

LEGAL ACTION OF WISCONSIN

Providing free legal services to low-income Wisconsin clients since 1968 • Proporcionando servicios legales gratuitos a clientes de bajos ingresos en Wisconsin desde 1968

MEMO

To: Assembly Committee on the Judiciary
From: Susan Lund, Supervising Attorney, Legal Action of Wisconsin; Abby Bar-Lev Wiley, Legislative Director, Legal Action of Wisconsin
Date: September 25, 2025
Re: Impact of AB 320/SB 333 on Legal Action of Wisconsin's Clients

Legal Action of Wisconsin is the state's largest nonprofit law firm providing free, high-quality civil legal services to low-income Wisconsinites. We serve individuals and families in about 10,000 civil legal cases annually, in urban, suburban, and rural areas across the lower 39 counties. On behalf of our low-income clients, we have concerns about Assembly Bill 320/Senate Bill 333, which raises court costs, fees, and surcharges and will continue to increase those costs indefinitely.

Legal Action's clients will be harmed most directly by this bill's increase in charges that are assessed to a party, regardless of their ability to pay, where they cannot get those fees waived. It will also make it harder for them to pay costs associated with the most common form of legal action against individuals—civil citations—by significantly increasing those costs. Finally, those increased costs, and others discussed in this comment, will have a dramatic impact on the total amount of court debt owed by low-income individuals.

In short, this bill will create new financial barriers to low-income people accessing the courts, responding to legal actions against them and adequately protecting their constitutional and statutory rights.

AB 320/SB 333 is harmful because it raises unwaivable fees and surcharges regardless of ability to pay

While raising costs within the legal system impacts access to justice for low-income folks generally, Legal Action of Wisconsin's clients will be harmed most acutely by the aspects of this bill that raise fees/costs/surcharges that are not subject to waiver based on poverty (*See Wis. Stat. § 814.29, fee waiver based on poverty*). Unlike fees for initiating cases, obtaining transcripts, or initiating appeals, which are clearly covered by fee waiver under Wis. Stat. § 814.29, some fees, costs, and surcharges are not waivable. This is true of surcharges and fees that are statutorily mandated and imposed in every citation case.

Civil citations are the most common form of legal action against individuals in Wisconsin.ⁱ Citation cases are a consistently underappreciated aspect of our legal punishment systems that can have wide-ranging impacts on a person's life and can result in job loss, housing loss, driver's license suspension,ⁱⁱ warrants,ⁱⁱⁱ and can even result in incarceration for nonpayment.

In fact, fees and surcharges *already* eclipse the penalty being imposed in a case.^{iv} As a result of fees and surcharges like these, a \$10 penalty in circuit court *currently* results in a \$150.10

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forfeiture in circuit court and a \$10 penalty in municipal court *currently* results in a \$73.60 forfeiture.^v Sections 27-29 and Section 67 raises fees and surcharges that are imposed with every citation case. If this bill passes, a \$10 forfeiture in circuit court will raise to \$176.69 and a \$10 forfeiture in municipal court will raise to \$86.89. Section 3 indexes these fees and surcharges to inflation. This means the cost of citations will increase and will continue to go up over time. These increases in costs will make it harder for Legal Action clients to pay costs associated with civil citations.^{vi}

Setting aside the harms of increasing court fees for people experiencing poverty, funding government through fines and fees is ineffective for purposes of raising revenue.^{vii} Unpaid citation debt often leads to increased burdens on police, courts, jails, and the Department of Transportation when sanctions for nonpayment are imposed in the form of driver's license suspensions and warrants.

Legal Action clients will be profoundly harmed unless all costs, fees, and surcharges that are not subject to fee waiver based on poverty are excluded from this bill.

AB 320/SB 333 is harmful because it will make it harder for people with low incomes to access courts

AB 320/SB333 will create new financial barriers to affirmative access to the courts, such as in appeals and family law cases, and will continue to increase those barriers over time. For example, under Section 13 of the bill, appeals on of municipal and administrative agency decisions—on the record/by certiorari will increase from \$40 to \$101 (a \$61 increase) and from \$55 to \$140 (an \$85 increase). Costs will increase significantly for initiating and responding to a broad range of family law cases that typically involve parents' constitutionally protected rights to their children and the powerful legal and policy interests in seeing that children are raised in households that are safe and in which their best interests are considered. For example, Section 6 of the bill adds \$35 (on top of existing filing fees) for filing almost every kind of family court action. Section 11 increases the costs of making a motion for revision of a judgment or order "in an action affecting the family" by \$53. Section 12 increases the cost of moving to revise custody and placement orders under Wis. Stat. 767.451 by \$88 dollars. Those three changes alone could increase the cost of requesting a modification of an order critical to a child's health, safety and well-being by \$176.

Even with zealous attorneys at their side, our clients already experience delays and worse outcomes based on their inability to pay court costs and fees. For example, our attorneys have had to file appeals from decisions where our clients were denied a legal remedy because of their inability to pay motion costs. In one case, the client couldn't pay \$20 in motion costs and had to wait six months for the decision to be overturned on appeal. Even though that client never should have been denied a legal remedy based on their inability to pay court costs, they would have paid the court costs to get that remedy rather than waiting more than six months for an outcome on appeal. They simply did not have the money. The reality is that many Legal Action clients—and

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many others—simply have no discretionary income. Whether they want to utilize the court system—or are forced to participate in the court system—increasing costs is a concern for access to justice.

The increases in AB 320/SB 333 will weigh heavily on low-income Wisconsinites particularly because our minimum wage has not kept pace with inflation, and cost of living has increased. The current minimum wage is \$7.25, and the last time it increased was 2009. By contrast, our neighbors have increased their minimum wages to \$15/hr in Illinois, \$11.13 in Minnesota, and \$12.48 in Michigan. If Wisconsin’s minimum wage had kept up with inflation, it would have risen to roughly \$10.84 today.^{viii} In 2024, the Wisconsin Policy Forum found that the median sales price of Wisconsin homes increased by more than half in just five years, at a pace that surpassed increases in household income.^{ix} For renters to afford a two-bedroom in Wisconsin without spending more than 30% of their income on housing, an individual would need to earn \$48,149 annually, \$4,012 monthly, or \$23.15 hourly—three times the current minimum wage.^x Add in childcare costs, groceries, utilities, medical and healthcare costs, and many Wisconsinites are already making painfully hard choices as they prioritize how to spend their limited incomes. Forcing them to spend more to participate in the justice system to protect their homes, their access to their children, and their rights as consumers will increase their debts and decrease fair access to the courts.

In sum, because this bill will harm our clients and exacerbate inequities, Legal Action of Wisconsin opposes AB 320/SB333. Thank you for the opportunity to provide feedback.

ⁱ In 2024, at least 348,265 citations issued in Wisconsin’s municipal courts. See <https://www.wicourts.gov/publications/statistics/municipal/municipalstats.htm>. In 2024, over 375,000 citation cases were filed in circuit courts. <https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm>.

ⁱⁱ Over the last 10 years, 1,720,052 driver’s license suspensions were imposed based on overdue traffic citations. These suspensions are intended to coerce payment of overdue citation debt, but often lead to job loss and further inability to pay citation debt. <https://wisconsin.gov/Documents/dmv/shared/withdrawals-summary.pdf>

ⁱⁱⁱ See <https://www.aclu-wi.org/publications/failure-to-pay/> (“As of August 2024, Wisconsin had over 41,718 active municipal warrants and over 9,214 active municipal commitments.”)

^{iv} See <https://www.wicourts.gov/courts/committees/docs/ppacfeesrpt.pdf> (“Since 1987, the number of surcharges in Wisconsin has nearly tripled, while surcharge revenue has increased more than 500%. Surcharge revenue now exceeds the amount generated by the base fines and forfeitures. In addition, county clerks of court bear the responsibility for collecting surcharges, despite the fact that many offenders simply cannot afford to pay. These non-paying offenders may end up in already-overcrowded county jails; or they may have their driver licenses suspended or revoked, but continue to drive and risk yet another citation. PPAC staff also discovered strong sentiment among law enforcement that surcharge levels have reached the point of being unfair, especially to people with low-to-average incomes who commit non-serious offenses such as exceeding the posted speed limit.”).

^v See Uniform Deposit Schedule <https://www.wicourts.gov/publications/fees/docs/bondsched22.pdf>.

^{vi} In 2024, at least 348,265 citations issued in Wisconsin’s municipal courts. See <https://www.wicourts.gov/publications/statistics/municipal/municipalstats.htm>. In 2024, at least 394,593 citation cases were filed in circuit courts. <https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm>.

^{vii} See <https://www.brennancenter.org/our-work/analysis-opinion/analysis-court-fines-and-fees-government-revenue-shows-high-costs> (“Brennan Center researchers have conducted the first-ever analysis of the financial costs to multiple jurisdictions of imposing, collecting, and enforcing court fees and fines. They found that generating

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revenue through levying fees and fines on criminal defendants is costly, inefficient, and wasteful, particularly when the court doesn't assess the person's ability to pay... In 2017, the researchers found, two of the Texas counties in the report spent more than 41 cents on collecting fines and fees for each dollar of revenue they generated. The Internal Revenue Service spent one-third of a penny per dollar in taxes it collected that year. In 2016, Bernalillo County in New Mexico spent at least \$1.17 per dollar of fees and fines collected. These figures – more than 41 cents and more than \$1.17—are extremely low estimates of the amounts the counties spent on collecting fees and fines. For example, they don't include the costs of enforcing warrants or suspending driver's licenses for nonpayment of debts.”)

viii Wisc. Public Radio, Joe Schulz, *3 Wisconsin Neighbors See Minimum Wage Increases To Start The Year*, Jan. 21, 2025, [https://www.wpr.org/news/minimum-wage-wisconsin-illinois-michigan-minnesota-increases-2025#:~:text=The%20minimum%20wage%20increased%20to,so%20far%20off%20that%20\\$7.25.%E2%80%9D](https://www.wpr.org/news/minimum-wage-wisconsin-illinois-michigan-minnesota-increases-2025#:~:text=The%20minimum%20wage%20increased%20to,so%20far%20off%20that%20$7.25.%E2%80%9D)

ix Wisc. Policy Forum, *Home Prices Outpace Incomes*, March 2024, <https://wispolicyforum.org/research/home-prices-outpace-incomes/>

x Report by the National Low Income Housing Center, reported in Milwaukee Journal Sentinel, Maia Pandey, *Here's How Much You Need To Earn To Rent An Apartment In Milwaukee, According To A New Study*, July 29, 2025, available at: <https://www.jsonline.com/story/news/local/2025/07/29/heres-how-much-rent-costs-in-milwaukee-other-wisconsin-cities/85422754007/>

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