



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3898/1
KRP:cjs

2023 ASSEMBLY BILL 703

November 27, 2023 - Introduced by Representatives CLANCY, MADISON, PALMERI, C. ANDERSON, J. ANDERSON, BALDEH, CABRERA, DRAKE, EMERSON, HONG, JACOBSON, JOERS, MOORE OMOKUNDE, OHNSTAD, ORTIZ-VELEZ, SHELTON, SINICKI, SNODGRASS and STUBBS, cosponsored by Senators LARSON, HESSELBEIN, L. JOHNSON, SPREITZER and ROYS. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 799.24 (3); and *to create* 799.24 (3) (b) of the
2 statutes; **relating to:** procedures in eviction actions for noncompliance with
3 stipulated judgments of dismissal.

Analysis by the Legislative Reference Bureau

This bill requires certain procedural safeguards before judgment is entered in a small claims eviction action based on noncompliance with a stipulated dismissal.

Current law establishes certain procedures to be followed in small claims actions brought in circuit court. Small claims actions include eviction actions, actions to recover earnest money given towards the purchase of real property, and certain other civil actions in which the amount claimed is \$10,000 or less. Under current law, the parties to a small claims action may settle the action and stipulate to a judgment of dismissal, and, if a party does not comply with the stipulation, the other party may file an affidavit of noncompliance, and the court may vacate the stipulated judgment and enter judgment against the noncomplying party without notifying the noncomplying party.

The bill provides that, if such a stipulation is entered in a small claims eviction action, the court may vacate the stipulated judgment only if prior written notice is provided to the noncomplying party. The bill also provides that the court may not enter judgment against the noncomplying party unless 1) the complying party applies for such entry, files proof by affidavit of noncompliance with the terms of the stipulation, and files proof that proper notice has been provided to the noncomplying party, and 2) the court holds an evidentiary hearing.

