100
Ozaukee	872,600	270,400	56,100	3,200	1,202,300
Pepin	116,400	26,500	6,800	1,600	151,300
Pierce	290,900	52,300	21,500	700	365,400
Polk	581,700	158,500	37,700	0	777,900
Portage	872,600	243,000	55,200	9,600	1,180,400
Price	290,900	52,300	16,200	0	359,400
Racine	2,908,600	746,200	194,700	50,600	3,900,100
Richland	290,900	52,300	18,300	0	361,500
Rock	2,036,000	558,200	151,900	45,800	2,791,900
Rusk	290,900	52,300	15,900	0	359,100
Sauk	872,600	225,600	65,200	9,900	1,173,300
Sawyer	290,900	52,300	17,400	100	360,700
Shawano	569,200	153,600	26,600	2,400	751,800
Sheboygan	1,454,300	406,000	105,300	18,900	1,984,500
St. Croix	872,600	249,100	58,200	2,300	1,182,200
Taylor	290,900	52,300	16,600	0	359,800
Trempealeau	290,900	52,300	23,300	5,800	372,300
Vernon	290,900	52,300	20,800	1,000	365,000
Vilas	290,900	52,300	19,300	0	362,500
Walworth	1,163,400	332,700	78,500	34,600	1,609,200
Washburn	290,900	52,300	19,700	0	362,900
Washington	1,163,400	377,500	70,300	1,200	1,612,400
Waukesha	3,490,300	1,136,700	210,700	35,800	4,873,500
Waupaca	872,600	216,400	51,300	5,200	1,145,500
Waushara	290,900	52,300	28,000	800	372,000
Winnebago	1,745,100	526,500	134,300	7,600	2,413,500
Wood	<u>872,600</u>	<u>255,400</u>	<u>56,700</u>	<u>0</u>	<u>1,184,700</u>
All Counties	\$70,097,700	\$18,739,600	\$4,738,800	\$796,900	\$94,373,000

*Estimated circuit court costs include costs associated with judges, court reporters, district court administrators, judicial education, Office of Court Operations, CCAP, and a portion of the Director of State Courts and Management Services offices. Statewide costs are prorated based on the number of branches.

APPENDIX V

Fines and Forfeitures

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
State fines and forfeitures for violations of any traffic, motor vehicle or driver's license regulations (s. 59.25(3)(j), chs. 341-347, 349 and 351)	Fines and forfeitures imposed by courts for violations of state laws regarding registration of vehicles, vehicle title and anti-theft law, operator's licenses, vehicles - financial responsibility, vehicles - civil and criminal liability, rules of the road, equipment of vehicles, vehicles - powers of state and local authorities, and habitual traffic offenders are deposited into the common school fund and the county.	As determined by the court and/or statutes	50% of the fine or forfeiture to the common school fund	50% of the fine or forfeiture retained by the county treasurer as fees for receiving and paying money into the state treasury
State forfeitures concerning vehicles - size, weight and load (s. 59.25 (3)(k), 348.11 and 348.21)	Fines and forfeitures collected from citations issued by the State Patrol or county law enforcement officers for violations of state law are deposited in the common school fund, state transportation fund, and the remainder is retained by counties.	\$10 to more than \$300, depending on the violation	90% of the fine or forfeiture (50% to the common school fund and 40% to the state transportation fund)	10% retained by county where citation issued
All other state fines and forfeitures (except those specifically listed above) (s. 59.25 (3)(j))	Fines and forfeitures imposed by the courts for violations of state laws (except those laws listed above) are deposited to the county and the common school fund.	As determined by the court and/or statutes	90% of the fine, forfeiture or penalty to the common school fund	10% of the fine or forfeiture to be retained by the county treasurer for fees in receiving and paying monies into the state treasury
Ordinance violation forfeitures concerning vehicles - size, weight and load (s. 59.25(3)(L) and 66.0114(3)(c))	Forfeitures imposed by courts for ordinance violations relating to vehicles - size, weight and load are deposited into the state transportation fund, and the remainder is retained by the municipality or county.	\$10 to more than \$300, depending on the violation	100% in excess of \$150 per forfeiture to the state transportation fund provided the violation occurred on an interstate highway, a state trunk highway or a highway over which the local highway authority does not have primary maintenance responsibility	Up to \$150 per forfeiture retained by the municipality if the violation occurred on an interstate highway, a state trunk highway or a highway over which the local authority does not have primary maintenance responsibility. If the violation did not occur on one of the above mentioned highways, the municipality retains the entire amount of the forfeiture

APPENDIX VI

Court Fees

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Commencement of civil action fee (non-family) (s. 814.61(1)(a))	To be paid by the filer at the commencement of all civil actions and special proceedings in circuit court except garnishment, wage earner, small claims and forfeiture actions.	\$75	\$30 to the general fund and \$15 to Consolidated Court Automation Programs (CCAP)	\$30
Change of venue fee in civil action (s. 814.61(1)(a) and (2))	To be paid by the party that necessitated the change of venue.	\$75, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$30
Commencement of family action fee (s. 814.61(1)(a), (b) & (c))	To be paid at the commencement of all family actions except for paternity determination, interstate family support, termination of parental rights and adoption actions. In addition to the civil action filing fee, a \$20 family court counseling fee is assessed.	\$95	\$30 to the general fund and \$15 to CCAP	\$50, \$20 of which is earmarked for family court counseling services
Commencement of family action fee, with request for support or maintenance (s. 814.61(1)(a), (b), and (13))	In addition to the \$95 commencement of family action fee, when a person not receiving benefits under W-2 or medical assistance files a petition requesting child support, maintenance or family support payments, an additional \$10 is charged.	\$105	\$30 to the general fund and \$15 to CCAP	\$60, \$20 of which is earmarked for family court counseling services and \$10 of which is earmarked for the cost of court services relating to child support, maintenance or family support payments
Change of venue fee in family action (s. 814.61(1)(a), (1)(b) and (2))	To be paid by the party that necessitated the change of venue.	\$95, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$50, \$20 of which is earmarked for family court counseling services

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Change of venue fee in family action, with request for support or maintenance (s. 814.61(1)(b), (2), and (13))	In addition to the \$95 change of venue in a family action fee, if a person not receiving benefits under W-2, medicare or medical assistance files a petition requesting child support, maintenance or family support payments, an additional \$10 is charged.	\$105, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$60, \$20 of which is earmarked for family court counseling services and \$10 of which is earmarked for the cost of court services relating to child support, maintenance or family support payments
Revision of judgment or order in action affecting the family (s. 814.61(7)(a))	To be paid upon the filing of any petition or any motion, by either party, for the revision of a judgment or order in an action affecting the family (unless both parties have agreed to the revision), except for paternity actions.	\$30	\$15 to the general fund	\$15
Revision of legal custody and physical placement order/moving the child's residence within or outside the state (s. 814.61(7)(b))	To be paid upon the filing of any petition, motion or order to show cause by either party under legal custody or physical placement, or moving the child's residence within or outside the state.	\$50	\$12.50 to the general fund	\$12.50 for general county purposes and \$25 for family court counseling services
Fee for commencing a garnishment action (s. 814.62(1))	To be paid when a person commences a garnishment action.	\$20	\$7.50 to the general fund and \$5 to CCAP	\$7.50
Fee for commencing a small claims action (s. 814.62(3)(a) and (d)2.)	To be paid by the plaintiff at the time of issuance of a summons or other process in a proceeding not commenced by a summons.	\$22	\$11.80 to CCAP	\$10.20
Change of venue fee in small claims actions (s. 814.61(2) and 814.62(3)(a) and (d)2.)	To be paid by the party that necessitated the change of venue.	\$22, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$11.80 to CCAP	\$10.20
Fee for filing a counterclaim or cross complaint in a small claims action (s. 814.62(3)(b) and (d)3.)	To be paid by the person filing the counterclaim or cross complaint.	\$53	\$17.20 to the general fund and \$10 to CCAP	\$25.80

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Third party complaint in a large claim or no money judgment requested (s. 814.61(3))	To be paid by defendant when defendant files a third party complaint. The defendant shall pay only one such fee in an action.	\$45	\$20 to the general fund and \$5 to CCAP	\$20
Fee for forfeiture actions (s. 814.63(1)(b) and (5))	To be paid by the defendant when judgment is entered against the defendant, except for smoking or safety belt violations.	\$25	\$12.50 to the general fund and \$5 to CCAP	\$7.50
Fee for criminal actions (s. 814.60(1))	To be paid by the defendant when a judgment is entered against the defendant.	\$20	\$10 to the general fund	\$10
Municipal court fee (s. 814.65(1))	Except for certain safety belt violations, to be paid by the defendant on each separate matter, including default of appearance, guilty or no contest pleas, issuance of warrants or summonses, or if the action is tried as a contested matter.	\$15-23, as determined by the municipal court	\$5 of the \$15 to \$23 fee to the general fund	None; municipality retains all but \$5
Appeal from municipal court or administrative decision, and appeal or review is by certiorari or on the record (s. 814.61(8)(am)1. and 814.61(8)(c))	To be paid when a person wishes to appeal a decision from municipal court or on review of any administrative decision, and the appeal or review is by certiorari or on the record.	\$40	\$17.50 to the general fund and \$5 to CCAP	\$17.50
Appeal from municipal court or administrative decision, and a new trial is authorized and requested (s. 814.61(8)(am)2. and 814.61(8)(d))	To be paid by a person who wishes to appeal a decision from municipal court or on review of any administrative decision, and a new trial is authorized and requested.	\$55	\$25 to the general fund and \$5 to CCAP	\$25

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Fees of register in probate (s. 814.66)	<p>The register in probate collects fees for the following: (a) filing a probate petition or for a certificate of judgment of descent of lands; (b) filing a petition for guardianship of estate or application for conservatorship; (c) for a certificate terminating a life estate or homestead; (d) filing an objection to probate of a will; (e) receiving a will for safekeeping; (f) for each certificate issued by registers in probate or circuit court judges; (g) for copies of records or papers in the custody and charge of registers in probate; (h) for copies requested by the state public defender, other than transcripts; (i) filing claims against estates; (j) searching files or records when the requester does not furnish the case number; (k) receiving power of attorney for health care instrument or a declaration for safekeeping; (l) filing a petition for visitation by a minor's grandparents or step-parents; and (m) depositing money for a guardianship; and (n) withdrawing money that has been deposited for a guardianship.</p>	<p>(a) \$20, if estate is \$10,000 or less, or 0.2% the value of the property, if estate is more than \$10,000; (b) \$20, if estate is \$50,000 or less, or 0.2% the value of the estate, if more than \$50,000; (c) \$3; (d) 20; (e) \$10; (f) \$3; (g) \$1; (h) a fee equal to the actual, necessary, and direct costs of copying; (i) \$3; (j) \$4; (k) \$8; (l) \$60; (m) \$10 or 0.5% of deposit, whichever is greater; and (n) \$10.</p>	66.67% to the general fund	33.33%

APPENDIX VII

Court Surcharges and Payments

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Court support services surcharge (s. 814.85(1))	If filing a civil action, third party complaint, appeal from municipal court, small claims action, small claim counterclaim or cross complaint, forfeiture action, garnishment action, or wage earner action, a court support services surcharge also applies. [Exceptions: actions for safety belt use violations, special identification cards for physically disabled violations, or first-time violations for operating a motor vehicle, all-terrain vehicle, motorboat, or snowmobile if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1.]	\$169 for civil actions in which the amount claimed is greater than \$5,000, \$51 for civil actions in which the amount claimed is equal to or less than \$5,000, and \$68 for civil actions in which there is no money judgment requested	100% to the general fund	None
Penalty surcharge (s. 757.05(1) and (2), 814.75(18), 814.76(14), 814.77(11), 814.78(10), 814.79(7), 814.80(9) and 814.81 (9))	Surcharge on fines or forfeitures imposed by courts for violations of state laws or municipal or county ordinances. [Exceptions: for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or safety belt use, or first-time violations for operating a motor vehicle, all-terrain vehicle, motorboat, or snowmobile if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1.]	26% of the fine or forfeiture	100% to various state agencies (45.83% to the Department of Justice for the Law Enforcement Training Fund and the remainder to fund justice-related automation systems, victim-witness services, correctional officer and public defender training, AODA programs within the Department of Public Instruction, and provide match money for federal anti-drug enforcement programs)	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Justice information system surcharge (s. 814.86(1))	If filing for civil, small claims, forfeiture, wage earner, or garnishment actions, or for an appeal from municipal court, third party complaint in a civil action, or for filing a counterclaim or cross complaint in a small claims action, a justice information surcharge also applies. [Exceptions: actions for safety belt use violations, special identification cards for physically disabled violations, or first-time violations for operating a motor vehicle, all-terrain vehicle, motorboat, or snowmobile if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1.]	\$12	\$5 to the Department of Administration for justice information systems, \$6 to CCAP, and \$1 to the general fund	None
Special prosecution clerks surcharge (Milwaukee County only) (s. 814.86(1m))	Whenever the clerk of circuit court for Milwaukee County charges and collects the justice information surcharge, he or she must also collect a special prosecution clerks surcharge.	\$2	100% to fund clerks in the Milwaukee County District Attorneys Office	None
Crime lab and drug law enforcement surcharge in criminal and forfeiture actions (s. 165.755, 814.75(3), 814.76(2), 814.77(2), 814.78(3), 814.79(2), 814.80(3) and 814.81(3))	If a court imposes a sentence, places a person on probation or imposes a forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or safety belt use, or first time violations for operating a motor vehicle, all-terrain vehicle, motorboat, or snowmobile if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1), the court must also impose a crime laboratories and drug law enforcement surcharge for each offense.	\$8	100% to the state to help fund drug law enforcement, drug law violation prosecution assistance, crime laboratories, and the DNA databank activities	None
Crime victim and witness surcharge - Part A (s. 973.045(3)(a)(1))	If a court imposes a sentence or places a person on probation, the court shall also impose a crime victim and witness surcharge.	\$40 for each misdemeanor offense and \$65 for each felony offense	100% to fund crime victim and witness services	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Crime victim and witness surcharge - Part B (s. 973.045 (3)(a)(2))	If a court imposes a sentence or places a person on probation, the court shall also impose a crime victim and witness surcharge.	\$20 for each misdemeanor offense and \$20 for each felony offense	100% to fund sexual assault victim services	None
DNA analysis surcharge in criminal actions (s. 814.75(7), 814.76(5) and 973.046)	If a court imposes a sentence or places a person on probation for committing certain sex offenses, the court must also impose a DNA surcharge on the defendant. In addition to those sex offenses for which the court must impose the DNA analysis surcharge, the court may also impose the surcharge any time the court imposes a sentence or places a person on probation for a felony conviction.	\$250	100% to state to help fund drug law enforcement, crime laboratories, and DNA database activities	None
Drug abuse program improvement surcharge in criminal actions (s. 814.75(10), 814.76(8) and 961.41(5)(a))	When a court imposes a fine for a violation concerning the manufacture, distribution or delivery of controlled substances, the court must also impose a drug abuse program improvement surcharge on the defendant.	75% of the fine and penalty assessment imposed	100% for DHFS alcohol and drug abuse initiatives	None
Drug offender diversion surcharge (s. 814.75(11), 814.76(9), and 973.043)	If a court imposes a sentence or places a person on probation for a violation of Chapter 943 (Crimes against Property), the court must also impose a drug offender diversion surcharge for each conviction.	\$10	100% to an appropriation under OJA to provide grants to counties and contract for an evaluation of the grant program	None
Domestic abuse surcharge in criminal and forfeiture actions (s. 814.75(8), 814.76(6), 814.80(6), 814.81(6), and 973.055)	The domestic abuse surcharge applies only in those cases in which the defendant's conduct was directed against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child. If a court imposes a sentence on an adult person or places an adult person on probation for violating certain crimes against life and bodily security, crimes against property, bail jumping, or crimes against public peace, order and other interests, regardless of whether any fine is imposed, the court shall also impose a domestic abuse assessment for each offense (unless the court determines the assessment	\$75 for each offense	100% to the state for domestic abuse grants	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
	would have a negative impact on the offender's family).			
Child pornography surcharge (s. 814.75(1), 814.76(1), and 973.042)	If a court imposes a sentence or places a person on probation for either sexual exploitation of a child or possession of child pornography, the court must impose a child pornography surcharge on each image associated with the crime.	\$500 for each image	50% to Department of Corrections to operate institutions and provide field and administrative services 30% to Department of Justice law enforcement services to investigate offenses 20% to OJA to provide grants to nonprofit organizations providing services to victims of sexual assault.	None
Weapons surcharge in criminal and forfeiture actions (s. 167.31(5), 814.75(25), 814.76(18) and 814.77(14))	If a court imposes a fine or forfeiture for violating laws concerning safe use and transportation of firearms and bows, the court must also impose a weapons surcharge.	75% of the amount of fine or forfeiture (which can be up to \$1,000)	100% to the fish and wildlife account of the state conservation fund	None
Restitution administrative surcharge (s. 973.20(11)(a), 814.75(20) and 814.76(15))	Restitution surcharge in a criminal action if an offender is sentenced to prison or placed on probation.	5% of the total amount of any restitution, costs, attorney fees and any fines and related payments ordered under s. 973.05(1)	To the Department of Corrections for administrative expenses	None
Juvenile delinquency victim and witness assistance surcharge (s. 938.34(8d)), 814.75(6), 814.77(4), 814.78(5), 814.79(4) and 814.80(5))	For a juvenile adjudged delinquent, the court must impose a delinquency victim and witness assistance surcharge.	\$20	100% to fund crime victim and witness services	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Reimbursement of legal fees for state- provided counsel in juvenile actions - delinquency, JIPS or CHIPS (s. 48.275 (2) and 938.275(2))	If the state or county provides legal counsel to a child or an expectant mother in CHIPS proceedings, or to juveniles in delinquency or JIPS proceedings, the court must also order the non-indigent parents to reimburse the state or county for the representation, unless the parent is the complaining or petitioning party or if the court finds that the interests of the parent and the interests of the child in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent.	As determined by the court	75% to the state when state counsel is provided for JIPS and delinquency proceedings regardless of county size (money credited to SPD private bar and investigator reimbursement appropriation). 75% to the state when state counsel is provided for CHIPS proceedings in counties with a population less than 500,000 (money credited to SPD private bar and investigator reimbursement appropriation). 100% to the state when state counsel is provided for CHIPS proceedings in counties having a population equal to or greater than 500,000 (25% credited to Milwaukee child welfare services and 75% credited to SPD private bar and investigator reimbursement appropriation)	25% to the county when state counsel is provided in CHIPS proceedings in counties with a population of less than 500,000. 25% to the county when state counsel is provided in JIPS and delinquency proceedings (regardless of county population)
Consumer protection surcharge in criminal and forfeiture action (s. 100.261(1) and (3)(c), 814.75(1), 814.76(1), 814.78(1), 814.80(1) and 814.81(1))	Whenever a court imposes a fine or forfeiture for violations relating to consumer protection, the court must also impose a consumer protection surcharge.	25% of the total amount of the fine or forfeiture	100% of the first \$185,000 annually to the Department of Agriculture, Trade and Consumer Protection for consumer protection information and education. The remainder is deposited to the general fund	None
Supplemental food enforcement surcharge in criminal and forfeiture actions (s. 253.06(4)(c)1, 814.75(22m), 814.76(15m) and 814.80(11))	Whenever a court imposes a fine, forfeiture or recoupment for violating laws or rules concerning the Women Infants and Children (WIC) program, the court must also impose a supplemental food enforcement surcharge.	50% of the total fine, forfeiture or recoupment amounts imposed	100% to finance fraud reduction in the WIC program	None
Uninsured employer surcharge in criminal and forfeiture actions (s. 102.85(4)(a), 814.75(24) and 814.76(17))	If a court imposes a fine or forfeiture for employer insurance or worker's compensation violations, the court must also impose an uninsured employer surcharge on the defendant.	75% of the amount of fine or forfeiture (which can range from \$10 to \$10,000)	100% to the state uninsured employers fund (which pays the claims of employees of uninsured employers)	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Driver improvement surcharge in criminal and forfeiture actions (s. 346.655(1) and (2), 814.75(9), 814.76(7), 814.78(7), 814.79(4m))	If a court imposes a fine or forfeiture for certain violations relating to operating while intoxicated, it shall also impose a driver improvement surcharge.	\$355	38.5% of the surcharge amount for activities related to alcohol abuse, OWI enforcement and crime victim compensation services	61.5% of the surcharge amount for community mental health, developmental disabilities, alcoholism and drug abuse services
Truck driver education surcharge in criminal and forfeiture actions (s. 349.04(1), 814.75(23), 814.76(16), 814.78(12) and 814.79(10))	If a court imposes a fine or forfeiture for violating laws concerning rules of the road, equipment of vehicles, or vehicles - size, weight and load, the court must impose a truck driver education surcharge.	\$8	100% to the state for truck driver training grants to Chippewa Valley Technical College, Fox Valley Technical College, and Waukesha County Technical College	None
Occupational drivers license fee (habitual traffic offender) (s. 351.07 (1g))	Persons considered habitual traffic offenders that file a petition for an occupational license must pay a fee.	\$40	50% of the fee to the transportation fund	50% of the fee to be retained by the county
Railroad crossing improvement surcharge in forfeiture actions (s. 346.177, 346.495, 814.75(19) and 814.79(8))	Whenever a court imposes a forfeiture for certain violations concerning driving or stopping on railroad crossings, the court must also impose a railroad crossing improvement surcharge.	50% of the amount of the forfeiture, which may be up to \$1,000	100% to the Department of Transportation for railroad crossing protection, installation, and maintenance	None
Snowmobile registration restitution surcharge in forfeiture actions (s. 350.115, 814.75(21) and 814.77(12))	If a court imposes a forfeiture for a snowmobile violation in which a registration fee is required, the court must also impose a snowmobile registration restitution surcharge on the defendant.	Equal to the amount of the fee that was required and should have been obtained	100% to the snowmobile account of the state conservation fund, which funds such things as snowmobile trail and project aids and county snowmobile enforcement aids	None
Environmental surcharge in criminal and forfeiture actions (s. 299.93, 814.75(12), 814.76(10) and 814.77(5))	If a court imposes a fine or forfeiture for a violation of laws concerning pure drinking water, water and sewage, pollution discharge elimination, air pollution, solid waste facilities, hazardous waste management, remedial action, metallic mining, nonmetallic mining, reclamation or oil and gas exploration and production, the court must also impose an environmental surcharge on the defendant.	10% of the amount of the fine or forfeiture	100% to the environmental management account of the state environmental fund, which funds contaminated land cleanup and administration, the Brownfields grant program, groundwater standards development and implementation, and environmental education grants	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Natural Resources surcharge in criminal and forfeiture actions (s. 29.987, 814.75(16), 814.76(12), 814.77(9))	If a court imposes a fine, forfeiture or order for violating laws concerning wild animals and plants, the court is also required to impose a natural resources surcharge.	Equal to 75% of the fine or forfeiture amount	100% to the fish and wildlife account of the state conservation fund	None
Natural Resources restitution surcharge in criminal and forfeiture actions (s. 29.989, 814.75(17), 814.76(13) and 814.77(10))	If court imposes a fine or forfeiture or an order for violating laws concerning wild animals and plants, the court is also required to impose a natural resources restitution surcharge (when a restitution surcharge is required).	Equal to the amount of the statutory fee for the approval which was required and should have been obtained	100% to the fish and wildlife account of the state conservation fund, which funds such things as fish and game management, law enforcement and licensing	None
Wild animal protection surcharge in criminal and forfeiture actions (s. 29.983, 814.75(26), 814.76(19) and 814.77(15))	If a court imposes a fine or forfeiture for violating laws concerning wild animals and plants or issues an order regarding the unlawful killing, wounding, catching, taking, trapping or possession of a wild animal, the court may impose a wild animal protection surcharge on the defendant.	\$8.75 to \$2,000, depending on the type of animal	100% to the fish and wildlife account of the state conservation fund	None
Wildlife violator compact surcharge (s.29.99, 814.75(27), 814.76(20), and 814.77(16))	If a court imposes a fine or forfeiture for a violation under Chapter 29 (Wild Animals and Plants), the court must also impose a wildlife violator compact surcharge.	\$5	100% to the conservation fund	None
Commercial fish protection surcharge (s.29.984, 814.75(1g), 814.76(1g), and 814.77(1g))	If a court imposes a fine or forfeiture for the unlawful killing, catching, taking, transporting, sale, or possession of Great Lakes fish or fish in outlying waters, or for failing to comply with any statutory record-keeping requirements, the court may impose a commercial fish protection surcharge.	(a) For any commercial fish, except as provided in (c), an amount equal to the average wholesale value of the fish on the date of the violation; (b) For salmon, trout or non-commercial game fish, except as provided in (c): (i) \$43.75 for muskellunge or lake sturgeon; (ii) \$26.25 for largemouth or smallmouth bass, or brook, rainbow, brown or steel head trout; (iii) \$8.75 for walleye pike, northern pike or any other unmentioned game fish; (c) If the value of the fish exceeds \$300, an amount equal to three times	100% to the conservation fund	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
		the average wholesale value of the fish		
Great Lakes resource surcharge (s. 29.9905)	If a court imposes a fine or forfeiture for a violation of wholesale fish deal license involving Great Lakes fish, or a violation of outlying water sport trolling licenses or commercial fishing in outlying waters, the court must also impose a Great Lakes resource surcharge.	Equal to 75% of the fine or forfeiture	100% to the conservation fund for research of Great Lakes fish	None
Fishing net removal surcharge (s. 29.991, 814.75(12n), and 814.77(5m))	If a court imposes a forfeiture for failure to reimburse the Department of Natural Resources for costs associated with the seizure of a net or similar fishing device, the court must impose a fishing net removal surcharge.	Amount equal to the sum of seizure costs, plus an amount equal to 75% of the forfeiture amount.	100% to the conservation fund	None
Fishing shelter removal surcharge in forfeiture actions (s. 29.985, 814.75(13) and 814.77(6))	If a court imposes a forfeiture (up to \$100) on a person that fails to reimburse the DNR for the costs associated with the seizure and destruction or sale of an ice fishing shanty that is considered a public nuisance, the court must also impose a fishing shelter removal surcharge on the defendant.	Equal to the costs that the fishing shelter owner should have reimbursed the DNR	100% to the fish and wildlife account of the state conservation fund	None

APPENDIX VIII

Wholly Retained County or Municipal Fees Collected by the Clerk of Circuit Court

Statutory Section	Type of Fee	Amount of Fee	Special Handling
778.105	Forfeitures for violation of municipal or county ordinances	As determined by the court and/or statutes	Revenues from forfeitures imposed by any court for the violation of any municipal or county ordinance shall be paid to the municipality or county, unless otherwise specified.
302.46(1), 814.75(14), 814.76(11), 814.77(7), 814.78(8), 814.79(5), 814.80(7) and 814.81(7)	Jail surcharge in criminal and forfeiture actions. If a court imposes a fine or forfeiture for state law or municipal or county ordinance violations (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or safety belt use, or first time violations for operating a motor vehicle, all terrain vehicle, motorboat, or snowmobile if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1), the court must also impose a jail surcharge on each fine or forfeiture, paid to the county treasurer.	The greater of 1% of the fine or forfeiture or \$10	Counties may use these revenues for construction, remodeling, repair or improvements of county jails.
814.615(2) and 767.11	Family court services fee	Based on services actually provided	Deposited by the county treasurer in a separate account to be used by the county exclusively for the purposes of family court services.
814.61(4)	Jury fee, for all civil actions except garnishment	\$6 per juror paid by the party demanding the trial	Non-refundable. If jury fee is not paid, no jury will be called.
814.61(5)	Judgments, writs, executions, liens, warrants, awards, certificates	\$5	

Statutory Section	Type of Fee	Amount of Fee	Special Handling
814.61(6) and 806.24	Foreign judgments filing fee	\$15	Filing under uniform enforcement of foreign judgments act.
814.61(9)	Certifying and transmitting documents	\$15 plus postage	
814.61(10)	Copies, except for the State Public Defender (which is charged the actual costs).	\$1.25 per page	
814.61(11)	File or record searches	\$5	
814.61(12)(a)	Receiving and disbursing money - trust funds and small estates	\$10 or 0.5% of amount deposited (whichever is greater), and an additional \$10 upon each withdrawal of any or all of the money deposited with the clerk.	If funds are deposited by court order or by law, the type of account shall be in the clerk's discretion unless the court order specifies differently.
814.61(12)(c)	Receiving and disbursing deposits in contempt proceedings	\$10 per deposit	For receiving and disbursing deposits made under s. 818.12 in contempt proceedings under chapter 785. The \$10 fee shall be deducted from the deposit, unless the entire deposit is ordered returned to the defendant, before applying the deposit to the satisfaction of a judgment under s. 818.14.
814.61(14)	Occupational drivers license fees (petitions under s. 343.10(4))	\$40	
767.11(5), 814.615(1)(a)2 and (2)	Family mediation sessions (except the first mediation session upon referral for which there is no fee)	\$200 (single fee regardless of the number of mediation sessions held)	The county treasurer deposits collected fees in a separate account for the exclusive purpose of providing family court mediation services and studies. In lieu of \$200, counties can establish a fee schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay.
767.11(14), 814.615(1)(a)3 and (2)	Legal custody and physical placement study	\$300	The county treasurer deposits collected fees in a separate account for the exclusive purpose of providing family court mediation services and studies. In lieu of \$300, counties can establish local schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay.
814.62(2)	Fee for commencing a wage earner amortization proceeding	\$10	The clerk of court collects the fee from the wage earner voluntarily commencing a proceeding for amortization of debts.

Statutory Section	Type of Fee	Amount of Fee	Special Handling
814.62(3)(e)	Demand for a jury trial in a small claims action	\$53	The party demanding the jury trial shall pay a fee equal to the difference between the civil filing fee and the small claims filing fee in addition to the 6-person jury fee.
814.61(4)	Nonrefundable fee for a jury in all actions, except a garnishment action, 6-person jury (\$6 per juror)	\$36	
814.62(4)	Small claims service of summons by mail Small claims service of summons by certified mail return receipt	\$2 for each defendant \$2 for each defendant plus cost of certified mail	Cost of certified mail may be rounded up to the nearest dollar.
814.63(2)	Non-refundable fee for forfeiture action in circuit court for violation of a municipal ordinance (except for violations involving safety belts use or first time violations for operating a motor vehicle, all-terrain vehicle, motorboat, or snowmobile if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1)	\$5	Upon disposition of a forfeiture action in circuit court, the municipality shall pay a non-refundable fee to the clerk of court.
48.275(2)(d) and 938.275(2)	Parent reimbursement of legal fees in juvenile actions (for county-provided counsel)	Court-ordered amount, based on ability to pay	
346.65(2g)(b)	Fee to offset cost of providing community service work that demonstrates the adverse effects of substance abuse or operating a vehicle under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	

Statutory Section	Type of Fee	Amount of Fee	Special Handling
346.65(2g)(c)	Fee to offset cost of providing community service work that benefits children or that demonstrates the adverse effects on children of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
346.65(2i)	Fee to offset cost of providing site visits that demonstrate the adverse effects of substance abuse or of operating a vehicle under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
973.06(1)(g)	Restitution fee	10% of any restitution ordered	Payable to the county treasurer for use by the county.
973.20(11)(a)	Restitution administrative surcharge in a criminal action if offender is not placed on probation or sentenced to prison	5% of total amount of any restitution, costs and attorneys fees and any fines and related payments ordered if restitution is paid to the clerk of court for transfer to the appropriate person	To the clerk of court for administrative expenses if offender is not placed on probation or sentenced to prison.

APPENDIX IX

**Revenue Generated from Circuit Court Operations
Amounts Remitted to the State in 2005-06**

<u>County</u>	<u>Fines and Forfeitures</u>	<u>Circuit Court Fees</u>	<u>Court Support Services Surcharge</u>	<u>Other Fees and Surcharges</u>	<u>Total</u>
Adams	\$116,900	\$59,000	\$276,100	\$214,800	\$666,700
Ashland	74,800	46,000	177,600	150,500	448,900
Barron	120,700	96,300	392,400	236,300	845,700
Bayfield	75,900	53,400	232,400	169,600	531,300
Brown	429,700	346,400	1,330,000	845,900	2,952,000
Buffalo	44,300	34,900	136,300	95,500	311,000
Burnett	48,000	52,900	209,900	151,400	462,200
Calumet	69,400	66,200	226,100	152,100	513,800
Chippewa	163,800	146,700	591,300	364,600	1,266,400
Clark	160,500	86,100	351,200	269,100	866,900
Columbia	267,900	193,600	726,400	535,200	1,723,100
Crawford	39,500	42,200	195,600	108,100	385,400
Dane	1,143,300	868,600	2,936,300	1,800,000	6,748,200
Dodge	331,600	224,500	839,600	630,000	2,025,700
Door	118,300	85,500	310,700	263,200	777,700
Douglas	231,200	141,200	548,400	380,200	1,301,000
Dunn	230,300	150,900	688,500	417,600	1,487,300
Eau Claire	1,667,200	285,100	1,298,000	1,335,800	4,586,100
Florence	30,600	11,500	50,600	40,100	132,800
Fond du Lac	355,300	265,200	1,137,600	706,200	2,464,300
Forest	65,800	19,400	85,400	99,300	269,900
Grant	237,500	157,600	611,900	421,200	1,428,200
Green	100,200	96,000	335,500	210,700	742,400
Green Lake	70,600	60,900	200,700	144,500	476,700
Iowa	112,400	82,500	301,600	196,200	692,700
Iron	31,500	22,300	83,900	63,900	201,600
Jackson	175,300	91,400	366,700	274,600	908,000
Jefferson	355,800	201,800	799,900	576,000	1,933,500
Juneau	202,100	108,400	519,500	316,400	1,146,400
Kenosha	547,200	392,100	1,303,000	862,500	3,104,800
Kewaunee	30,000	43,000	175,300	107,600	355,900
La Crosse	343,500	181,600	671,800	503,200	1,700,100
Lafayette	35,400	52,600	207,800	110,600	406,400
Langlade	76,400	63,100	282,800	175,900	598,200
Lincoln	129,600	67,600	286,700	187,600	671,500
Manitowoc	251,600	146,800	531,300	405,700	1,335,400
Marathon	380,700	252,800	1,003,000	666,700	2,303,200
Marinette	194,800	82,300	375,900	294,200	947,200
Marquette	67,000	47,000	223,600	148,600	486,200
Menominee	18,300	8,000	39,900	36,600	102,800

<u>County</u>	<u>Fines and Forfeitures</u>	<u>Circuit Court Fees</u>	<u>Court Support Services Surcharge</u>	<u>Other Fees and Surcharges</u>	<u>Total</u>
Milwaukee	\$1,127,700	1,584,000	\$6,752,600	\$3,857,000	13,321,300
Monroe	290,600	125,900	527,700	426,300	1,370,500
Oconto	214,300	98,400	399,000	283,800	995,500
Oneida	202,700	112,800	483,600	372,400	1,171,500
Outagamie	347,900	330,100	1,343,400	851,600	2,873,000
Ozaukee	246,500	251,900	697,100	513,500	1,709,000
Pepin	18,200	17,000	67,400	46,900	149,500
Pierce	61,700	55,900	233,100	147,300	498,000
Polk	97,300	94,700	408,400	240,100	840,500
Portage	229,800	147,000	637,200	464,200	1,478,200
Price	65,900	52,800	192,600	140,200	451,500
Racine	588,900	521,900	2,146,800	1,327,600	4,585,200
Richland	53,400	42,400	187,700	129,500	413,000
Rock	492,000	417,800	1,619,200	1,120,400	3,649,400
Rusk	56,100	40,800	143,200	82,800	322,900
Sauk	309,200	225,700	957,500	689,400	2,181,800
Sawyer	116,600	52,300	212,600	177,800	559,300
Shawano	297,900	118,100	476,000	495,600	1,387,600
Sheboygan	387,700	306,800	1,208,600	1,003,300	2,906,400
St. Croix	250,900	165,000	747,600	426,800	1,590,300
Taylor	54,300	41,000	164,700	116,300	376,300
Trempealeau	115,000	68,500	293,600	222,100	699,200
Vernon	64,300	52,700	165,800	130,300	413,100
Vilas	103,700	62,200	266,500	176,600	609,000
Walworth	393,700	236,800	769,500	653,300	2,053,300
Washburn	75,300	51,600	200,800	127,000	454,700
Washington	296,400	244,400	616,300	481,900	1,639,000
Waukesha	969,200	614,900	1,582,900	1,267,400	4,434,400
Waupaca	151,700	120,100	490,400	334,100	1,096,300
Waushara	146,500	88,400	350,600	248,500	834,000
Winnebago	504,300	373,100	1,354,300	972,000	3,203,700
Wood	<u>293,000</u>	<u>139,400</u>	<u>505,600</u>	<u>466,200</u>	<u>1,404,200</u>
All Counties	\$17,767,600	\$12,287,800	\$47,263,500	\$32,660,400	\$109,979,300

APPENDIX X

**Revenue Generated from Circuit Court Operators
Amounts Retained by the Counties
Calendar Year 2005**

<u>County</u>	<u>Fines and Forfeitures</u>	<u>Circuit Court Fees</u>	<u>Surcharges</u>	<u>Guardian ad Litem Recoupment</u>	<u>County Total</u>
Adams	\$170,600	\$47,700	\$66,800	\$18,300	\$303,400
Ashland	87,300	33,400	49,700	34,000	204,400
Barron	160,100	83,600	90,900	54,900	389,500
Bayfield	135,300	36,300	59,900	15,900	247,400
Brown	567,400	327,500	265,100	208,800	1,368,800
Buffalo	72,900	25,000	34,100	10,900	142,900
Burnett	124,700	38,200	58,100	41,100	262,100
Calumet	105,100	48,800	55,300	300	209,500
Chippewa	251,800	110,900	109,800	48,400	520,900
Clark	200,100	62,900	86,100	34,800	383,900
Columbia	415,900	140,100	189,500	86,400	831,900
Crawford	70,900	33,300	38,700	21,800	164,700
Dane	1,285,100	706,500	538,200	3,200	2,533,000
Dodge	472,600	160,800	219,000	28,500	880,900
Door	183,000	61,600	109,400	36,700	390,700
Douglas	188,400	103,800	134,700	6,200	433,100
Dunn	221,000	105,400	164,300	49,900	540,600
Eau Claire	577,700	216,600	300,300	23,400	1,118,000
Florence	47,300	8,800	8,100	0	64,200
Fond du Lac	642,100	203,500	217,500	98,500	1,161,600
Forest	148,000	16,600	22,700	0	187,300
Grant	255,100	109,000	138,600	64,800	567,500
Green	149,700	68,000	78,700	28,000	324,400
Green Lake	105,900	43,000	56,800	22,400	228,100
Iowa	147,700	54,800	71,100	34,600	308,200
Iron	34,100	15,100	21,900	6,500	77,600
Jackson	220,400	64,800	88,800	12,000	386,000
Jefferson	487,800	152,100	171,000	73,000	883,900
Juneau	213,400	82,300	102,000	33,600	431,300
Kenosha	686,100	298,000	210,000	95,100	1,289,200
Kewaunee	78,100	31,600	45,700	13,500	168,900
La Crosse	331,800	156,300	170,200	35,400	693,700
Lafayette	90,400	36,200	39,000	9,500	175,100
Langlade	89,500	50,200	57,800	3,800	201,300
Lincoln	117,700	54,900	57,100	62,800	292,500
Manitowoc	333,600	116,800	128,700	91,100	670,200
Marathon	418,600	211,300	223,300	63,600	916,800
Marinette	241,100	69,600	92,200	55,100	458,000
Marquette	129,400	35,500	51,600	13,600	230,100
Menominee	32,100	6,200	8,200	0	46,500

<u>County</u>	<u>Fines and Forfeitures</u>	<u>Circuit Court Fees</u>	<u>Surcharges</u>	<u>Guardian ad Litem Recoupment</u>	<u>County Total</u>
Milwaukee	\$2,620,300	1,563,000	633,800	\$156,200	4,973,300
Monroe	329,900	98,600	112,000	100	540,600
Oconto	197,300	73,100	74,500	44,300	389,200
Oneida	200,900	88,900	142,700	20,000	452,500
Outagamie	401,100	281,500	271,800	23,000	977,400
Ozaukee	344,500	164,400	173,100	73,900	755,900
Pepin	32,700	12,100	20,700	4,500	70,000
Pierce	103,500	46,400	61,400	4,200	215,500
Polk	209,000	75,800	79,900	26,000	390,700
Portage	262,500	123,200	165,200	35,000	585,900
Price	101,600	36,500	53,700	21,400	213,200
Racine	1,174,300	415,200	356,800	115,700	2,062,000
Richland	90,500	33,300	45,300	18,100	187,200
Rock	649,500	337,800	293,100	98,100	1,378,500
Rusk	71,000	31,500	24,300	26,700	153,500
St. Croix	400,100	134,000	152,900	0	687,000
Sauk	395,700	168,600	239,700	23,000	827,000
Sawyer	83,100	39,400	57,000	13,000	192,500
Shawano	374,800	91,900	146,700	37,200	650,600
Sheboygan	421,600	243,000	334,000	25,700	1,024,300
Taylor	80,200	32,000	38,600	24,200	175,000
Trempealeau	149,500	53,200	76,900	26,300	305,900
Vernon	70,100	39,300	43,200	8,600	161,200
Vilas	128,600	48,000	64,500	1,300	242,400
Walworth	562,600	184,300	176,800	313,800	1,237,500
Washburn	99,900	36,700	41,000	38,600	216,200
Washington	381,000	174,800	140,800	171,500	868,100
Waukesha	798,100	462,200	389,200	234,800	1,884,300
Waupaca	182,000	94,300	126,000	6,100	408,400
Waushara	183,400	62,600	75,100	14,900	336,000
Winnebago	476,600	289,100	312,500	32,000	1,110,200
Wood	<u>291,900</u>	<u>117,200</u>	<u>140,900</u>	<u>0</u>	<u>550,000</u>
All Counties	\$22,157,600	\$9,878,900	\$9,695,000	\$3,178,600	\$44,910,100