

CIRCUIT COURTS

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY21 Adjusted Base	FY22 Recommended	% Change Over FY21	FY23 Recommended	% Change Over FY22
GPR	107,362,800	105,406,400	-1.8	106,509,800	1.0
PR-S	232,700	232,700	0.0	232,700	0.0
TOTAL	107,595,500	105,639,100	-1.8	106,742,500	1.0

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY21 Adjusted Base	FY22 Recommended	FTE Change Over FY21	FY23 Recommended	FTE Change Over FY22
GPR	527.00	535.00	8.00	543.00	8.00
TOTAL	527.00	535.00	8.00	543.00	8.00

AGENCY DESCRIPTION

The Circuit Courts are Wisconsin's courts of general jurisdiction and consist of 249 judicial positions in 69 judicial circuits. The creation of up to 12 additional circuit court branches by August 2023 was authorized by 2019 Wisconsin Act 184. As of August 1, 2021, there may be 253 judicial positions, and as of August 1, 2022, there may be 257 judicial positions. During the 2023-25 biennium, the last four circuit court branches could be created by August 1, 2023, increasing the number of judicial positions to 261.

Each county in the state is a circuit, with the exception of Pepin and Buffalo, Menominee and Shawano, and Forest and Florence, which are paired to form three circuits. A circuit may consist of more than one branch (judge) where the volume of litigation warrants. Currently, of the 69 circuits, 41 contain multiple branches.

The Circuit Courts have original jurisdiction in all criminal, civil, juvenile, family and probate cases unless exclusive jurisdiction has been given to another court. The courts have appellate jurisdiction over orders and judgments of the municipal courts and the responsibility to review decisions and orders of state administrative agencies.

For purposes of management, the Circuit Courts are divided into nine administrative districts. Each district has a chief judge appointed by the Supreme Court and a district court administrator, who administers the business of the judicial branch in that district in cooperation with the director of state courts at the direction of the chief justice.

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RECOMMENDATIONS

1. Additional Circuit Court Branches under 2019 Wisconsin Act 184
2. Extended Supervision and Earned Release
3. Expungement
4. Charging and Sentencing Alternatives
5. Juvenile Court Jurisdiction
6. Minimum Age of Delinquency
7. Youthful Offender Sentencing
8. Violations of Valid Court Orders and Detention Sanctions
9. Use of Restraints on a Child in Court
10. Extreme Risk Protection Injunction
11. Unnecessarily Summoning an Officer
12. Standard Budget Adjustments

ITEMS NOT APPROVED

13. Transfer Administration of Certificates of Qualifications for Employment

Table 1
Department Budget Summary by Funding Source (in thousands of dollars)

	ACTUAL FY20	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY22	FY23	FY22	FY23
GENERAL PURPOSE REVENUE	\$101,298.1	\$107,362.8	\$105,840.9	\$107,383.0	\$105,406.4	\$106,509.8
State Operations	75,485.9	80,286.0	78,325.4	79,428.8	78,329.6	79,433.0
Local Assistance	25,812.1	27,076.8	27,515.5	27,954.2	27,076.8	27,076.8
PROGRAM REVENUE (2)	\$232.7	\$232.7	\$232.7	\$232.7	\$232.7	\$232.7
Local Assistance	232.7	232.7	232.7	232.7	232.7	232.7
TOTALS - ANNUAL	\$101,530.8	\$107,595.5	\$106,073.6	\$107,615.7	\$105,639.1	\$106,742.5
State Operations	75,485.9	80,286.0	78,325.4	79,428.8	78,329.6	79,433.0
Local Assistance	26,044.8	27,309.5	27,748.2	28,186.9	27,309.5	27,309.5

(2) Includes Program Revenue-Service and Program Revenue-Other

Table 2
Department Position Summary by Funding Source (in FTE positions) (4)

	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY22	FY23	FY22	FY23
GENERAL PURPOSE REVENUE	527.00	535.00	543.00	535.00	543.00
TOTALS - ANNUAL	527.00	535.00	543.00	535.00	543.00

(2) Includes Program Revenue-Service and Program Revenue-Other

(4) All positions are State Operations unless otherwise specified

Table 3
Department Budget Summary by Program (in thousands of dollars)

	ACTUAL FY20	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY22	FY23	FY22	FY23
1. Court operations	\$101,530.8	\$107,595.5	\$106,073.6	\$107,615.7	\$105,639.1	\$106,742.5
TOTALS	\$101,530.8	\$107,595.5	\$106,073.6	\$107,615.7	\$105,639.1	\$106,742.5

Table 4
Department Position Summary by Program (in FTE positions) (4)

	ADJUSTED BASE FY21	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY22	FY23	FY22	FY23
1. Court operations	527.00	535.00	543.00	535.00	543.00
TOTALS	527.00	535.00	543.00	535.00	543.00

(4) All positions are State Operations unless otherwise specified

1. Additional Circuit Court Branches under 2019 Wisconsin Act 184

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,450,300	8.00	2,992,400	16.00	1,011,600	8.00	2,115,000	16.00
TOTAL	1,450,300	8.00	2,992,400	16.00	1,011,600	8.00	2,115,000	16.00

The Governor recommends providing expenditure and position authority to support the creation of four circuit court branches for terms beginning on August 1, 2021, and four circuit court branches for terms beginning on August 1, 2022, consistent with 2019 Wisconsin Act 184.

2. Extended Supervision and Earned Release

The Governor recommends expanding the earned release program to include educational, vocational, treatment or other qualifying training programs that are evidence-based to reduce recidivism. The Governor also recommends allowing a sentencing court to reduce the term of a person's extended supervision if certain conditions apply. See Department of Corrections, Item #4.

3. Expungement

The Governor recommends expanding the conditions under which an individual may have his or her criminal record expunged of a conviction.

4. Charging and Sentencing Alternatives

The Governor recommends eliminating the felony penalty for bail jumping and allowing for a misdemeanor penalty regardless of the original charge. The Governor also recommends requiring a diversion and restitution alternative for certain misdemeanor offenses. The Governor further recommends legalizing marijuana. See Department of Agriculture, Trade and Consumer Protection, Item #33; Department of Corrections, Item #6; Public Defender Board, Item #1; and Department of Revenue, Item #5.

5. Juvenile Court Jurisdiction

The Governor recommends eliminating automatic original adult court jurisdiction for youth under the age of 18. The Governor also recommends modifying the conditions under which a youth under the age of 18 may be waived into adult court. The Governor further recommends raising the age that a circuit court or municipal court exercises adult court jurisdiction on individuals from 17 years of age to 18 years of age. See Department of Children and Families, Item #8; and Department of Corrections, Item #17.

6. Minimum Age of Delinquency

The Governor recommends increasing the minimum age of delinquency from 10 years of age to 12 years of age to enable more age-appropriate, evidence-based youth justice programs. See Department of Corrections, Item #18.

7. Youthful Offender Sentencing

The Governor recommends creating a sentence adjustment procedure for individuals who commit criminal offenses prior to the age of 18. The Governor also recommends creating certain mitigating factors that a court must consider when sentencing an individual who committed a criminal offense prior the age of 18. The Governor further recommends making certain statutory modifications for criminal offenses committed by individuals under the age of 18 to align the statutes with federal law.

8. Violations of Valid Court Orders and Detention Sanctions

The Governor recommends eliminating the use of detention for youth who have violated a valid court order for having committed a status offense to better align with research on youth behavioral health. The Governor also recommends limiting the use of detention sanctions or holds to situations where there is a public safety risk.

9. Use of Restraints on a Child in Court

The Governor recommends prohibiting the use of restraints on anyone under the age of 18, when appearing before a juvenile or criminal court, unless the court orders their use after finding that their use is necessary under certain conditions.

10. Extreme Risk Protection Injunction

The Governor recommends creating an extreme risk protection injunction procedure where a court, after a hearing, may order an individual to refrain from possessing a firearm if it finds by clear and convincing evidence that he or she is substantially likely to injure himself or herself or another by possessing a firearm. As recommended, a court must hold an extreme risk protection injunction hearing after a petition is filed by a law enforcement officer, family member or household member. See Department of Justice, Item #15.

11. Unnecessarily Summoning an Officer

The Governor recommends creating a civil cause of action against a person who, with certain intent, unnecessarily summons a law enforcement officer and causes the officer to arrive at a location to contact another person. See Department of Justice, Item #8.

12. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendations			
	FY22		FY23		FY22		FY23	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-2,972,200	0.00	-2,972,200	0.00	-2,968,000	0.00	-2,968,000	0.00
TOTAL	-2,972,200	0.00	-2,972,200	0.00	-2,968,000	0.00	-2,968,000	0.00

The Governor recommends adjusting the agency's base budget for full funding of continuing position salaries and fringe benefits.

ITEMS NOT APPROVED

The following requests are not included in the Governor's budget recommendations for the Circuit Courts.

Decision Item	Source of Funds	FY22		FY23	
		Dollars	Positions	Dollars	Positions
13. Transfer Administration of Certificates of Qualifications for Employment	PR-O	0	0.00	0	0.00
TOTAL OF ITEMS NOT APPROVED	PR-O	0	0.00	0	0.00

