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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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| <b>2015 Assembly Bill 139</b>      | <b>Assembly Amendment 2</b>   |
| <i>Memo published: May 8, 2015</i> | <i>Contact: Jessica Karls-Ruplinger, Deputy Director (266-2230)</i> |

### CURRENT LAW

Under current law, a person who commences a small claims action in circuit court pays a filing fee of \$22.00. The county retains \$10.20 of the fee for the county's use, and the state receives \$11.80 of the fee for the operation of the circuit court automated information systems (commonly known as CCAP). However, the filing fee in garnishment actions is \$20.00.

In addition to the filing fee, a person who commences a small claims action also pays a court support services (CSS) surcharge of \$51.00; a justice information system (JIS) surcharge of \$21.50; and, if the action is filed in Milwaukee County Circuit Court, a special prosecution clerks (SPC) surcharge of \$3.50. Thus, under current law, the cost to commence a small claims action is \$94.50, except that, in Milwaukee County Circuit Court, the cost is \$98.00.

### 2015 ASSEMBLY BILL 139

Assembly Bill 139 increases the filing fee in small claims actions from \$22.00 to \$50.00. The county retains \$30.00 of the fee for the county's use, and the state receives \$20.00 of the fee for the operation of CCAP. The bill does not affect the CSS, JIS, or SPC surcharges or the filing fee in garnishment actions. Thus, under the bill, the cost to commence a small claims action is \$122.50, except that, in Milwaukee County Circuit Court, the cost is \$126.00.

### ASSEMBLY AMENDMENT 2

Assembly Amendment 2 retains the \$50.00 filing fee in the bill. However, the amendment requires the filing fee, including the garnishment filing fee, and the CSS, JIS, and SPC surcharges to be collected from the debtor, rather than the petitioner, in a small claims action to recover on a restitution judgment that was entered at sentencing for a criminal conviction.

**BILL HISTORY**

Assembly Amendment 2 was offered by the Assembly Committee on Judiciary. On May 7, 2015, the committee recommended adoption of the amendment on a vote of Ayes, 9; Noes, 0. On that same date, the committee also recommended passage of Assembly Bill 139, as amended, on a vote of Ayes, 8; Noes, 1.

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