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# wisconsin court system

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# Wisconsin Court System

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# Wisconsin Court System

This paper is divided into five sections: (a) the history of the Wisconsin court system; (b) Supreme Court organization and current funding levels; (c) Court of Appeals organization and current funding levels; (d) circuit court organization and current funding levels; and (e) an outline of the legal process in Wisconsin.

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## History of the Wisconsin Court System

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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 Wisconsin 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-nine judgeships have subsequently been created, bringing the total number of circuit court judges to 249 as of January, 2021.

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.

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### Supreme Court

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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, commencing the August 1<sup>st</sup> succeeding the election. Only one justice may be elected in any year.

Any mid-term vacancies are filled with gubernatorial appointees until a regularly-scheduled election.

On April 15, 2015, by statewide referendum, the Wisconsin Constitution was amended by a vote of 433,533 to 384,503 to provide that the Chief Justice of the Supreme Court be elected to a two-year term by a majority of the justices. As of January 3, 2021, the annual salary of the Supreme Court Justices is \$165,772.

In 2020-21, the Supreme Court's budget totals approximately \$33.3 million (all funds) as shown in Table 1. Expenditures in 2019-20 totaled approximately \$34.9 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 \$31,900 in 2019-20.

**Table 1: 2020-21 Supreme Court Funding**

	Funding	Positions
General Operations	\$5,686,600	38.50
Director of State Courts and Law Library	\$23,463,100	164.25
Bar Examiners & Responsibility	<u>\$4,133,800</u>	<u>33.50</u>
<b>Total</b>	<b>\$33,283,500</b>	<b>236.25</b>

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, the council on offender employment,



interdistrict court assignments, and court planning and research. In addition, the state law library is budgeted under the Director of State Courts' general program operations. In 2020-21, the appropriation for the Director of State Courts Office and Law Library has authorized 164.25 positions and a budget of \$23.5 million, of which \$10.3 million is program revenue (PR) for the circuit court automation 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 (BBE) and the Office of Lawyer Regulation (OLR). 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 2020-21, BBE is budgeted \$846,100 PR and OLR is budgeted \$3,287,700 PR. Additional information on the Office of Lawyer Regulation can be found in the Legislative Fiscal Bureau's informational paper entitled, "Consumer Protection Programs."

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### **Court of Appeals**

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The Court of Appeals was created 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 has four appellate

districts in the state (as shown in Appendix I) with 16 judges. Appellate judges are elected, on a non-partisan basis, for six-year terms beginning on August 1<sup>st</sup> following the spring election. As of January 3, 2021, the annual salary of the appellate judges is \$156,388.

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.

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 2019-20, expenditures totaled \$11.0 million, which were partially offset by \$133,700 from filing fees for appeals cases. In 2020-21, the Court of Appeals has a budget of \$11,660,400.

**Table 2: Court of Appeals**

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

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### **Circuit Court Overview**

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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. Currently, there are a total of 69 circuits and 249 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 circuit court branches are divided into nine judicial districts with a chief judge for each district, appointed by the Supreme Court.

The number of court branches (judges) is statutorily determined. The Director of State Courts Office 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 (2019) by county, and also includes a study summary, by district.

Under 2019 Act 184, 12 new circuit court branches may be added over a three-year period (four judges each in 2021, 2022, and 2023) and allocated by the Director of State Courts Office, bringing the total number of circuit court judges to 261 in 2023. On March 9, 2020, the Director of State Courts Office selected Calumet, Dunn, Jackson, and Marathon counties to each receive one additional branch in 2021.

Judges are elected on a nonpartisan basis to six-year terms at the spring election and take office the following August 1<sup>st</sup>. Any vacancies that occur mid-term are filled by the Governor until a successor is elected. As of January 3, 2021, the annual salary of circuit court judges is \$147,535.

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

*Reserve Judges.* Wisconsin statute 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. 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 July, 2020, there were 171 former judges who were certified as reserve judges. Reserve judges are state funded, and currently receive \$500.62 per day for circuit court work and \$530.66 per day for appellate court work. Reserve judges' salaries are established at 90% of the daily salary of a judge, rather than at a statutorily-specified per diem. In 2019-20, per diem payments and travel reimbursements for reserve judges totaled \$415,300 GPR.

*Court Reporters.* Wisconsin statute 751.02 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 309 court reporters. Salaries for court reporters in 2019-20 range from \$44,570 to \$77,222 annually. In addition, the state pays daily fees to private court reporters filling in for absent reporters on a temporary basis (\$212 per day for uncertified reporters and \$231 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) 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.

*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 four-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 750,000, the clerk of court must appoint a chief deputy, four assistant chief deputy clerks, three calendar deputy clerks, and one or more deputy clerks, as the county board authorizes, 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 the 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 750,000 or more is required to appoint a court commissioner for the office of the probate court commissioner to assist in probate matters. Counties with a population of at least 100,000, but not more than 750,000, may

establish a court commissioner position to supervise the office of the probate court commissioner. Any county having a population of 750,000 or more is required to appoint a full-time court commissioner to assist in small claims procedures. Counties with a population of less than 750,000 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) issuing summons, arrest warrants, or search warrants; (b) conducting initial appearances and setting bail; (c) conducting preliminary examinations and arraignments and accepting guilty pleas; (d) receiving non-contested forfeiture pleas, ordering revocation or suspension of operating privileges, imposing monetary penalties, and referring cases to court for enforcement of nonpayment; (e) conducting initial return appearances and conciliation conferences; (f) conducting non-contested probate proceedings; (g) conducting detention and shelter care hearings for children; (h) reviewing guardianships and protective placements; (i) officiating wedding ceremonies; (j) conducting 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.

Cities of the first class (currently, only the City of Milwaukee) are 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 non-contested 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.

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## **Circuit Court Expenditures and Funding**

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### **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 functions for circuit courts, including the Office of Court Operations and district court administrators. The Supreme Court also provides judicial education to circuit judges. In 2019-20, the state expended \$80.7 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 payments. Finally, the state provides automation services and equipment through the Consolidated Court Automation Program (CCAP). In 2019-20, the state expended \$38.9 million on these programs, which are summarized below.

In total, the state expended approximately \$119.6 million on the circuit court system in fiscal year 2019-20, as identified in Table 3. Appendix IV identifies state expenditures for each county in 2019-20 (the amounts identified in the Appendix for the court support payments, guardian ad litem payments, and interpreter payments are for calendar year 2019).

*Circuit Court Costs Appropriation.* Under 2015 Act 55, the circuit court support payments, guardian ad litem costs, and court interpreter payments were consolidated into one, biennial appropriation, titled the circuit court costs appropriation. The appropriation went into effect on July 1, 2016. Under the appropriation, the Director of State Courts makes payments to counties for circuit court costs. The Director of State Courts, at the direction of the Supreme

**Table 3: State Expenditures on Circuit Courts, 2019-20**

Judges and Court Reporters	\$75,485,700
Director of State Courts (prorated)	1,349,300
Office of Court Operations	1,100,600
District Court Administrators	2,192,400
Judicial Education	552,800
CCAP	12,888,300
Court Support Payments	18,552,200
Guardian Ad Litem Payments	5,891,100
Interpreter Payments	<u>1,566,200</u>
Total	\$119,578,600

Court, defines "circuit courts costs" for the purpose of making payments. Under 2019 Act 9 (the 2019-21 biennial budget act), funding for this appropriation was increased by \$1,200,000 GPR in 2019-20 and \$2,400,000 GPR in 2020-21. Total funding for the circuit court costs appropriation in 2020-21 is \$27,076,800 GPR.

Additionally, 2015 Act 55 repealed the statutory maximum hourly rates for interpreter reimbursement payments. In lieu of a set maximum hourly reimbursement rate, and in an effort to provide quality language access services throughout the court system, the Director of State Courts transitioned the interpreter reimbursement program to a payment program. As a payment program, a portion of the circuit court support monies is distributed to counties based upon a formula that incorporates mileage, a base payment, a premium for certified interpreter use, and reported interpreter hours. On August 21, 2018, counties received the first payment under the new system. As of July, 2020, the Director of State Courts Office has certified, or recognized through reciprocity with other states, a total of 164 interpreters, representing 17 languages.

*Consolidated Court Automation Programs.* The Consolidated 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. All 72 counties use the state

CCAP system and receive hardware, software, technical support, and CCAP training from the state.

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 actions or special proceedings (\$75-\$105, depending on type of action);
- b. \$5 of the \$45 filing fee for third-party complaints in civil actions;
- c. \$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);
- d. \$5 of the \$20 fee to commence garnishment actions;
- e. \$11.80 of the \$22 filing fee to commence or change venue in small claims actions;
- f. \$10 of the \$53 fee for filing a counterclaim or cross complaint in small claims actions;
- g. \$5 of the \$25 fee in forfeiture actions, when judgment is entered against the defendant (with some exceptions);
- h. \$6 of the \$21.50 justice information systems surcharge, which is applied to above-referenced actions; and
- i. \$20 filing fee for use of the electronic filing system.

In 2019-20, revenue generated from the above fees totaled \$13,574,300 and CCAP expended \$12,888,300 PR. For 2020-21, CCAP has a base budget of \$7,829,400 PR to install and maintain system hardware and software applications, replace obsolete hardware and software, train county staff, and provide ongoing cybersecurity

and technical assistance for all components of the system. On June 1, 2020, the Joint Committee on Finance approved the Department of Administration's request, on behalf of the Director of State Courts, to create 13.0 permanent positions and 7.0 two-year project positions for additional CCAP operating systems technical support. Funding for these additional positions was largely offset by expenditure reductions related to the elimination of contracted CCAP staff.

### **County Expenditures**

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 2019, counties reported expenditures totaling \$202.1 million. However, because there are 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. As reported by the Director of State Courts Office, counties spent \$211.9 million in calendar year 2019 on all court costs, of which \$163.3 million were allowable under the circuit court support payment program.

It should be noted that concerns regarding inconsistencies in reporting among counties led to 2007 legislation authorizing the Director of State Courts to create a uniform chart of accounts that counties must use for recording all financial transactions for court operations. In May, 2013, the Director of State Courts completed audits on all 72 counties and made a number of recommendations to improve the reporting of county financial information. For example, some counties did not include family court counseling in their court operation expenditures, and some counties reported the net amount of their revenues and expenditures, rather than reporting total revenues and expenditures separately. The Director of State Courts continues to do annual analytical reviews of information submitted by the counties to ensure consistent reporting.

### **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) & (m) of the statutes, 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 2019-20, the state received a total of \$9,478,600 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 the corresponding 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, 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 costs 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. Under current law, the surcharge is: (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 2019-20, the court support services surcharge generated \$33,607,200 in revenue.

In addition to the court support services surcharge revenue, the state collected \$63,575,900 from other court fees and surcharges in 2019-20. 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 2019-20 from fines and forfeitures, court fees, the court support services surcharge, and other surcharges, by county.

Similar to county expenditures, there are inconsistencies with reporting of counties' share of circuit court revenue. Counties report separately to DOR and to the Director of State Courts Office. For 2019-20, counties reported to the Director of State Courts Office that their share of total circuit court revenue was \$29,368,100. For calendar year 2019, counties reported to the Department of Revenue that their share of circuit court revenue was \$52,871,275.

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 the Director of State Courts, but may be included in the report to DOR. Also, differences may result from differing reporting periods (state fiscal year compared to calendar year data). In addition, counties report to the Courts 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 the Director of State Courts. Further, data reported to the Courts are detailed by statutory cite; for example, the penalty surcharge and the weapons surcharge are recorded 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 the Director of State Courts do not include the restitution fee, or the restitution administrative surcharge. Appendix X provides a county breakout of the data reported to the Courts.

### **Comparison of Circuit Court Revenues and Expenditures**

Based on the information reported to DOR, in calendar year 2019, counties spent \$202.1 million on circuit court operations and received \$52.9 million in court collected revenues. The difference of \$149.2 million is primarily funded through local taxes and unrestricted state aid payments, such as shared revenue. Counties received \$159.4 million in county and municipal and public utility aids in 2019 (\$122.6 million in county and municipal aid and \$36.8 million in public utility aid).

State expenditures are reported based on a fiscal year, beginning on July 1 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 \$119.6 million in 2019-20 for the circuit courts and, as reported to the Director of State Courts, received \$106.7 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 prevention.

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 \$162.1 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, state-funded circuit court support and GAL payments, and interpreter payment programs.

It is important to note that the public health emergency, declared on March 12, 2020, was a factor in: (a) decreased revenues in 2019-20 (as fewer cases were filed and fewer fines, fees, and forfeitures were collected); and (b) increased expenditures in 2019-20 (as personal protective equipment was purchased and videoconferencing licensing and installation was provided for each judge to continue to hear certain proceedings remotely, among other emergency response costs). The extent of the impact, however, cannot be specifically identified since it is unknown what revenues and expenditures would have been in the absence of the public health emergency.

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

	Fiscal Year 2019-20 State	Calendar Year 2019 County
Revenues	\$106.7	\$52.9
Expenditures	<u>119.6</u>	<u>202.1</u>
Expenditures Over Revenues	-\$12.9	-\$149.2

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### The Wisconsin Legal Process

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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 state's civil and criminal court processes. It should be noted that this is a general overview and does not address the detailed specifics of each type of 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 damages suffered by the complaining party, if the complaining party suffered a wrong for which the law provides a remedy. The general 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.
- 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 crimes: felonies and misdemeanors. A felony may be punishable by imprisonment in the state prisons. 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 (for example, some misdemeanors are punishable only by fines). The criminal process is outlined below.

a. The state brings an action against the defendant. Typically, the prosecutor 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 may be taken into custody and appears 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.

(Arraignments typically occur on the same date as the preliminary hearing).

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 the Legislative Fiscal Bureau's informational paper entitled, "Felony Sentencing and Probation" for more information on sentencing.]

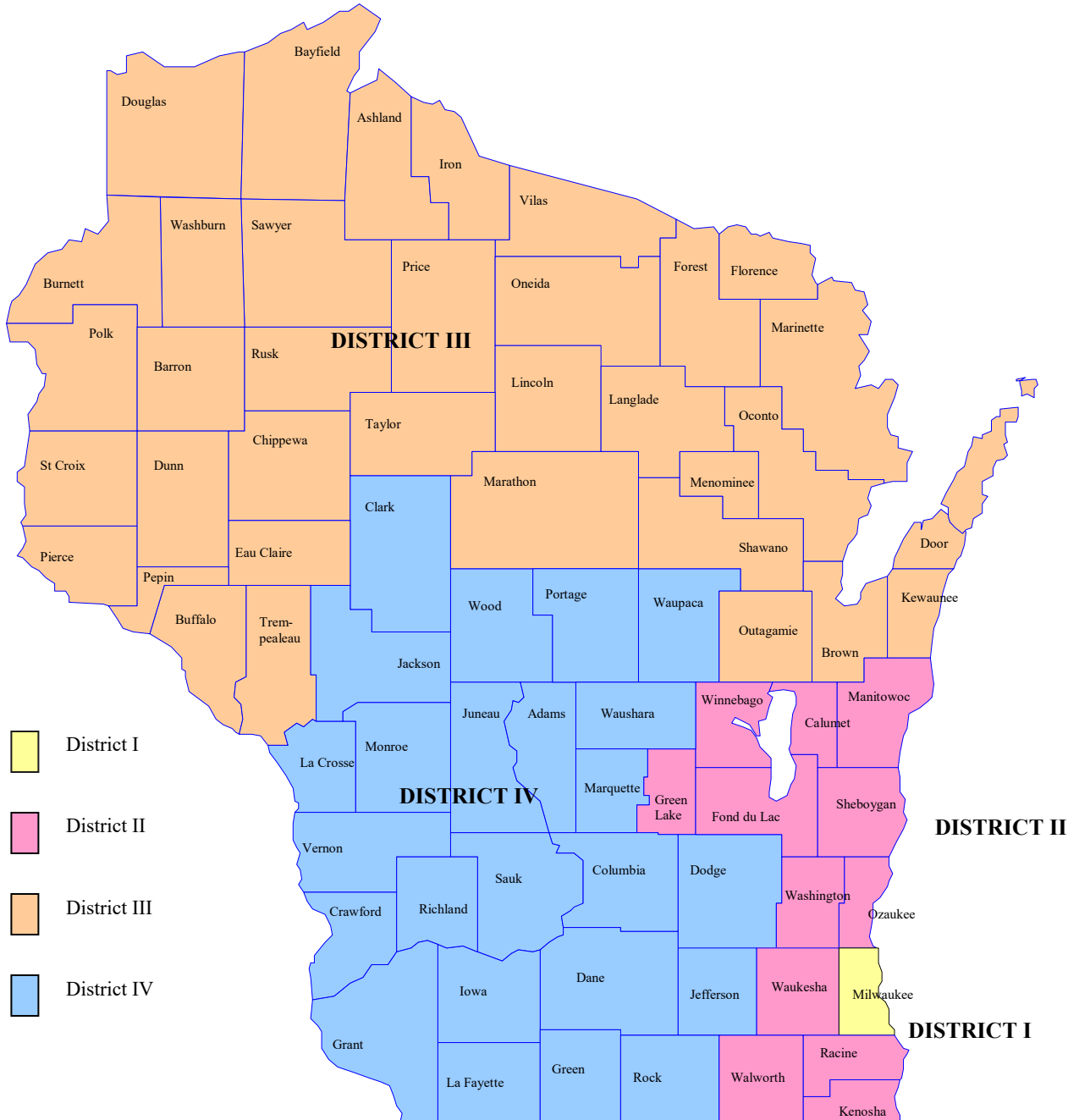
l. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The Court must accept the appeal. The appellate court may uphold or reverse the decision of the circuit court.

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.



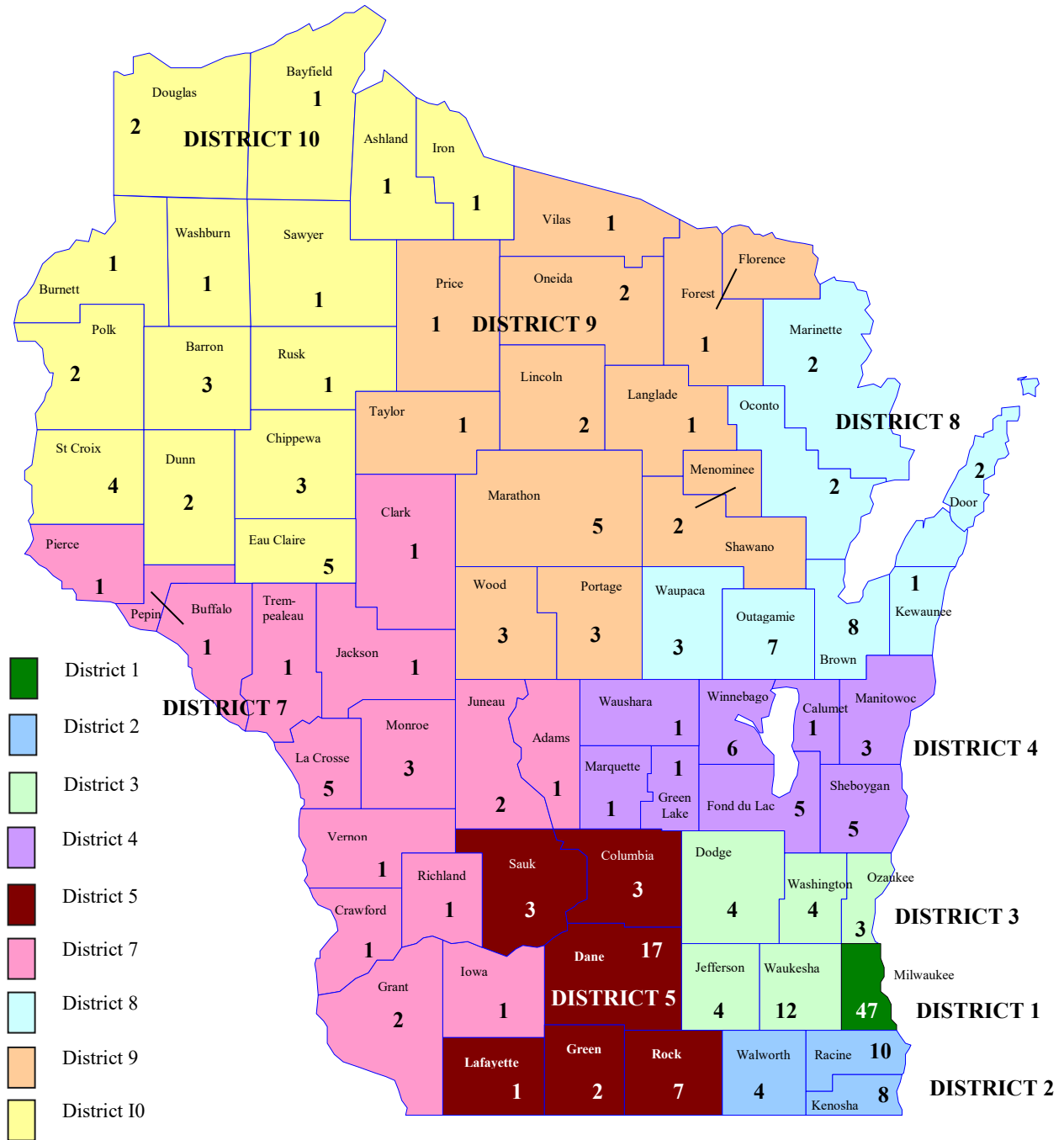
# APPENDIX I

## Court of Appeals Districts



## APPENDIX II

### Circuit Court Branches and Judicial Administrative Districts



Nine Judicial Administrative Districts for Circuit Court Branches [Note: In 2018, the former District 6 was dissolved and associated counties attached to other districts. The existing districts were not renumbered.]

249 Total Circuit Court Branches [Note: An additional four judges may be added each year in 2021, 2022, and 2023, bringing the total number of circuit court judges to 261 in 2023. The first four judgeships will be allocated to Calumet, Dunn, Jackson, and Marathon County in 2021.]

## APPENDIX III

### 2019 Circuit Court Caseload Study By County

County	Caseload Study of Judicial Officer Need	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
Adams	1.44	1	0.18	0.26
Ashland	1.52	1	0.27	0.25
Barron	3.23	3	0.12	0.11
Bayfield	0.82	1	0.03	-0.21
Brown	13.58	8	4.00	1.58
Buffalo/Pepin	1.39	1	0.12	0.27
Burnett	1.60	1	0.17	0.43
Calumet	1.85	1	0.50	0.35
Chippewa	4.40	3	0.32	1.08
Clark	1.36	1	0.04	0.32
Columbia	3.67	3	0.55	0.12
Crawford	0.75	1	0.05	-0.30
Dane	22.85	17	10.50	-4.65
Dodge	3.95	4	1.00	-1.05
Door	1.35	2	0.20	-0.85
Douglas	3.56	2	1.00	0.56
Dunn	3.33	2	0.14	1.19
Eau Claire	8.76	5	0.75	3.01
Florence/Forest	1.23	1	0.21	0.02
Fond du Lac	5.78	5	1.01	-0.23
Grant	2.14	2	0.32	-0.18
Green	1.71	2	0.27	-0.56
Green Lake	1.22	1	0.09	0.13
Iowa	1.51	1	0.12	0.39
Iron	0.40	1	0.04	-0.64
Jackson	1.65	1	0.18	0.47
Jefferson	4.12	4	2.10	-1.98
Juneau	2.13	2	0.50	-0.37
Kenosha	11.17	8	3.00	0.17
Kewaunee	0.75	1	0.18	-0.43
La Crosse	6.77	5	1.05	0.72
Lafayette	0.92	1	0.06	-0.14
Langlade	1.74	1	0.26	0.48
Lincoln	1.86	2	0.16	-0.30
Manitowoc	5.34	3	1.25	1.09
Marathon	8.38	5	1.05	2.33
Marinette	2.00	2	1.00	-1.00
Marquette	0.89	1	0.00	-0.11
Milwaukee	58.49	47	22.00	-10.51
Monroe	3.81	3	0.25	0.56

County	Caseload Study of Judicial Officer Need	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
Oconto	1.69	2	1.00	-1.31
Oneida	2.48	2	0.30	0.18
Outagamie	9.30	7	3.50	-1.20
Ozaukee	3.34	3	1.00	-0.66
Pierce	1.96	1	1.01	-0.05
Polk	2.97	2	0.75	0.22
Portage	3.69	3	0.91	-0.22
Price	0.81	1	0.01	-0.20
Racine	13.43	10	4.49	-1.06
Richland	1.00	1	0.14	-0.14
Rock	9.46	7	2.90	-0.44
Rusk	0.96	1	0.01	-0.05
Sauk	4.18	3	1.00	0.18
Sawyer	1.87	1	0.12	0.75
Shawano/Menominee	2.87	2	0.33	0.54
Sheboygan	6.04	5	1.90	-0.86
St. Croix	4.97	4	0.80	0.17
Taylor	0.92	1	0.26	-0.34
Trempealeau	1.59	1	0.24	0.35
Vernon	1.18	1	0.02	0.16
Vilas	1.73	1	0.07	0.66
Walworth	5.21	4	1.90	-0.69
Washburn	1.21	1	1.06	-0.85
Washington	5.12	4	1.26	-0.14
Waukesha	14.97	12	4.00	-1.03
Waupaca	2.93	3	0.03	-0.10
Waushara	1.75	1	0.25	0.50
Winnebago	8.74	6	3.00	-0.26
Wood	<u>4.59</u>	<u>3</u>	<u>0.17</u>	<u>1.42</u>
Total	324.36	249	87.47	-12.11

**2019 Circuit Court District Study Summary**

District*	Caseload Study of Judicial Officer Need**	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
District 1	59.49	47	22.00	-9.51
District 2	30.30	22	9.39	-1.09
District 3	32.00	27	9.36	-4.36
District 4	32.11	23	8.00	1.11
District 5	43.29	33	15.28	-4.99
District 7	29.18	22	4.22	2.96
District 8	32.11	25	9.91	-2.80
District 9	31.19	23	3.77	4.42
District 10	<u>39.69</u>	<u>27</u>	<u>5.54</u>	<u>7.15</u>
Total	329.36	249	87.47	-7.11

\*In 2018, the former District 6 was dissolved and associated counties attached to other districts. The existing districts were not renumbered.

\*\*A 0.5 Chief Judge adjustment is added to each district total, except Milwaukee (District 1), where a 1.0 adjustment is added.



## APPENDIX IV

### State Expenditures on Circuit Courts, by County in 2019-20\*

County	Estimated Circuit Court Costs**	Circuit Court Support Payments	Guardian Ad Litem Cost Payments	Court Interpreter Payments	Total
Adams	\$375,800	\$52,300	\$26,500	\$5,000	\$459,600
Ashland	375,800	52,300	23,200	4,800	456,100
Barron	1,127,300	195,400	60,800	4,300	1,387,800
Bayfield	375,800	52,300	19,200	1,000	448,300
Brown	3,006,200	723,900	218,200	75,300	4,023,600
Buffalo	271,400	40,500	15,300	4,700	331,900
Burnett	375,800	52,300	22,000	5,500	455,600
Calumet	375,800	52,300	14,300	11,200	453,600
Chippewa	1,127,300	222,300	73,700	7,000	1,430,300
Clark	375,800	52,300	32,400	11,000	471,500
Columbia	1,127,300	211,300	65,700	19,600	1,423,900
Crawford	375,800	52,300	19,300	1,100	448,500
Dane	6,388,200	1,503,700	392,100	116,700	8,400,700
Dodge	1,503,100	302,200	94,300	22,100	1,921,700
Door	751,600	126,700	32,100	7,200	917,600
Douglas	751,600	150,300	56,400	3,500	961,800
Dunn	751,600	150,600	61,000	7,800	971,000
Eau Claire	1,878,900	363,500	125,800	20,900	2,389,100
Florence	90,800	20,200	5,700	200	116,900
Fond Du Lac	1,878,900	365,300	118,600	31,600	2,394,400
Forest	285,000	42,100	15,600	800	343,500
Grant	751,600	162,400	48,200	6,700	968,900
Green	751,500	139,200	40,900	7,000	938,600
Green Lake	375,800	52,300	20,400	6,100	454,600
Iowa	375,800	52,300	28,400	4,900	461,400
Iron	375,800	52,300	13,000	1,000	442,100
Jackson	375,800	52,300	31,800	5,900	465,800
Jefferson	1,503,100	293,900	89,700	39,400	1,926,100
Juneau	751,500	124,700	43,700	5,900	925,800
Kenosha	3,006,200	587,900	204,200	58,300	3,856,600
Kewaunee	375,800	52,300	20,000	1,700	449,800
La Crosse	1,878,900	387,800	99,400	7,100	2,373,200
Lafayette	375,800	52,300	21,600	8,500	458,200
Langlade	375,800	52,300	26,900	5,600	460,600
Lincoln	751,600	127,300	40,200	2,400	921,500
Manitowoc	1,127,300	247,400	74,800	17,700	1,467,200
Marathon	1,878,900	412,500	125,300	42,700	2,459,400
Marinette	751,500	145,800	44,800	7,400	949,500
Marquette	375,800	52,300	21,300	6,400	455,800
Menominee	11,000	11,200	500	200	22,900

## APPENDIX IV (continued)

### State Expenditures on Circuit Courts, by County in 2019-20\*

County	Estimated Circuit Court Costs**	Circuit Court Support Payments	Guardian Ad Litem Cost Payments	Court Interpreter Payments	Total
Milwaukee	\$17,661,500	\$3,393,300	\$1,160,300	\$460,500	\$22,675,600
Monroe	1,127,300	195,400	63,800	14,600	1,401,100
Oconto	751,500	141,500	41,200	7,500	941,700
Oneida	751,500	138,400	46,400	2,300	938,600
Outagamie	2,630,500	569,000	167,100	20,600	3,387,200
Ozaukee	1,127,300	258,000	62,300	9,400	1,457,000
Pepin	104,400	21,700	7,800	4,000	137,900
Pierce	375,800	52,300	30,400	5,300	463,800
Polk	751,600	150,200	43,700	5,900	951,400
Portage	1,127,300	231,900	61,000	14,100	1,434,300
Price	375,800	52,300	18,800	1,000	447,900
Racine	3,757,800	713,100	256,900	78,800	4,806,600
Richland	375,800	52,300	21,600	6,800	456,500
Rock	2,630,500	533,200	187,100	65,700	3,416,500
Rusk	375,800	52,300	18,100	4,800	451,000
Sauk	1,127,300	219,800	77,200	26,200	1,450,500
Sawyer	375,800	52,300	19,500	5,900	453,500
Shawano	740,600	144,900	53,400	8,100	947,000
Sheboygan	1,878,900	382,900	106,400	33,500	2,401,700
St Croix	1,503,100	300,200	82,700	11,200	1,897,200
Taylor	375,800	52,300	21,700	5,500	455,300
Trempealeau	375,800	52,300	30,500	14,400	473,000
Vernon	375,800	52,300	20,800	4,900	453,800
Vilas	375,800	52,300	22,300	1,000	451,400
Walworth	1,503,100	322,300	91,500	31,900	1,948,800
Washburn	375,800	52,300	21,000	5,800	454,900
Washington	1,503,100	370,300	94,500	14,900	1,982,800
Waukesha	4,509,400	1,101,400	257,700	62,900	5,931,400
Waupaca	1,127,300	204,100	52,300	9,400	1,393,100
Waushara	375,800	52,300	27,800	7,500	463,400
Winnebago	2,254,700	505,200	162,200	18,700	2,940,800
Wood	<u>1,127,300</u>	<u>237,500</u>	<u>75,800</u>	<u>6,900</u>	<u>1,447,500</u>
<b>Total</b>	<b>\$93,569,100</b>	<b>\$18,552,200</b>	<b>\$5,891,100</b>	<b>\$1,566,200</b>	<b>\$119,578,600</b>

\*The estimated circuit court costs identified in the table are for fiscal year 2019-20, while the circuit court payments, guardian ad litem payments, and court interpreter payments are for calendar year 2019.

\*\*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 remainder is retained by 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)(j), (3)(k), and (3)(m), 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 the county	\$10 to not more than \$5,000, 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 the where citation is 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) and (c)-(e))	To be paid by the filer at the commencement of all civil actions and special proceedings in circuit court except for paternity determination, interstate family support, certain forfeiture proceedings, termination of parental rights, adoption actions, certain commencement actions, actions to compel DNA submissions, and injunction and restraining orders	\$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)(b)-(e))	To be paid at the commencement of all family actions except for paternity determination, interstate family support, certain forfeiture proceedings, termination of parental rights, adoption actions, certain commitment actions, actions to compel DNA submissions, and injunction and restraining orders. 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
Change of venue fee in family action (s. 814.61(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
Commencement or change of venue fee in a family action, with request for support or maintenance (s. 814.61(1)(b), (2), (13), and (13m))	In addition to the \$95 family action commencement or change of venue fee, if a person not receiving benefits under W-2, medicare, medical assistance, or Badger-Care Plus files a petition requesting child support, maintenance or family support payments, an additional \$10 is charged, and if a person files a petition requesting guardianship of a child, an additional \$60 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

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
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, except for paternity actions	\$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, except garnishment actions seeking victim restitution (no fee)	\$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 action (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 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
Third party complaint in large claim or no money judgment requested (s. 814.61(3))	To be paid by the defendant when the 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 in forfeiture actions (s. 814.63(1) and (5))	To be paid by the defendant when judgment is entered against the defendant, except for smoking, safety belt, financial responsibility, or special identification card 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	\$163	\$153 to the general fund	\$10

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
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 summons, or if the action is tried as a contested matter	\$15 to 38, as determined by the municipal court	\$5 of the \$15 to \$38 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 (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 (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
Fees of register in probate (s. 814.66)	The register in probate collects fees for the following: (a) filing a probate petition or for a certificate or judgment of descent of lands; (b) filing a petition for guardianship of estate or application for conservatorship; (c) a certificate terminating a life estate or homestead; (d) filing an objection to probate of a will; (e) receiving a will for safekeeping; (f) each certificate issued by registers in probate or circuit court judges; (g) copies of records or papers in the custody and charge of registers in probate; (h) 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) depositing money for a guardianship; and (m) withdrawing money that has been deposited for a guardianship	(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 property, 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	66.67% to the general fund	33.33%
Certificates of qualification for employment (s. 973.25(4)(a))	To be paid by a person who wishes to obtain a certificate of qualification for employment, which provides an offender with relief from most employment-related collateral sanctions	\$20	100% to general program operations of the circuit courts	None

## 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) and (2))	If filing a civil action, third party complaint, appeal from municipal court, small claims action, small claims 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 for an action for a financial responsibility violation of motor vehicle liability insurance]	\$169 for civil actions in which the amount claimed is greater than \$10,000, \$51 for civil actions in which the amount claimed is equal to or less than \$10,000, 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, for an action for a financial responsibility violation of motor vehicle liability insurance, nonmoving traffic violations, special identification cards for physically disabled violations or safety belt use]	26% of the fine or forfeiture	100% to various state agencies (45.83% to the Department of Justice (DOJ) 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 to provide match money for federal anti-drug enforcement programs)	None
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 an action for a financial responsibility violation of motor vehicle issuance]	\$21.50	\$15.50 to the Department of Administration (DOA) for justice system programs, and \$6 to CCAP	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	\$3.50	100% to fund clerks in the Milwaukee County District Attorneys Office	None

<b>Name and Statutory Citation</b>	<b>How Applied</b>	<b>Fee Amount</b>	<b>State Share and Recipients</b>	<b>County Share</b>
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 an action for a financial responsibility violation of motor vehicle issuance) the court must also impose a crime laboratories and drug law enforcement surcharge for each offense	\$13	100% to the state to help fund drug law enforcement, crime laboratories, and DNA database activities	None
Crime victim and witness surcharge (s. 973.045)	If a court imposes a sentence or places a person on probation, the court must also impose a crime victim and witness surcharge	\$67 for each misdemeanor offense and \$92 for each felony offense	100% to fund county victim and witness assistance programs, general 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, the court must also impose a DNA surcharge	\$200 for each misdemeanor offense and \$250 for each felony offense	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))	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	75% of the fine and penalty assessment imposed	100% for the Department of Health Services 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 DOJ to provide grants to counties for alternatives to incarceration	None



Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
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 public health and safety, 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 would have a negative impact on the offender's family)	\$100 for each offense	100% to the state for domestic abuse grants	None
Child pornography surcharge (s. 814.75(1j), 814.76(1j), 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	100% to DOJ to provide grants to nonprofit organizations providing services to victims of sexual assault	None
Global positioning system tracking surcharge (s. 814.75(8m), 971.37(1m)(c)1. and 973.057)	If a court convicts a person for violating a domestic abuse or harassment restraining order or injunction, the court must impose a global positioning system tracking surcharge	\$200 for each offense	100% to the Department of Corrections (DOC) for expenditures under the global positioning system tracking program	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)	100% to DOC 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

<b>Name and Statutory Citation</b>	<b>How Applied</b>	<b>Fee Amount</b>	<b>State Share and Recipients</b>	<b>County Share</b>
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 parent 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 750,000 (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 750,000 (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 750,000. 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 actions (s. 100.261(1) and (3)(c), 814.75(1m), 814.76(1m), 814.78(1), 814.80(1) and 814.81(1))	If 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 (DATCP) for consumer protection information and education. The remainder is deposited to the general fund	None
Bisphenol A surcharge (s. 100.335(7) and 814.75(1d))	If a court imposes a fine or forfeiture for violations of laws related to child's containers containing bisphenol A, the court must also impose a bisphenol A surcharge	50% of the amount of a fine or forfeiture (which can range from \$50 to \$10,000)	100% to the DATCP for enforcement and administration of the laws relating to child's containers containing bisphenol A	None
Supplemental food enforcement surcharge in criminal and forfeiture actions (s. 253.06(4)(c), 814.75(22m), 814.76(15m) and 814.80(11))	If 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), 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	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) and 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	\$435	49.7% for activities related to alcohol abuse, OWI enforcement and crime victim compensation services	50.3% for community mental health, developmental disabilities, alcoholism and drug abuse services
Truck driver education surcharge in criminal and forfeiture actions (s. 349.04(1) and (4), 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 driver's 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% to the transportation fund	50% to be retained by the county
Safe ride program surcharge (s. 85.55, 346.657, 814.75(9g), 814.76(7g), 814.78(7g), and 814.79(4p))	If a court imposes a fine or forfeiture for certain violations relating to operating while intoxicated, it must also impose a safe ride program surcharge	\$50	100% to the Department of Transportation for the safe-ride grant program	None
Railroad crossing improvement surcharge in forfeiture actions (s. 346.177, 346.495, 346.65(4r), 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, unless the individual is a personal delivery device operator	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	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	10% of the amount of the fine or forfeiture if the violation was committed before July 1, 2009; 20% of the amount of fine or forfeiture if the violation was committed on or after July 1, 2009	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, 169.46(1), 814.75(16), 814.76(12) and 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	75% of the fine or forfeiture amount	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
Natural Resources restitution surcharge in criminal and forfeiture actions (s. 29.989, 169.46(2), 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	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	\$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 noncommercial 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 the average wholesale value of the fish	100% to the conservation fund	None

<b>Name and Statutory Citation</b>	<b>How Applied</b>	<b>Fee Amount</b>	<b>State Share and Recipients</b>	<b>County Share</b>
Great Lakes resource surcharge (s. 29.9905, 814.75(13m), and 814.77(6m))	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	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	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	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, actions for financial responsibility violation of motor vehicle liability insurance, nonmoving traffic violations or safety belt use) 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
59.25(3), 814.75(8r), 814.76(4m), and 973.0455	Crime prevention funding board surcharge. If a court in a county that has established a crime prevention funding board imposes a sentence or places a person on probation, the court must impose a crime prevention funding board surcharge	\$20 for each misdemeanor or felony offense	100% into a crime prevention funding board's crime prevention fund
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, commissions to take depositions, and transcripts	\$5	
814.61(6) and 806.24	Foreign judgments filing fee	\$15	Filing under Uniform Enforcement of Foreign Judgments Act

Statutory Section	Type of Fee	Amount of Fee	Special Handling
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 driver's license fees (petitions under s. 343.10(4))	\$40	
767.405(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
767.405(5), 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 a fee schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay
814.615(2) and 767.405	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
814.62(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
814.62(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 financial responsibility, special identification cards, safety belt use, or for a first time operating under the influence of an intoxicant violation, where the case was transferred)	\$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	
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	



Statutory Section	Type of Fee	Amount of Fee	Special Handling
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 attorney's 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 Remitted to State, by County in 2019-20

County	Fines and Forfeitures	Circuit Court Fees	Court Support Services Surcharge	Other Fees and Surcharges	Total
Adams	\$45,400	\$83,800	\$187,500	\$254,200	\$570,900
Ashland	24,900	65,100	113,200	178,100	381,300
Barron	69,400	148,800	256,400	402,200	876,800
Bayfield	45,900	58,400	144,500	183,000	431,800
Brown	344,800	713,700	1,329,100	1,953,500	4,341,100
Buffalo	24,600	40,800	90,100	131,100	286,600
Burnett	43,600	68,500	110,300	201,400	423,800
Calumet	53,100	120,400	189,900	301,300	664,700
Chippewa	104,800	196,800	422,000	621,400	1,345,000
Clark	56,300	97,600	231,100	280,600	665,600
Columbia	185,200	249,100	509,000	754,800	1,698,100
Crawford	38,300	55,000	121,500	172,400	387,200
Dane	763,500	723,500	2,001,200	2,843,300	6,331,500
Dodge	128,700	268,300	634,200	868,900	1,900,100
Door	60,000	102,000	190,100	292,900	645,000
Douglas	192,500	198,500	475,200	649,500	1,515,700
Dunn	272,100	234,700	588,300	770,500	1,865,600
Eau Claire	214,300	468,600	867,500	1,337,400	2,887,800
Florence	17,500	14,600	27,500	50,900	110,500
Fond du Lac	147,500	377,100	708,300	1,032,400	2,265,300
Forest	64,800	66,400	95,000	240,800	467,000
Grant	107,900	149,400	351,500	500,800	1,109,600
Green	43,100	102,900	272,800	323,500	742,300
Green Lake	30,000	81,100	103,300	249,600	464,000
Iowa	40,100	78,200	213,900	234,800	567,000
Iron	19,300	23,700	74,100	72,400	189,500
Jackson	121,000	112,300	267,200	335,100	835,600
Jefferson	169,900	325,700	668,800	938,300	2,102,700
Juneau	111,400	119,100	299,200	381,800	911,500
Kenosha	296,500	493,300	1,048,800	1,415,400	3,254,000
Kewaunee	15,700	55,600	125,800	169,300	366,400
La Crosse	137,700	218,800	459,100	625,800	1,441,400
Lafayette	30,200	58,300	156,600	195,200	440,300
Langlade	27,400	90,100	153,600	229,300	500,400
Lincoln	64,900	97,900	178,900	277,500	619,200
Manitowoc	130,700	201,300	400,800	617,700	1,350,500
Marathon	197,600	445,300	653,300	1,037,100	2,333,300
Marinette	114,400	112,100	259,100	365,100	850,700
Marquette	44,600	76,900	166,700	211,400	499,600
Menominee	2,800	5,400	14,600	19,300	42,100

**APPENDIX IX (continued)**

**Revenue Generated from Circuit Court Operations  
Remitted to State, by County in 2019-20**

County	Fines and Forfeitures	Circuit Court Fees	Court Support Services Surcharge	Other Fees and Surcharges	Total
Milwaukee	\$449,700	\$1,931,500	\$5,300,100	\$5,737,400	\$13,418,700
Monroe	218,400	227,000	421,800	597,300	1,464,500
Oconto	96,100	107,100	227,000	317,600	747,800
Oneida	68,700	110,500	244,400	374,000	797,600
Outagamie	209,300	446,000	927,400	1,248,100	2,830,800
Ozaukee	104,400	226,400	285,800	599,200	1,215,800
Pepin	13,500	20,400	43,300	59,800	137,000
Pierce	44,000	70,300	153,600	206,900	474,800
Polk	80,300	95,000	195,500	306,400	677,200
Portage	113,000	177,400	320,000	480,200	1,090,600
Price	35,600	46,000	109,200	143,000	333,800
Racine	434,300	824,000	1,753,100	2,430,700	5,442,100
Richland	27,000	54,800	132,000	174,500	388,300
Rock	214,100	487,100	1,188,900	1,571,200	3,461,300
Rusk	25,900	45,900	86,100	121,500	279,400
Sauk	281,400	239,100	502,000	702,100	1,724,600
Sawyer	192,300	267,500	700,400	888,800	2,049,000
Shawano	77,600	76,300	124,300	243,500	521,700
Sheboygan	172,400	224,900	367,000	633,300	1,397,600
St. Croix	129,200	346,400	559,200	885,400	1,920,200
Taylor	25,700	52,000	111,100	150,400	339,200
Trempealeau	67,500	81,800	194,000	254,300	597,600
Vernon	27,000	50,100	103,700	146,500	327,300
Vilas	51,000	73,800	150,800	238,700	514,300
Walworth	341,600	360,800	544,400	1,137,300	2,384,100
Washburn	58,000	68,100	131,300	167,000	424,400
Washington	189,600	314,100	510,200	877,800	1,891,700
Waukesha	333,500	574,700	1,098,200	1,671,200	3,677,600
Waupaca	115,500	170,400	326,300	519,700	1,131,900
Waushara	80,800	147,500	220,100	400,300	848,700
Winnebago	412,300	582,900	1,100,200	1,707,000	3,802,400
Wood	<u>186,500</u>	<u>310,000</u>	<u>315,800</u>	<u>855,900</u>	<u>1,668,200</u>
Grand Total	\$9,478,600	\$16,008,900	\$33,607,200	\$47,567,000	\$106,661,700

## APPENDIX X

### Revenue Generated from Circuit Court Operations Retained by Counties in 2019-20

County	Fines and Forfeitures	Circuit Court Fees	Other Fees & Surcharges	County Total
Adams	\$65,300	\$29,200	\$39,100	\$133,600
Ashland	35,400	18,900	26,700	81,000
Barron	118,600	47,800	73,200	239,600
Bayfield	79,300	20,500	37,600	137,400
Brown	565,900	246,000	331,100	1,143,000
Buffalo	52,800	13,500	28,600	94,900
Burnett	56,700	19,100	33,300	109,100
Calumet	77,200	34,500	46,100	157,800
Chippewa	166,700	68,300	119,800	354,800
Clark	108,200	34,000	55,500	197,700
Columbia	276,600	79,400	158,500	514,500
Crawford	64,800	18,400	38,300	121,500
Dane	690,900	355,000	628,600	1,674,500
Dodge	288,500	100,700	166,600	555,800
Door	95,200	31,700	63,300	190,200
Douglas	133,800	74,800	100,300	308,900
Dunn	272,800	82,100	159,700	514,600
Eau Claire	284,300	138,400	238,800	661,500
Florence	26,300	4,400	9,200	39,900
Fond du Lac	334,800	120,700	267,100	722,600
Forest	125,600	15,700	25,800	167,100
Grant	139,400	53,400	104,000	296,800
Green	111,100	41,000	69,400	221,500
Green Lake	64,200	19,400	48,300	131,900
Iowa	87,600	30,700	53,800	172,100
Iron	24,900	10,100	15,300	50,300
Jackson	166,600	37,600	62,900	267,100
Jefferson	355,800	107,300	162,700	625,800
Juneau	146,600	46,600	76,100	269,300
Kenosha	507,900	179,600	192,800	880,300
Kewaunee	65,700	19,600	38,400	123,700
La Crosse	163,400	82,500	119,900	365,800
Lafayette	82,400	22,400	48,900	153,700
Langlade	54,500	26,800	39,000	120,300
Lincoln	122,000	31,100	51,800	204,900
Manitowoc	194,500	73,600	96,500	364,600
Marathon	266,900	126,600	165,100	558,600
Marinette	143,800	43,400	60,200	247,400
Marquette	117,700	24,000	40,700	182,400
Menominee	10,000	2,300	2,900	15,200

**APPENDIX X (continued)**

**Revenue Generated from Circuit Court Operations  
Retained by Counties in 2019-20**

County	Fines and Forfeitures	Circuit Court Fees	Other Fees & Surcharges	County Total
Milwaukee	\$1,765,200	\$933,500	\$648,900	\$3,347,600
Monroe	236,900	67,400	104,400	408,700
Oconto	140,900	37,200	59,500	237,600
Oneida	122,800	39,300	84,000	246,100
Outagamie	230,300	166,000	216,000	612,300
Ozaukee	188,700	59,400	106,000	354,100
Pepin	26,400	6,700	13,100	46,200
Pierce	76,100	26,900	46,100	149,100
Polk	73,900	35,300	48,100	157,300
Portage	170,600	56,000	90,600	317,200
Price	49,300	16,000	31,400	96,700
Racine	1,565,400	273,300	342,100	2,180,800
Richland	58,200	20,300	42,500	121,000
Rock	361,300	194,000	270,400	825,700
Rusk	46,200	14,700	23,500	84,400
Sauk	218,400	83,600	133,100	435,100
Sawyer	274,700	101,800	184,600	561,100
Shawano	71,800	21,800	40,700	134,300
Sheboygan	292,000	58,800	100,300	451,100
St. Croix	276,100	104,200	130,600	510,900
Taylor	59,500	18,300	27,800	105,600
Trempealeau	82,700	30,200	53,700	166,600
Vernon	45,100	19,700	27,300	92,100
Vilas	86,000	23,700	47,700	157,400
Walworth	419,600	103,400	174,000	697,000
Washburn	62,700	20,800	28,600	112,100
Washington	305,700	98,600	160,400	564,700
Waukesha	386,800	220,800	288,000	895,600
Waupaca	179,800	56,000	104,800	340,600
Waushara	116,500	36,200	64,100	216,800
Winnebago	456,500	187,900	318,400	962,800
Wood	<u>217,400</u>	<u>68,900</u>	<u>120,900</u>	<u>407,200</u>
Grand Total	\$15,408,500	\$5,732,000	\$8,227,600	\$29,368,100