



Legislative Fiscal Bureau

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November 10, 2003

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 341: Revenue for Domestic Violence Programs

Assembly Bill 341 would explicitly permit, but not require, counties to use a portion of the marriage license fees they collect for education, training, or services related to domestic violence. In addition, the bill would increase, from \$50 to \$75, the domestic abuse assessment paid by individuals convicted of domestic abuse offenses.

On August 12, 2003, the Assembly Committee on Children and Families recommended passage of AB 341 by a vote of 7 to 0.

CURRENT LAW

Marriage License Fee. The current statutory fee for a marriage license is \$49.50. Of this amount, \$25.00 is forwarded to the State Treasury and deposited to the general fund. The remaining \$24.50 is retained by the county that issues the marriage license, of which \$20.00 must be used for family court counseling services. Because the county clerk also receives a \$0.50 standard notary fee, the minimum fee an applicant pays for a marriage license in Wisconsin is \$50.00. In addition, counties may increase the statutory fee by any amount and retain the additional revenue generated from that increase. In 2003, marriage license fees (including the standard notary fee) varied from the minimum amount of \$50.00 in 24 counties to \$95.00 in Waukesha County.

Domestic Abuse Assessment. If a court imposes a sentence on an adult or places an adult on probation for violating certain crimes against life and bodily security, crimes against property, bail jumping, or crimes against public peace, order, and other interests, regardless of whether any fine is imposed, the court must also impose a domestic abuse assessment for each offense (unless the court determines that the assessment would have a negative impact on the offender's family). For these

convictions, the domestic abuse assessment applies only to 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. The court must also impose the assessment if the court convicts a person of knowingly violating a temporary domestic abuse restraining order or injunction.

Currently, the domestic abuse assessment is \$50 for each offense. Counties forward all revenue from the assessment to the state. This revenue is credited to a PR continuing appropriation in the Department of Health and Family Services (DHFS), which the Department distributes, in combination with other state and federal funds, as grants for services to victims of domestic violence. In 2002-03, DHFS received \$387,600 in program revenue from this source.

SUMMARY OF BILL

AB 341 would allow, but not require, counties to use any or all of the county share of the marriage license fee revenue to support education, training, or services related to domestic violence. The county share is equal to the difference between the license fee, the \$25.00 paid to the state and the \$20.00 to support family court counseling services. At a minimum, this amount would be \$4.50 per license.

AB 341 would also increase the domestic abuse assessment by \$25, from \$50 to \$75. This increase would apply for any sentence imposed by a court on or after the bill's effective date, regardless of when the offense was committed.

FISCAL EFFECT

Based on the program revenue DHFS received from the domestic abuse assessment in 2002-03 (\$387,600), a 50% increase in the domestic abuse assessment is estimated to increase annual revenues to support domestic abuse grants by approximately \$193,800. Depending on the bill's effective date, some of these additional revenue may be received in 2003-04. The provision that would explicitly authorize counties to use a portion of the marriage fee license revenue they retain on domestic abuse services would have no effect on county or state revenue or costs.

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