



2009 ASSEMBLY BILL 830

March 11, 2010 – Introduced by Representatives GARTHWAITE, JORGENSEN, BERCEAU, BROOKS, GRIGSBY and POPE-ROBERTS, cosponsored by Senators TAYLOR and SCHULTZ. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to renumber and amend* 59.32 (1); and *to create* 59.32 (1) (b) of the
2 statutes; **relating to:** the collection of an administrative fee by the county
3 sheriff.

Analysis by the Legislative Reference Bureau

Under current law, a county sheriff collects various court-related fees, including a fee for the service of process, a fee for the seizure of property, a fee for an eviction, and a fee for the sale of foreclosed real property.

This bill permits a sheriff to collect an administrative fee of up to \$25 to cover the costs of fingerprinting from a person who has requested that he or she be fingerprinted, such as a person who requires fingerprints as part of his or her employment. The bill also allows the sheriff to charge the same fee for conducting various administrative actions related to a person who is arrested, including fingerprinting or photographing the person, filing information about the person, and gathering other identifying information from the person. If an arrested person paid the fee, the county must reimburse the person if the person is not charged with a crime or is acquitted or if the charges are dismissed.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 830**SECTION 1**

1 **SECTION 1.** 59.32 (1) of the statutes is renumbered 59.32 (1) (a) and amended
2 to read:

3 59.32 (1) (a) *Court fees.* The sheriff shall collect the court fees prescribed in s.
4 814.70, unless a higher fee is applicable under s. 814.705 (1) (a) or (2), and remit them
5 to the treasurer as provided in s. 59.22 (1) (b).

6 **SECTION 2.** 59.32 (1) (b) of the statutes is created to read:

7 59.32 (1) (b) *Administrative fees.* 1. The sheriff may collect a fee of up to \$25
8 to cover the costs of fingerprinting a person who has requested that he or she be
9 fingerprinted, such as for employment purposes.

10 2. The sheriff may collect a fee of up to \$25 to cover the costs of conducting
11 administrative actions after a person is arrested or otherwise detained, including
12 fingerprinting and photographing the person, entering data on the person, gathering
13 identifying information from the person, and filing information about the person. If
14 the person who paid the fee is not charged with a crime or is acquitted or if the
15 charges against the person are dismissed, the county shall return the fee that was
16 collected to the person at his or her last-known address.

17 3. The fee is payable immediately or is payable from any institutional account
18 the person has while incarcerated for payment for items from canteen, vending, or
19 similar services.

20 4. The sheriff shall remit the fees collected to the treasurer as provided in s.
21 59.22 (1) (b).

22 **SECTION 3. Initial applicability.**

23 (1) This act first applies to fingerprinting and other administrative actions
24 conducted by the sheriff on the effective date of this subsection.

25

(END)