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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.

History of the Wisconsin Court System

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

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

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

County courts had exclusive jurisdiction in probate, mental health, small claims and juvenile proceedings.

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

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

As a result of court reorganization, the 26 circuit courts were expanded to the current 69, and existing circuit and county judges became judges in the circuit in which their chambers were located (respective court reporters remained with the

judge). A circuit court was established in each county except for three circuits which each contain two counties. All matters pending in county courts were transferred to the circuit court. The Act also phased out four existing judgeships and phased in 13 additional judgeships for a total of 190 circuit court judges in 1980. Fifty-nine judgeships have subsequently been created, bringing the total number of circuit court judges to 249. The most recent judgeships were authorized during the 2007 legislative session, with 2007 Act 20 adding a judgeship in both Kenosha and Juneau Counties, and 2007 Act 28 adding a judgeship in Green, Dodge, Monroe, Barron, Chippewa, and St. Croix Counties.

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

Supreme Court

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

The Supreme Court consists of seven justices elected, on a nonpartisan basis, to 10-year terms. Any mid-term vacancies are filled with gubernatorial appointees until a regularly-scheduled election. The justice with the greatest seniority serves as Chief Justice, unless he or she chooses otherwise. In 2008-09, the Supreme Court Justices receive an annual salary of \$144,495, and the Chief Justice is paid \$152,495.

In 2008-09, the Supreme Court's budget totals approximately \$30.1 million (all funds) as shown in Table 1. Expenditures in 2007-08 totaled approximately \$28.9 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 \$61,000 in 2007-08.

Table 1: 2008-09 Supreme Court Funding

	Funding	Positions
General Operations	\$4,970,300	38.50
Director of State Courts	19,011,000	132.25
Bar Examiners & Responsibility	3,294,500	35.50
Law Library	<u>2,785,800</u>	<u>16.50</u>
Total	\$30,061,600	222.75

In addition to the general operations of the Supreme Court, the Court is charged with various other responsibilities including providing administrative services to the entire state court system, regulating the practice of law in Wisconsin and maintaining a state law library. These functions are also funded under the Supreme Court's budget. The Director of State Courts, who is appointed by the Supreme Court, is responsible for the overall management of the judicial system. Such responsibilities include personnel, budget development, judicial education, the circuit court information program, interdistrict court assignments and court planning and research. In 2008-09, the Director of State Courts Office has authorized 132.25 positions

and a budget of \$19.0 million, of which \$10.6 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 and Office of Lawyer Regulation. These entities are funded from: (a) annual assessments to Wisconsin State Bar members; (b) fees for the State Bar examination; (c) State Bar admittance, reinstatements and screening fees; and (d) assessments related to disciplinary actions. The Board and Office are responsible for supervising the practice of law in Wisconsin, protecting the public from professional misconduct by members of the bar, and implementing and enforcing rules for mandatory continuing legal education and the state bar examination. For 2008-09, the Board of Bar Examiners is budgeted at \$718,400 PR and the Office of Lawyer Regulation at \$2,576,100 PR.

The state law library, located in Madison, is also funded under the Supreme Court. The majority of funding for the library is GPR, however, the library also receives program revenue from various copying fees and other services it provides. State law library expenditures in 2007-08 totaled \$2,439,500, of which \$2,060,600 was GPR and \$378,900 was program revenue. Additionally, since 1996, the state law library has contracted with Milwaukee County to operate a legal resource center in Milwaukee. Expenditures under the contract were \$179,000 for 2007-08. In 1997, a second contract with Milwaukee County was signed to provide each of the Milwaukee County circuit court judges with basic library resource materials; 2007-08 expenditures for this service were \$41,600. The state law library also provides books for the Milwaukee circuit court judges' chamber collection, whose costs are reimbursed by the county. Finally, in January, 1999, the Director of State Courts signed a contract with Dane County to operate the Dane County Legal Resource Center. Expenditures under the contract were \$70,600 for 2007-08. Law library services in other counties are

provided by the county.

Court of Appeals

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

The Court of Appeals had 12 judges when it was created in 1977. Today, there are four appellate districts in the state (as shown in Appendix I) with 16 judges. Appellate judges are elected, on a nonpartisan basis, for six-year terms beginning on August 1st following the spring election. In 2008-09, the appellate judges receive an annual salary of \$136,316.

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

Table 2: Court of Appeals

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

The state pays all costs of the Court of Appeals. By statute, a Court of Appeals judge may hire a secretary and a law clerk. In total there are 75.5

positions funded under the Court of Appeals. As with the Supreme Court, the Court of Appeals' operations are funded through a sum sufficient GPR appropriation. In 2007-08, expenditures totaled \$9,555,000, which were partially offset by \$215,500 from filing fees for appeals cases. In 2008-09, the Court of Appeals has a budget of \$9,843,000.

Circuit Court Overview

The circuit court is the trial court of general jurisdiction in Wisconsin, having original jurisdiction in civil and criminal cases, unless that jurisdiction is assigned to a higher court. The Wisconsin Constitution specifies that there will be judicial circuits with judges elected within those circuits. There are a total of 69 circuits and 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 249 branches are divided into 10 judicial districts with a chief judge for each district appointed by the Supreme Court.

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

Appendix III shows the most recent weighted caseload study (2007) by county. It should be noted that previous weighted caseload studies have been based solely on the number of judgeships in each county. In order to better reflect each county's judicial officer need, the Director of State Courts Office has updated the caseload study methodology

to also include the number of court commissioner positions. Further, the appendix identifies the number of district chief judges needed for each judicial administrative district. Chief judges are responsible for administrative activities within each of the judicial districts.

Judges are elected on a nonpartisan basis to six-year terms at the spring election and take office the following August 1st. Any vacancies that occur mid-term are filled by the Governor until a successor is elected. In 2008-09, circuit court judges receive an annual salary of \$128,600.

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

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

As of December, 2008, there were 84 former judges who were certified as reserve judges. Reserve judges are state funded, and currently receive \$436.13 per day (reserve judge compensation is increased at the same percentage that the salaries of circuit court judges increase). Under 2005 Act 403, reserve judges' salaries are established at 90% of the daily salary of a circuit court judge, rather than at a statutorily-specified per diem. In 2007-08, per diem payments and travel reimbursements for reserve judges totaled \$904,200 GPR.

Court Reporters. Section 751.02, of the statutes, authorizes each judge to appoint a court reporter to record and transcribe testimony in court proceedings. Over the years, some additional court reporter positions have been approved to handle increased workloads. Currently, the state pays the salaries and fringe benefits of 275 court reporters. Salaries for court reporters in 2008-09 range from \$35,200 to \$61,000 annually. In addition, the state pays daily fees to private court reporters filling in for absent reporters on a temporary basis (\$180 per day for uncertified reporters and \$197 per day for certified reporters).

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

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

the clerk of court must appoint an assistant chief deputy clerk to assist in criminal and ordinance matters. The county pays for the full cost of clerk of court positions.

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

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

Each circuit court commissioner must be licensed to practice law in Wisconsin and must take an official oath in the office of the clerk of court. The court commissioner has authority delegated by a judge with the approval of the chief judge which may include the following: (a) issue summons, arrest warrants or search warrants; (b) conduct initial appearances and set bail; (c) conduct preliminary examinations and arraignments and accept guilty pleas; (d) receive non-contested forfeiture pleas, order revocation or suspension of operating privileges, impose monetary penalties and refer cases to court for enforcement of nonpayment; (e) conduct initial return appearances and conciliation confer-

ences; (f) conduct non-contested probate proceedings; (g) conduct detention and shelter care hearings for children; (h) review guardianships and protective placements; (i) officiate wedding ceremonies; (j) conduct paternity proceedings; and (k) other judicial duties depending on the needs of the court.

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

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

Court Security Officers (Bailiffs). Wisconsin statute 59.27 requires the sheriff of each county to provide a list of deputies for attendance at court when such list is requested by the court. The court may authorize additional bailiffs for security during

criminal matters. The county board sets the rate of compensation and the level of service to be provided by the bailiffs in circuit court. In addition, the sheriff or a deputy is required to attend the Court of Appeals when it is in session. Compensation for bailiffs attending the Court of Appeals is funded by the state, through the Court of Appeals' general operations appropriation, in the amount of the actual salary paid to the sheriff or deputy.

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

Under 1997 Act 27, cities of the first class (currently, only the City of Milwaukee) were allowed to create offices of municipal court commissioners. Municipal court commissioners are authorized to preside over certain criminal proceedings, including conducting certain initial appearances; receiving 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, through the interpreter reimbursement and the guardian ad litem and circuit court support payment programs.

\$34.3 million on the programs, which are summarized below.

In total, the state expended \$103.3 million on the circuit court system in fiscal year 2007-08, as identified in Table 3. Appendix IV identifies state expenditures for each county in 2007-08 (the amounts identified in the appendix for the court support payments, guardian ad litem payments, and interpreter reimbursement are for calendar year 2007).

Circuit Court Expenditures and Funding

State Expenditures

Circuit court operations have historically been funded through a combination of state and county funding. The state pays the costs of salaries and fringe benefits for circuit court judges and court reporters, and the per diem costs for reserve judges and court reporters. In addition, the state provides funding to the circuit courts under the Supreme Court's appropriations. The Director of State Courts Office performs certain administrative function for circuit courts, including the Office of Court Operations and district court administrators. The Supreme Court also provides judicial education to circuit judges. In 2007-08, the state expended \$69.0 million on these circuit court costs.

While counties are responsible for other circuit court operational costs, including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, and jury costs, the state also provides payments to counties that may be used to offset some of these costs. These programs include: (a) circuit court support payments; (b) guardian ad litem (GAL) costs; and (c) court interpreter fee reimbursements. Finally, the state provides automation services and equipment through the Circuit Court automation program (CCAP). In 2007-08, the state expended

Table 3: State Expenditures on Circuit Courts, 2007-08

Judges and Court Reporters	\$64,470,400
Director of State Courts (prorated)	836,500
Office of Court Operations	988,100
District Court Administrators	2,238,300
Judicial Education	459,400
CCAP	9,730,200
Court Support Payments	18,739,600
Guardian Ad Litem Payments	4,738,500
Interpreter Reimbursement	<u>1,051,200</u>
 Total	 \$103,252,200

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

Funding for circuit court support payments to counties is \$18,739,600 GPR annually. Current law awards payment amounts as follows: (a) each

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

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

Court Interpreter Fees. The state reimburses counties for the circuit court costs associated with interpreters for persons with limited English proficiency. "Limited English proficiency" (LEP) is defined as the inability to adequately hear, understand or communicate effectively in English due to either: (a) use of a language other than English; or (b) a speech impairment, hearing loss, deafness, deaf-blindness, or other disability. If the court determines that a person has LEP and that an interpreter is necessary, the court is required to advise the person that he or she has the right to a qualified interpreter at the public's expense, if the person is one of the following:

- a. a party in interest;
- b. a witness, while testifying in a court proceeding;
- c. an alleged victim, as defined by statute;
- d. a parent or legal guardian of a minor party in interest or the legal guardian of a party in interest; or
- e. another person affected by the proceedings, if the court determines that the appointment is necessary and appropriate.

If a person with a hearing impairment is part of a jury panel, the court must appoint a qualified interpreter for that person. In addition, statutory provisions authorize the use of interpreters in the following circumstances:

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

Counties are required to pay interpreter expenses in all proceedings before the circuit court and when the clerk of circuit courts uses a qualified interpreter. [Except for costs for interpreters assisting the State Public Defender in preparing for court proceedings, where the Public Defender pays these costs.] To receive state reimbursement, counties must submit forms to the Director of State

Courts accounting for interpreter expenses for the preceding three-month period. The Director of State Courts then reimburses for the interpreter expenses, as follows: (a) \$40 for the first hour and \$20 for each additional 0.5 hour for qualified interpreters certified under the requirements and procedures approved by the Supreme Court; (b) \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters; and (c) for mileage, 20 cents per mile.

As of December, 2008, there are 78 court interpreters certified by the Supreme Court (57 in Spanish, 12 in American Sign Language, four in Russian, two in Hmong, one in German, one in Mandarin, and one in Vietnamese). The court interpreter fees reimbursement program expended \$1,051,200 GPR in 2007-08 and is budgeted \$1,125,100 GPR in 2008-09.

Circuit Court Automation Programs (CCAP). The circuit court automation program was created in 1987-88 to provide uniform software applications to counties, including circuit court case management, jury management, financial management, court calendaring, and training on the computer system. Counties have the option of using the state CCAP system and receiving hardware, software, technical support, and training from the state or having their own system and receiving reimbursement from the state. The case and financial management systems have been installed in all of the state's 72 counties. However, Portage County only uses CCAP for its office of the register in probate. The county uses its own operating system for other court operations.

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

- a. \$15 of the filing fee to commence civil or family actions or to change venue in such actions (\$75-\$105, depending on type of action);
- b. \$5 of the \$25 fee in forfeiture actions;

- c. \$5 of the \$20 fee to commence garnishment actions;

- d. \$5 of the \$45 filing fee for third-party complaints in civil actions;

- e. \$5 of the fee to appeal or review a municipal court or administrative decision (\$40 or \$55, depending on whether a new trial is requested);

- f. \$11.80 of the \$22 filing fee to commence or change venue in small claims actions;

- g. \$10 of the \$53 fee for filing a counterclaim or cross complaint in small claims actions; and

- h. \$6 of the \$12 justice information systems surcharge, which is applied to above-referenced actions.

In 2007-08, revenue generated from the above fees totaled \$9,984,900, and CCAP expended \$9,730,200 PR. For 2008-09, CCAP has a base budget of \$10,210,800 PR to install and maintain system hardware and software applications, replace obsolete hardware and software, train county staff, and provide ongoing technical assistance for all components of the system.

County Expenditures

Data on county expenditures for circuit courts are limited. Each year counties report "judicial expenditures" to the Department of Revenue (DOR), which are described as expenditures involving the "circuit court, clerk of courts, probate court, family court commissioner, law library, public defenders for indigent defendants, coroner, etc." In calendar year 2007, counties reported expenditures totaling \$167.5 million. However, because there is an array of items that counties could list as judicial costs, the consistency of reports among counties is uneven. For instance, some counties report facility costs such as renovation and construction while others do not. Some counties may include the total opera-

tional cost of the courthouse, including other entities located on the premises (such as the district attorney's office and other local offices), while other counties only report the portion allocated for court operations. In addition, some costs that counties report, such as coroners, may be viewed as unrelated to court costs.

To address the issue of limited data on county judicial expenditures, statutory language was created to require counties to report "actual court costs" on all court functions except costs related to courtroom security, rent, utilities, maintenance, remodeling and construction. Counties reported spending \$181.5 million in calendar year 2007 on all court costs, of which \$157.6 million were allowable under the circuit court support payment program. It should be noted, however, that the Director of State Courts Office, which receives and compiles the data, has identified a number of inconsistencies in reporting among counties and does not feel that this number is an accurate reflection of county expenditures.

As a result, statutory language was created in 2007 Act 20, providing that the Director of State Courts may create a uniform chart of accounts that each county is required to use for recording all financial transactions for court operations. The first required reports are due no later than May 15, 2009, and the Director of State Courts is authorized to audit the reported information.

Circuit Court Revenues

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

Fines and Forfeitures. Fines are levied in criminal

actions while forfeitures are imposed in civil enforcement actions (such as most traffic violations). Fine and forfeiture amounts vary depending on the specific violation. Article X, Section 2, of the Wisconsin Constitution, requires that the clear proceeds from fines and forfeitures collected by counties be deposited to the state's common school fund, for the support and maintenance of Wisconsin public schools and the "purchase of suitable libraries." Under s. 59.25(3)(j) and (m), the Legislature has authorized counties to retain, as an administrative fee, 10% of state fines and forfeitures, except for the following: (a) 50% of motor vehicle forfeitures and fines (excluding state motor vehicle size, weight and load forfeitures and fines, for which counties retain 10%); and (b) 50% of occupational driver's license fees. In 2007-08, the state received a total of \$16,479,000 from fines and forfeitures. Appendix V identifies the statutory provisions related to fines and forfeitures.

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

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

drug offender diversion surcharge. Appendix VII provides a list of statutory surcharges and how the surcharge revenue is utilized.

The surcharge that generates the most revenue for the state is the court support services surcharge. While funding for the circuit court support and GAL payment programs is provided from the general fund, the court support services surcharge was created in 1993 to offset the costs of these programs to the state. Revenue generated from the surcharge is deposited to the state's general fund and not directly appropriated to the courts. The surcharge was originally a \$20 fee on all forfeiture judgments and most civil court filings. Under 1995 Act 27, the surcharge was increased and modified according to the type of claim filed. The surcharge was increased 30% under 2001 Act 109. Under 2003 Act 33, the surcharge was further increased by 30% and is now: (a) \$51 for various small claims filings; (b) \$169 for various large claims filings; and (c) \$68 for forfeiture action judgments, appeals from municipal courts or administrative decisions, and certain court filings not covered under (a) or (b) above. In 2007-08, the court support services surcharge generated \$51,238,300 in revenue.

In addition to the court support services surcharge revenue, the state collected \$51,403,100 from other court fees and surcharges in 2007-08. 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 2008 from fines and forfeitures, court fees, the court support services surcharge, and other surcharges by each county.

Similar to county expenditures, there are inconsistencies with reporting of counties' share of circuit court revenue. Counties report separately to DOR and to DOA the amount of revenue collected from the operation of the court system. For 2007-08, counties reported to DOA that their share of total circuit court revenue was \$41,986,500. For calendar year 2007, counties reported to the

Department of Revenue that their share of circuit court revenue was \$57,178,800.

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

Comparison of Circuit Court Revenues and Expenditures

Based on the information reported to DOR, in calendar year 2007, counties spent \$167.5 million on circuit court operations and received \$57.2 million in court collected revenues. The difference of \$110.3 million is primarily funded through local taxes and unrestricted state aid payments, such as shared revenue. Counties will receive \$157.2 million in 2008 from state shared revenue payments.

State expenditures are reported based on a fiscal year, beginning on July 1st of one year and ending on the following June 30, so that a direct comparison cannot be made between county calendar year and state fiscal year expenditures and revenues. The state spent \$103.3 million in 2007-08 for the circuit courts and, as reported by the Director

of State Courts from information reported to DOA, received \$119.1 million in revenue from fines and forfeitures, court fees, and surcharges. Much of the revenue received by the state, while still offsetting total state costs, is earmarked for specific programs, such as schools, law enforcement training, victim/witness assistance, drug abuse treatment and domestic abuse.

While direct comparisons may be of limited value given the inconsistencies in reported data and the differences between the calendar year and state fiscal year, Table 4 indicates that total circuit court operating expenditures exceeded revenue collected by circuit courts by approximately \$94.5 million. These expenditures are largely financed at the state level by revenue collected from general state taxes; and at the county level by local property taxes, state shared revenues and state-funded mandate relief, and state-funded circuit court support and GAL payments, and interpreter reimbursement programs.

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

	Fiscal Year 2007-08 State	Calendar Year 2007 County
Revenues	\$119.1	\$57.2
Expenditures	<u>103.3</u>	<u>167.5</u>
Expenditures Over Revenues	\$15.8	-\$110.3

The Wisconsin Legal Process

Both state and federal courts have jurisdiction over Wisconsin citizens. State courts generally only handle cases involving state laws; however, the federal government may give state courts jurisdiction over certain federal questions. The following is an outline of the civil and criminal court processes. It should be noted that this is a general overview and does not address the detailed specifics of each

case (for example, certain civil procedures may vary for small claims or family matters). This overview does not include a description of juvenile court proceedings. Information on court proceedings in juvenile matters can be found in the Legislative Fiscal Bureau's informational paper entitled, "Juvenile Justice and Youth Aids Program."

Civil Cases

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

- a. Plaintiff files a summons and complaint with the circuit court.
- b. Defendant is served with copies and a summons directs the defendant to respond (answer) to the plaintiff's attorney.
- c. Various pretrial proceedings occur including motions, pretrial conferences, discovery and formal or informal negotiations between the parties.
- d. In most cases, a settlement is reached at this point and court proceedings end. However, for the remainder of cases trial preparations continue, although a settlement may still occur either before trial or during trial.
- e. Under state and federal law, trial by jury is guaranteed but, if both parties consent, a trial may be conducted without a jury. For civil cases in Wisconsin state court, the jury consists of six persons, unless a greater number (not to exceed 12) is requested.
- f. Final judgment -- if a jury is present, five-sixths of the jurors must agree on the verdict. The court (judge) makes a judgment for the plaintiff or

the defendant based on the verdict. The plaintiff must typically prove his or her case by a preponderance of the evidence (that is, jurors must be convinced that the plaintiff's evidence is more persuasive, otherwise the verdict should be for the defendant).

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

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

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

Criminal Cases

A criminal case involves an act prohibited by state law and punishable by fine or imprisonment, or both. Civil enforcement actions, such as most traffic violations, are distinguished from criminal actions in that a forfeiture (payment) may be imposed (much like a criminal fine), but imprisonment cannot be imposed (except under the court's contempt powers for failure to comply with a court order). There are two types of criminal cases: felonies and misdemeanors. A felony may be punishable by imprisonment in the state prison. Misdemeanors include all criminal cases that are not felonies. In general, misdemeanors have maximum sentences of less than one year in a county jail, unless the statutes state otherwise. The criminal process is outlined below.

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

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

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

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

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

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

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

there is an agreement between the parties for fewer jurors.

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

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

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

k. If guilt is determined (either through a guilty plea or trial verdict), the court (judge) enters

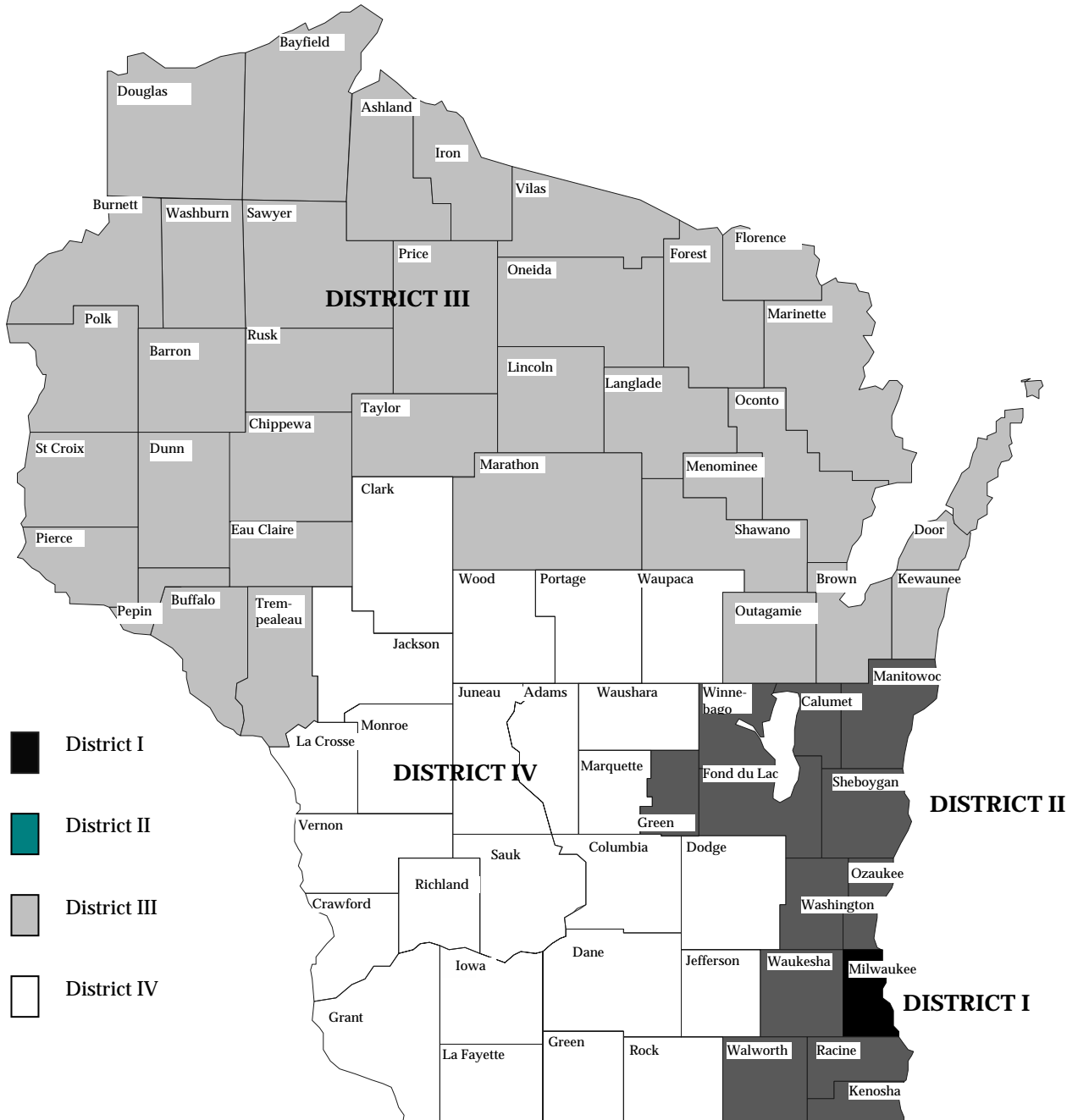
a judgment of conviction and determines the penalty (sentencing) for the crime within the statutory range. A defendant may also plead no contest which results in the same criminal consequences as a plea of guilty, but the plea cannot be used in civil litigation against the defendant. [See Legislative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

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

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

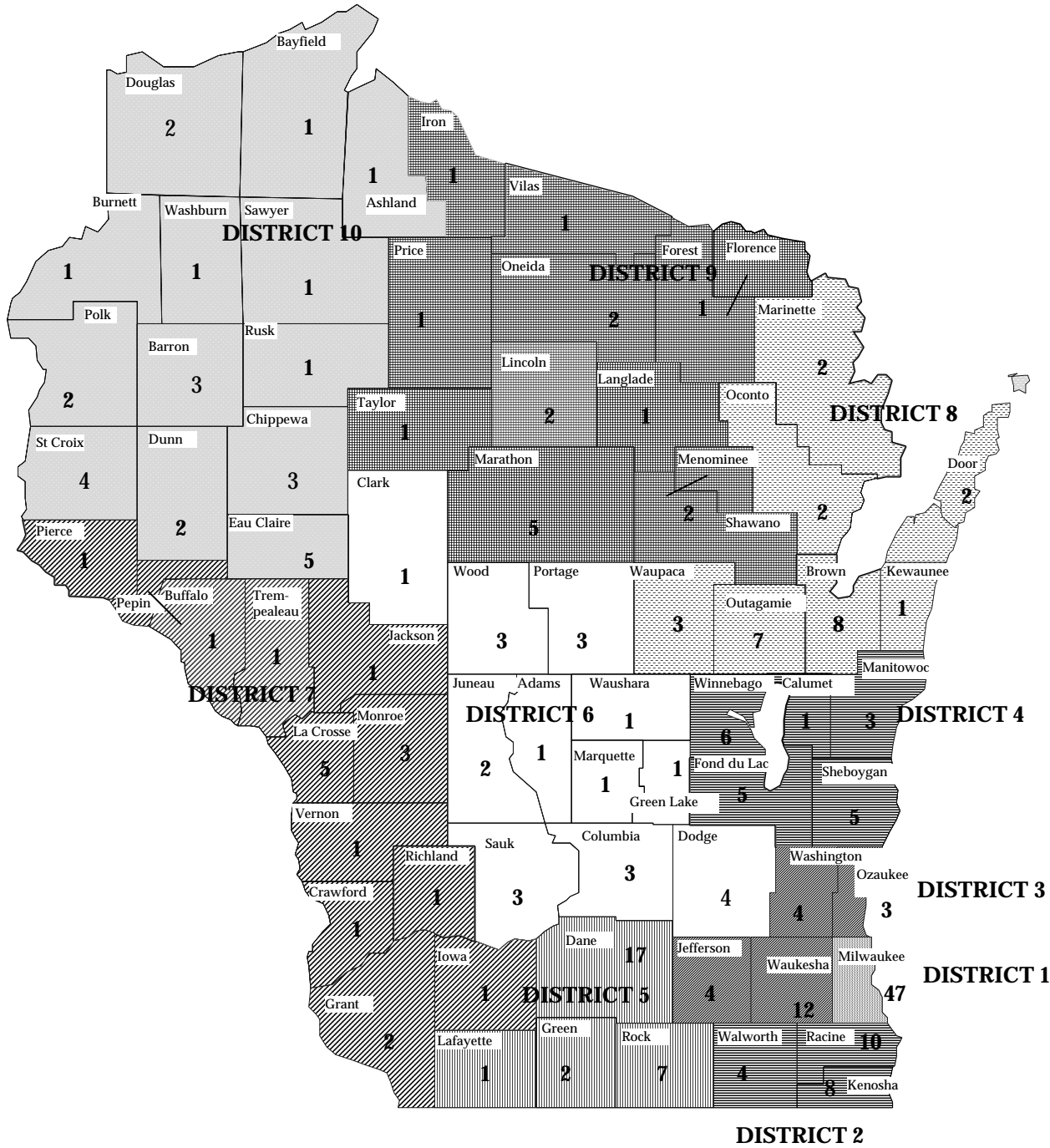
APPENDIX I

Court of Appeals Districts



APPENDIX II

Circuit Court Branches and Judicial Administrative Districts



10 Judicial Administrative Districts for Circuit Court Branches

249 Total Circuit Court Branches

APPENDIX III

2007 Circuit Court Caseload Study By County

<u>County</u>	<u>Caseload Study of Judicial Officer Need</u>	<u>Current Number of Judges</u>	<u>Current Number of Court Commissioners (Estimated)</u>	<u>Judicial Officer Need</u>
Adams	1.5	1.0	0.2	0.3
Ashland	1.1	1.0	0.0	0.0
Barron	3.0	3.0	0.2	-0.2
Bayfield	0.8	1.0	0.1	-0.3
Brown	13.4	8.0	4.0	1.4
Buffalo/Pepin	1.0	1.0	0.3	-0.3
Burnett	1.3	1.0	0.1	0.2
Calumet	1.6	1.0	0.3	0.3
Chippewa	3.8	3.0	0.2	0.6
Clark	1.5	1.0	0.2	0.3
Columbia	3.6	3.0	0.4	0.2
Crawford	0.7	1.0	0.1	-0.4
Dane	25.1	17.0	11.0	-2.9
Dodge	5.1	4.0	0.8	0.4
Door	1.5	2.0	0.2	-0.6
Douglas	2.8	2.0	1.0	-0.2
Dunn	2.7	2.0	0.2	0.6
Eau Claire	7.3	5.0	1.0	1.3
Florence/Forest	1.1	1.0	0.2	-0.1
Fond du Lac	5.1	5.0	1.0	-0.9
Grant	2.1	2.0	0.3	-0.2
Green	1.8	1.0	0.3	0.5
Green Lake	1.4	1.0	0.1	0.4
Iowa	1.4	1.0	0.1	0.3
Iron	0.5	1.0	0.1	-0.6
Jackson	1.5	1.0	0.1	0.4
Jefferson	4.9	4.0	2.0	-1.1
Juneau	2.3	2.0	0.2	0.1
Kenosha	11.7	7.0	3.0	1.7
Kewaunee	0.9	1.0	0.1	-0.1
La Crosse	6.3	5.0	1.0	0.3
Lafayette	0.9	1.0	0.1	-0.2
Langlade	1.8	1.0	0.1	0.7
Lincoln	1.8	2.0	0.2	-0.3
Manitowoc	4.5	3.0	1.2	0.3
Marathon	7.3	5.0	1.1	1.3
Marinette	2.3	2.0	1.0	-0.7
Marquette	1.0	1.0	0.2	-0.2
Milwaukee	64.8	47.0	20.0	-2.2
Monroe	3.6	2.0	0.2	1.4

<u>County</u>	<u>Caseload Study of Judicial Officer Need</u>	<u>Current Number of Judges</u>	<u>Current Number of Court Commissioners (Estimated)</u>	<u>Judicial Officer Need</u>
Oconto	1.8	2.0	0.3	-0.5
Oneida	2.3	2.0	0.5	-0.2
Outagamie	10.7	7.0	2.8	0.9
Ozaukee	3.4	3.0	1.0	-0.6
Pierce	1.7	1.0	0.8	-0.1
Polk	3.0	2.0	0.3	0.8
Portage	3.2	3.0	0.2	0.0
Price	0.9	1.0	0.1	-0.3
Racine	14.5	10.0	4.0	0.5
Richland	1.0	1.0	0.2	-0.1
Rock	11.5	7.0	2.9	1.5
Rusk	0.9	1.0	0.1	-0.2
Sauk	4.6	3.0	1.0	0.6
Sawyer	1.5	1.0	0.0	0.5
Shawano/Menominee	2.5	2.0	0.4	0.1
Sheboygan	6.9	5.0	1.8	0.2
St. Croix	4.4	4.0	0.5	-0.1
Taylor	0.8	1.0	0.1	-0.3
Trempealeau	1.5	1.0	0.2	0.2
Vernon	1.0	1.0	0.1	-0.1
Vilas	1.5	1.0	0.1	0.4
Walworth	5.6	4.0	1.1	0.5
Washburn	1.2	1.0	0.1	0.2
Washington	5.3	4.0	1.4	-0.1
Waukesha	16.0	12.0	5.0	-1.0
Waupaca	3.1	3.0	0.2	-0.1
Waushara	1.5	1.0	0.2	0.3
Winnebago	10.5	6.0	3.0	1.5
Wood	<u>4.4</u>	<u>3.0</u>	<u>0.4</u>	<u>1.1</u>
Statewide Total	334.4	246.0	81.1	7.3

Administrative District Chief Judge Workload Need

<u>District*</u>	<u>Caseload Study of Administrative Judge Need</u>	<u>Current Number of Administrative Judges</u>	<u>Administrative Judge Need</u>
District 1	2.0	1.0	1.0
District 2	1.5	1.0	0.5
District 3	1.5	1.0	0.5
District 4	1.5	1.0	0.5
District 5	1.5	1.0	0.5
District 6	1.5	1.0	0.5
District 7	1.5	1.0	0.5
District 8	1.5	1.0	0.5
District 9	1.5	1.0	0.5
District 10	<u>1.5</u>	<u>1.0</u>	<u>0.5</u>
Statewide Total	15.5	10.0	5.5

*For the location of Judicial Administrative Districts, see Appendix II.

APPENDIX IV

**State Expenditures on Circuit Courts, by County
2007-08***

<u>County</u>	<u>Estimated Circuit Court Costs**</u>	<u>Circuit Court Support Payments</u>	<u>Guardian Ad Litem Cost Payments</u>	<u>Court Interpreter Fee Reimbursement</u>	<u>Total</u>
Adams	\$320,010	\$52,280	\$20,740	\$0	\$393,000
Ashland	320,010	52,280	17,320	0	389,600
Barron	960,040	162,900	43,080	1,410	1,167,400
Bayfield	320,010	52,280	17,370	0	389,700
Brown	2,560,100	740,670	173,380	41,010	3,515,200
Buffalo	192,010	35,740	11,170	460	239,400
Burnett	320,010	52,280	19,670	0	392,000
Calumet	320,010	52,280	22,050	3,260	397,600
Chippewa	960,040	185,570	49,010	320	1,194,900
Clark	320,010	52,280	24,760	2,130	399,200
Columbia	960,040	218,640	56,550	5,340	1,240,600
Crawford	320,010	52,280	17,670	1,040	391,000
Dane	5,440,200	1,487,410	318,530	103,040	7,349,200
Dodge	1,280,050	274,950	73,630	20,620	1,649,300
Door	640,020	133,720	29,240	1,210	804,200
Douglas	640,020	157,700	25,430	360	823,500
Dunn	640,020	155,330	44,170	5,160	844,700
Eau Claire	1,600,060	373,740	104,560	8,180	2,086,500
Florence	96,000	20,810	4,280	0	121,100
Fond du Lac	1,600,060	378,730	95,340	5,340	2,079,500
Forest	224,000	41,470	12,580	0	278,100
Grant	640,020	168,850	41,560	500	850,900
Green	320,010	52,280	26,370	5,420	404,100
Green Lake	320,010	52,280	18,540	0	390,800
Iowa	320,010	52,280	20,590	70	393,000
Iron	320,010	52,280	10,970	0	383,300
Jackson	320,010	52,280	23,750	1,620	397,700
Jefferson	1,280,050	301,790	74,160	33,990	1,690,000
Juneau	640,020	52,280	30,730	1,980	725,000
Kenosha	2,240,080	560,710	144,270	31,420	2,976,500
Kewaunee	320,010	52,280	17,510	0	389,800
La Crosse	1,600,060	395,370	83,370	3,410	2,082,200
Lafayette	320,010	52,280	16,640	3,290	392,200
Langlade	320,010	52,280	22,230	590	395,100
Lincoln	640,020	135,340	31,550	750	807,700
Manitowoc	960,040	267,710	57,020	10,140	1,294,900
Marathon	1,600,060	431,360	94,550	4,620	2,130,600
Marinette	640,060	158,700	37,580	1,210	837,600
Marquette	320,010	52,280	17,150	0	389,400
Menominee	13,400	11,600	0	0	25,000

<u>County</u>	<u>Estimated Circuit Court Costs**</u>	<u>Circuit Court Support Payments</u>	<u>Guardian Ad Litem Cost Payments</u>	<u>Court Interpreter Fee Reimbursement</u>	<u>Total</u>
Milwaukee	\$15,040,560	\$3,549,650	\$981,900	\$309,960	\$19,882,100
Monroe	640,020	156,710	41,670	4,700	843,100
Oconto	640,020	148,640	35,550	570	824,800
Oneida	640,020	148,180	40,800	220	829,200
Outagamie	2,240,080	581,910	129,230	23,290	2,974,500
Ozaukee	960,040	270,260	57,200	6,550	1,294,100
Pepin	128,000	26,540	6,340	330	161,200
Pierce	320,010	52,280	21,450	1,350	395,100
Polk	640,020	159,320	37,970	0	837,300
Portage	960,040	242,580	53,780	12,260	1,268,700
Price	320,010	52,280	15,570	0	387,900
Racine	3,200,120	745,820	196,520	19,650	4,162,100
Richland	320,010	52,280	18,290	0	390,600
Rock	2,240,080	558,770	148,080	41,300	2,988,200
Rusk	320,010	52,280	15,420	0	387,700
Sauk	960,040	226,220	66,710	16,100	1,269,100
Sawyer	320,010	52,280	18,700	0	391,000
Shawano	626,600	153,210	18,900	3,540	802,300
Sheboygan	1,600,060	405,000	102,380	21,240	2,128,700
St. Croix	1,280,050	254,870	61,080	3,830	1,599,800
Taylor	320,010	52,280	16,850	1,640	390,800
Trempealeau	320,010	52,280	23,570	8,110	404,000
Vernon	320,010	52,280	17,700	260	390,300
Vilas	320,010	52,280	19,870	100	392,300
Walworth	1,280,050	334,260	78,860	29,210	1,722,400
Washburn	320,010	52,280	18,910	40	391,200
Washington	1,280,050	380,530	72,000	7,030	1,739,600
Waukesha	3,840,140	1,137,860	209,570	42,100	5,229,700
Waupaca	960,040	215,900	49,610	3,930	1,229,500
Waushara	320,010	52,280	24,970	2,650	399,900
Winnebago	1,920,070	526,150	133,240	8,280	2,587,700
Wood	<u>960,040</u>	<u>254,770</u>	<u>57,750</u>	<u>0</u>	<u>1,272,600</u>
All Counties	\$78,722,000	\$18,739,600	\$4,739,500	\$866,200	\$103,069,000

* The estimated circuit court costs identified in the table are for fiscal year 2007-08, while the circuit court payments, guardian ad litem payments, and court interpreter fee reimbursement are for calendar year 2007.

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

APPENDIX V

Fines and Forfeitures

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

APPENDIX VI

Court Fees

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

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

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

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

APPENDIX VII

Court Surcharges and Payments

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

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

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Crime victim and witness surcharge - Part B (s. 973.045(1r)(a)2.)	If a court imposes a sentence or places a person on probation, the court shall also impose a crime victim and witness surcharge.	\$20 for each misdemeanor offense and \$20 for each felony offense	100% to fund sexual assault victim services	None
DNA analysis surcharge in criminal actions (s. 814.75(7), 814.76(5) and 973.046)	If a court imposes a sentence or places a person on probation for committing certain sex offenses, the court must also impose a DNA surcharge on the defendant. In addition to those sex offenses for which the court must impose the DNA analysis surcharge, the court may also impose the surcharge any time the court imposes a sentence or places a person on probation for a felony conviction.	\$250	100% to state to help fund drug law enforcement, crime laboratories, and DNA database activities	None
Drug abuse program improvement surcharge in criminal actions (s. 814.75(10), 814.76(8) and 961.41(5)(a))	When a court imposes a fine for a violation concerning the manufacture, distribution or delivery of controlled substances, the court must also impose a drug abuse program improvement surcharge on the defendant.	75% of the fine and penalty assessment imposed	100% for DHFS alcohol and drug abuse initiatives	None
Drug offender diversion surcharge (s. 814.75(11), 814.76(9), and 973.043)	If a court imposes a sentence or places a person on probation for a violation of Chapter 943 (Crimes against Property), the court must also impose a drug offender diversion surcharge for each conviction.	\$10	100% to an appropriation under OJA to provide grants to counties and contract for an evaluation of the grant program	None
Domestic abuse surcharge in criminal and forfeiture actions (s. 814.75(8), 814.76(6), 814.80(6), 814.81(6), and 973.055)	The domestic abuse surcharge applies only in those cases in which the defendant's conduct was directed against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child. If a court imposes a sentence on an adult person or places an adult person on probation for violating certain crimes against life and bodily security, crimes against property, bail jumping, or crimes against public peace, order and other interests, regardless of whether any fine is imposed, the court shall also impose a domestic abuse assessment for each offense (unless the court determines the assessment	\$100 for each offense	100% to the state for domestic abuse grants	None

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

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
<p>Reimbursement of legal fees for state- provided counsel in juvenile actions - delinquency, JIPS or CHIPS (s. 48.275 (2) and 938.275(2))</p>	<p>If the state or county provides legal counsel to a child or an expectant mother in CHIPS proceedings, or to juveniles in delinquency or JIPS proceedings, the court must also order the non-indigent parents to reimburse the state or county for the representation, unless the parent is the complaining or petitioning party or if the court finds that the interests of the parent and the interests of the child in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent.</p>	<p>As determined by the court</p>	<p>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). 75% to the state when state counsel is provided for CHIPS proceedings in counties with a population less than 500,000 (money credited to SPD private bar and investigator reimbursement appropriation). 100% to the state when state counsel is provided for CHIPS proceedings in counties having a population equal to or greater than 500,000 (25% credited to Milwaukee child welfare services and 75% credited to SPD private bar and investigator reimbursement appropriation)</p>	<p>25% to the county when state counsel is provided in CHIPS proceedings in counties with a population of less than 500,000. 25% to the county when state counsel is provided in JIPS and delinquency proceedings (regardless of county population)</p>
<p>Consumer protection surcharge in criminal and forfeiture action (s. 100.261(1) and (3)(c), 814.75(1), 814.76(1), 814.78(1), 814.80(1) and 814.81(1))</p>	<p>Whenever a court imposes a fine or forfeiture for violations relating to consumer protection, the court must also impose a consumer protection surcharge.</p>	<p>25% of the total amount of the fine or forfeiture</p>	<p>100% of the first \$185,000 annually to the Department of Agriculture, Trade and Consumer Protection for consumer protection information and education. The remainder is deposited to the general fund</p>	<p>None</p>
<p>Supplemental food enforcement surcharge in criminal and forfeiture actions (s. 49.17(4), 814.75(22m), 814.76(15m) and 814.80(11))</p>	<p>Whenever a court imposes a fine, forfeiture or recoupment for violating laws or rules concerning the Women Infants and Children (WIC) program, the court must also impose a supplemental food enforcement surcharge.</p>	<p>50% of the total fine, forfeiture or recoupment amounts imposed</p>	<p>100% to finance fraud reduction in the WIC program</p>	<p>None</p>
<p>Uninsured employer surcharge in criminal and forfeiture actions (s. 102.85(4)(a), 814.75(24) and 814.76(17))</p>	<p>If a court imposes a fine or forfeiture for employer insurance or worker's compensation violations, the court must also impose an uninsured employer surcharge on the defendant.</p>	<p>75% of the amount of fine or forfeiture (which can range from \$10 to \$10,000)</p>	<p>100% to the state uninsured employers fund (which pays the claims of employees of uninsured employers)</p>	<p>None</p>

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Driver improvement surcharge in criminal and forfeiture actions (s. 346.655(1) and (2), 814.75(9), 814.76(7), 814.78(7), 814.79(4m))	If a court imposes a fine or forfeiture for certain violations relating to operating while intoxicated, it shall also impose a driver improvement surcharge.	\$365	40% of the surcharge amount for activities related to alcohol abuse, OWI enforcement and crime victim compensation services	60% of the surcharge amount for community mental health, developmental disabilities, alcoholism and drug abuse services
Truck driver education surcharge in criminal and forfeiture actions (s. 349.04(1), 814.75(23), 814.76(16), 814.78(12) and 814.79(10))	If a court imposes a fine or forfeiture for violating laws concerning rules of the road, equipment of vehicles, or vehicles - size, weight and load, the court must impose a truck driver education surcharge.	\$8	100% to the state for truck driver training grants to Chippewa Valley Technical College, Fox Valley Technical College, and Waukesha County Technical College	None
Occupational drivers license fee (habitual traffic offender) (s. 351.07 (1g))	Persons considered habitual traffic offenders that file a petition for an occupational license must pay a fee.	\$40	50% of the fee to the transportation fund	50% of the fee to be retained by the county
Railroad crossing improvement surcharge in forfeiture actions (s. 346.177, 346.495, 814.75(19) and 814.79(8))	Whenever a court imposes a forfeiture for certain violations concerning driving or stopping on railroad crossings, the court must also impose a railroad crossing improvement surcharge.	50% of the amount of the forfeiture, which may be up to \$1,000	100% to the Department of Transportation for railroad crossing protection, installation, and maintenance	None
Snowmobile registration restitution surcharge in forfeiture actions (s. 350.115, 814.75(21) and 814.77(12))	If a court imposes a forfeiture for a snowmobile violation in which a registration fee is required, the court must also impose a snowmobile registration restitution surcharge on the defendant.	Equal to the amount of the fee that was required and should have been obtained	100% to the snowmobile account of the state conservation fund, which funds such things as snowmobile trail and project aids and county snowmobile enforcement aids	None
Environmental surcharge in criminal and forfeiture actions (s. 299.93, 814.75(12), 814.76(10) and 814.77(5))	If a court imposes a fine or forfeiture for a violation of laws concerning pure drinking water, water and sewage, pollution discharge elimination, air pollution, solid waste facilities, hazardous waste management, remedial action, metallic mining, nonmetallic mining, reclamation or oil and gas exploration and production, the court must also impose an environmental surcharge on the defendant.	10% of the amount of the fine or forfeiture	100% to the environmental management account of the state environmental fund, which funds contaminated land cleanup and administration, the Brownfields grant program, groundwater standards development and implementation, and environmental education grants	None

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

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

APPENDIX VIII

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

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

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

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

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

APPENDIX IX

**Revenue Generated from Circuit Court Operations
Remitted to State, by County in 2007-08**

<u>County</u>	<u>Fines and Forfeitures</u>	<u>Circuit Court Fees</u>	<u>Court Support Services Surcharge</u>	<u>Other Fees and Surcharges</u>	<u>Total</u>
Adams	\$127,600	\$57,500	\$316,800	\$287,500	\$789,400
Ashland	90,900	41,800	205,000	209,300	546,900
Barron	105,500	67,600	409,400	323,300	905,800
Bayfield	70,100	41,800	216,700	200,900	529,600
Brown	435,500	228,700	1,506,400	1,205,000	3,375,600
Buffalo	40,200	23,900	129,100	106,400	299,600
Burnett	73,900	49,600	273,100	220,600	617,300
Calumet	64,600	43,600	243,200	183,200	534,600
Chippewa	184,900	114,300	651,700	503,800	1,454,700
Clark	141,800	60,300	329,300	300,300	831,700
Columbia	482,100	145,000	798,400	815,900	2,241,500
Crawford	38,600	38,900	230,100	159,200	466,800
Dane	1,477,300	529,200	3,251,700	2,955,800	8,213,900
Dodge	272,400	184,100	1,016,400	810,300	2,283,200
Door	132,100	64,800	338,700	399,900	935,400
Douglas	246,100	120,600	655,600	570,600	1,593,000
Dunn	213,400	145,100	791,100	556,700	1,706,300
Eau Claire	404,300	248,000	1,404,300	1,148,000	3,204,600
Florence	22,800	9,200	49,600	41,100	122,600
Fond du	307,300	195,900	1,132,100	912,800	2,548,200
Forest	75,900	20,400	111,800	143,400	351,600
Grant	213,400	96,800	533,200	491,800	1,335,300
Green	67,000	62,100	351,300	263,000	743,400
Green Lake	53,000	36,700	207,200	183,900	480,800
Iowa	82,500	54,800	291,400	224,200	653,000
Iron	53,200	14,800	79,200	72,100	219,200
Jackson	115,500	74,200	425,300	323,300	938,500
Jefferson	321,800	152,700	845,700	731,500	2,051,600
Juneau	164,800	88,200	507,100	380,300	1,140,300
Kenosha	490,100	238,700	1,424,600	1,161,800	3,315,300
Kewaunee	81,000	28,800	156,600	146,500	412,900
LaCrosse	267,600	99,300	619,800	549,600	1,536,300
Lafayette	93,400	32,700	181,100	164,700	471,900
Langlade	75,600	41,400	256,100	219,200	592,300
Lincoln	138,600	67,200	396,500	324,500	926,900
Manitowoc	209,400	98,400	550,500	522,900	1,381,300
Marathon	342,900	195,600	1,203,600	895,300	2,637,300
Marinette	205,600	66,800	399,900	344,900	1,017,100
Marquette	74,800	41,100	228,200	189,900	533,900
Menominee	11,800	6,600	38,500	32,600	89,400

<u>County</u>	<u>Fines and Forfeitures</u>	<u>Circuit Court Fees</u>	<u>Court Support Services Surcharge</u>	<u>Other Fees and Surcharges</u>	<u>Total</u>
Milwaukee	\$1,135,500	\$1,136,000	\$8,129,400	\$5,403,100	\$15,804,000
Monroe	205,300	83,300	463,500	446,200	1,198,300
Oconto	189,600	73,900	419,800	370,300	1,053,600
Oneida	158,100	82,500	480,700	417,900	1,139,200
Outagamie	362,900	266,800	1,545,700	1,258,200	3,433,700
Ozaukee	247,100	139,200	738,100	712,200	1,836,600
Pepin	26,300	14,200	77,100	74,300	191,900
Pierce	77,800	50,300	287,800	214,600	630,500
Polk	157,300	90,700	520,500	369,900	1,138,400
Portage	198,400	104,600	596,700	508,700	1,408,400
Price	78,400	30,600	170,000	152,600	431,600
Racine	473,600	369,000	2,105,400	1,638,500	4,586,400
Richland	72,400	33,000	189,700	161,300	456,500
Rock	648,700	307,500	1,745,400	1,580,500	4,282,100
Rusk	41,800	23,200	147,700	125,100	337,800
Sauk	270,900	164,400	939,400	861,300	2,236,000
Sawyer	113,800	41,200	215,800	217,400	588,100
Shawano	294,300	91,500	491,500	550,500	1,427,700
Sheboygan	363,000	182,500	1,044,800	1,020,500	2,610,800
St. Croix	236,400	140,000	801,900	545,000	1,723,300
Taylor	61,000	33,400	197,000	159,300	450,700
Trempealea	101,600	56,300	308,100	279,100	745,200
Vernon	74,000	28,300	172,200	158,600	433,100
Vilas	76,100	44,200	259,700	215,800	595,800
Walworth	361,800	135,700	730,200	783,900	2,011,600
Washburn	88,000	41,700	231,900	178,900	540,500
Washington	236,300	133,600	765,900	639,100	1,774,800
Waukesha	938,100	326,000	1,860,000	1,808,600	4,932,700
Waupaca	157,700	87,500	501,100	420,700	1,166,900
Waushara	118,000	61,600	331,200	280,300	791,000
Winnebago	452,400	230,100	1,444,300	1,275,900	3,402,800
Wood	<u>392,700</u>	<u>99,600</u>	<u>569,700</u>	<u>669,200</u>	<u>1,731,300</u>
All Counties	\$16,479,000	\$8,629,500	\$51,238,300	\$42,773,600	\$119,120,400

APPENDIX X

**Revenue Generated from Circuit Court Operations
Retained by Counties in Fiscal Year 2007-08**

<u>County</u>	<u>Fines and Forfeitures</u>	<u>Circuit Court Fees</u>	<u>Other Fees & Surcharges</u>	<u>County Total</u>
Adams	\$167,000	\$50,800	\$68,600	\$286,300
Ashland	100,800	34,300	54,400	189,400
Barron	156,100	73,200	89,200	318,600
Bayfield	125,400	31,600	61,800	218,800
Brown	497,200	293,500	301,700	1,092,400
Buffalo	65,800	19,800	34,300	119,900
Burnett	142,100	39,600	69,400	251,100
Calumet	92,400	42,100	54,800	189,400
Chippewa	240,300	103,500	125,500	469,300
Clark	185,100	50,800	79,400	315,400
Columbia	490,800	121,300	223,500	835,600
Crawford	82,000	33,100	46,000	161,100
Dane	1,448,300	572,900	783,900	2,805,000
Dodge	478,200	153,800	238,800	870,800
Door	201,500	53,500	146,300	401,300
Douglas	198,100	100,800	170,800	469,700
Dunn	254,600	106,900	175,200	536,600
Eau Claire	478,700	206,000	331,200	1,015,800
Florence	37,200	7,800	9,500	54,500
Fond du	591,700	174,100	270,300	1,036,100
Forest	175,300	18,500	31,300	225,000
Grant	234,400	80,000	147,000	461,500
Green	122,500	53,800	82,400	258,700
Green Lake	91,500	33,000	62,200	186,700
Iowa	124,500	44,300	69,300	238,100
Iron	38,500	11,800	24,300	74,600
Jackson	227,100	58,900	90,500	376,500
Jefferson	442,500	140,400	188,200	771,200
Juneau	209,300	74,500	98,600	382,400
Kenosha	614,800	248,400	260,100	1,123,300
Kewaunee	64,700	25,200	43,200	133,000
LaCrosse	247,700	115,100	140,500	503,200
Lafayette	92,900	25,800	42,600	161,300
Langlade	86,900	44,300	58,400	189,600
Lincoln	204,500	61,100	89,900	355,400
Manitowoc	308,800	95,800	148,500	553,200
Marathon	405,000	205,500	254,500	865,000
Marinette	208,200	66,800	85,100	360,100
Marquette	125,700	33,300	58,300	217,300
Menominee	28,800	5,300	7,100	41,200

<u>County</u>	<u>Fines and Forfeitures</u>	<u>Circuit Court Fees</u>	<u>Other Fees & Surcharges</u>	<u>County Total</u>
Milwaukee	\$2,882,900	\$1,453,000	\$906,800	\$5,242,700
Monroe	265,000	79,700	104,100	448,900
Oconto	209,500	66,300	83,500	359,300
Oneida	201,500	76,200	137,500	415,200
Outagamie	435,700	270,500	349,100	1,055,300
Ozaukee	329,900	115,600	220,700	666,200
Pepin	39,800	11,800	28,600	80,200
Pierce	118,500	48,100	73,500	240,200
Polk	256,500	83,100	69,800	409,400
Portage	222,100	100,200	171,400	493,800
Price	88,600	26,100	45,800	160,500
Racine	1,059,600	353,200	376,600	1,789,500
Richland	94,500	30,100	43,100	167,800
Rock	742,000	296,400	359,100	1,397,500
Rusk	64,900	24,900	37,400	127,200
Sauk	422,300	142,600	265,100	830,000
Sawyer	95,200	35,300	68,700	199,200
Shawano	373,400	82,500	144,900	600,800
Sheboygan	470,400	191,500	297,600	959,500
St. Croix	345,800	131,300	149,100	626,200
Taylor	79,200	32,200	40,000	151,400
Trempealeau	138,700	48,800	87,800	275,300
Vernon	69,200	30,200	42,200	141,700
Vilas	109,600	40,000	71,700	221,300
Walworth	535,500	133,400	205,000	874,000
Washburn	108,400	34,800	52,400	195,600
Washington	376,000	137,100	178,200	691,300
Waukesha	808,400	354,100	511,500	1,673,900
Waupaca	219,300	84,400	132,700	436,400
Waushara	155,900	51,000	75,200	282,100
Winnebago	465,300	238,900	351,100	1,055,400
Wood	<u>329,500</u>	<u>106,900</u>	<u>167,900</u>	<u>604,300</u>
All Counties	\$22,200,000	\$8,621,400	\$11,164,700	\$41,986,500