



Milwaukee Municipal Court, Branch 3  
951 North James Lovell Street  
Milwaukee, WI 53233  
414-286-3809

JUDGE JAMES A. GRAMLING, JR.

March 9, 2004

Thomas Nardelli, Alderman  
City Hall  
200 E. Wells Street, Room 205  
Milwaukee, WI 53202

RE: Number 031508, Substitute (1) Relating to exceptions to curfew hours for minors.

Dear Alderman Nardelli:

I write to you as Chair of Public Safety Committee before which the above item is scheduled for a hearing on Thursday, March 11, 2004.

As you know, a change has been proposed to this ordinance based upon a decision by the Seventh Circuit Court of Appeals which calls into question the constitutionality of curfew ordinances which fail to provide exceptions where constitutional rights are being exercised.

I write to request that the Common Council consider, as well, including language contained in the opinion of the Wisconsin Supreme Court in City of Milwaukee v. K.F., 145 Wis.2d 24 (1988). In that case, the constitutionality of the Milwaukee curfew ordinance was challenged. The Supreme Court upheld the constitutionality of the ordinance but in the process indicated that "the ordinance would [not] apply to a minor walking directly home from work or standing while waiting for a bus home." The Court indicated that application of the ordinance to conduct of that type would be improper since the ordinance was aimed "to prevent the undirected or aimless activity of minors during the curfew hours."

Because the decision of the Supreme Court was a constitutional holding, it is critical that the City review at this time whether additional language to reflect the Supreme Court's concerns in City of Milwaukee v. K.F. should now be included. I

TO: Alderman Thomas Nardelli  
March 9, 2004  
Page Two

will note that this recommendation has the support as well of Judges Derek Mosley and David Halbrooks.

Yours truly,



JAMES A. GRAMLING, JR.  
Presiding Judge  
Branch Three

JAG/gtk

c: Judge Derek Mosley, Judge David Halbrooks, Chief Court Admin. Kristine Hinrichs, City Atty. Grant Langley and Members of the Common Council