



Legislation Text

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030906
SUBSTITUTE 1

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Substitute resolution authorizing the Office of the City Attorney to resolve certain unpaid Milwaukee Municipal Court forfeitures through the establishment of a Driver's License Workforce Development Amnesty Program. This resolution authorizes the Office of the City Attorney to move the Milwaukee Municipal Court to establish a 90-day Driver's License Workforce Development Amnesty Program in order to facilitate the reinstatement of motor vehicle operating privileges for certain persons.

Beginning on January 5, 2004, persons for whom motor vehicle operating privileges have been suspended prior to December 15, 2003, as a result of failure to pay forfeitures and assessments imposed by the Milwaukee Municipal Court for ordinance violations relating to the operation of a motor vehicle, may submit as payment in full during the amnesty program period an amount equal to 50% of the total outstanding amount owed.

In addition, this resolution reserves \$50,000 within the 2004 Common Council Contingent Fund for the Municipal Court Salaries and Wages Account for payment of overtime expenditures related to administration of the amnesty program.

Whereas, Pursuant to s. 345.47(1)(b), Wis. Stats., a municipal court may order the suspension of an offender's motor vehicle operating privileges for the non-payment of forfeitures and assessments ordered by the court for violations of ordinances relating to the operation of a motor vehicle; and

Whereas, Milwaukee Municipal Court records indicate that 61,837 adults and juveniles currently have their motor vehicle operating privileges suspended for the non-payment of forfeitures and assessments regarding 157,979 cases which involved violations of ordinances relating to the operation of a motor vehicle; and

Whereas, Milwaukee Municipal Court records also indicate that the City of Milwaukee is owed approximately \$14.5 million in outstanding judgments for cases in which the non-payment of forfeitures and assessments have resulted in the suspension of an offender's motor vehicle operating privileges; and

Whereas, The suspension of motor vehicle operating privileges often restricts an offender's ability to gain or maintain employment and pay the forfeitures and assessments required prior to reinstatement of suspended motor vehicle operating privileges; and

Whereas, Pursuant to s. 800.095 (4)(b)(3), Wis. Stats., if the court determines that the reason for the failure to pay a forfeiture is for good cause or due to indigence, the court may order the violator to perform community service work for a public agency or a nonprofit charitable organization which has been designated by the court; and

Whereas, The establishment of an amnesty program would increase the collection of unpaid forfeitures and assessments and would remove a barrier to employment for certain persons by providing an opportunity for the

reinstatement of suspended motor vehicle operating privileges through the payment of an amount which is less than the total outstanding amount owed; and

Whereas, Additional funds are necessary to pay for the overtime of Municipal Court personnel required to handle the increased workload of administering an amnesty program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Office of the City Attorney is authorized to move the Milwaukee Municipal Court to establish a Driver's License Workforce Development Amnesty Program to provide for the resolution of municipal court cases in which motor vehicle operating privileges have been suspended as a result of failure to pay forfeitures and assessments imposed by the Milwaukee Municipal Court for ordinance violations relating to the operation of a motor vehicle; and, be it

Further Resolved, That the Milwaukee Municipal Court is authorized to establish the Driver's License Workforce Development Amnesty Program pursuant to the following provisions:

1. Persons for whom motor vehicle operating privileges have been suspended prior to December 15, 2003, as a result of failure to pay forfeitures and assessments imposed by the Milwaukee Municipal Court for ordinance violations relating to the operation of a motor vehicle are eligible to participate in the amnesty program.
2. Persons for whom motor vehicle operating privileges have been suspended or revoked for reasons relating to the operation of a motor vehicle while under the influence of an intoxicant or controlled substance, possessing a prohibited alcohol concentration and for reasons other than the failure to pay forfeitures and assessments imposed by the Milwaukee Municipal Court shall be prohibited from participating in the amnesty program.
3. The amnesty program shall begin on January 5, 2004, and shall be for a period of 90 days in duration.
4. The Milwaukee Municipal Court shall be authorized to accept as payment in full from persons who are eligible to participate in the amnesty program and who submit payment during the amnesty program period an amount equal to 50% of the total outstanding amount owed for forfeitures and assessments imposed by the Milwaukee Municipal Court.
5. The Milwaukee Municipal Court shall not be authorized to permit the reinstatement of a participant's motor vehicle operating privileges unless and until the amount owed, pursuant to the amnesty program, for outstanding forfeitures and assessments is paid in full during the amnesty program period.

Participation in the amnesty program does not provide a waiver of payment of the \$50 reinstatement fee required pursuant to s. 343.21(1)(j), Wis. Stats.

6. The Milwaukee Municipal Court shall be authorized to establish at its discretion during the amnesty program period evening and weekend sessions to provide opportunities for participants to submit in person to the court payment of the amount owed, pursuant to the amnesty program, for outstanding forfeitures and assessments.
7. The Milwaukee Municipal Court is authorized to accept at its discretion the performance of community service at certain court-approved community based organizations as partial or full payment of the amount owed, pursuant to the amnesty program, for outstanding forfeitures and assessments from

persons who are able to demonstrate to the court's satisfaction an inability to make monetary payment.

; and, be it

Further Resolved, That the sum of \$50,000 shall be reserved within the 2004 Common Council Contingent Fund (0001-9990-0001-C001-006300-2004) for the Municipal Court Salaries and Wages Account (0001-1320-0001-R999-006000-2004) for payment of overtime expenditures related to administration of the amnesty program; and, be it

Further Resolved, That the City Comptroller is authorized to appropriate on an as-needed basis up to \$50,000 from the funds reserved within the Contingent Fund, sub-class C001 to the special sub-class R999 under the control of the Municipal Court for the purpose of paying overtime expenditures related to administration of the amnesty program.

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RGP

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