

LEGISLATIVE HEARING CALENDAR

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, FEBRUARY 25, 2002 AT 10:30 A.M.

Room 301-B, City Hall

S-253	Traffic Cases; Municipal Court
A-208	Tenant Termination
A-470	Municipal Temporary Reserve Judges

2001 SENATE BILL 253

September 26, 2001 - Introduced by Senators MOORE, PLACHE and GEORGE, cosponsored by Representatives JESKEWITZ, LA FAVE, BOCK, MONTGOMERY, MUSSER, RYBA, COGGS, TURNER, ALBERS, PLALE, YOUNG, OTT and RILEY. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 AN ACT *to amend* 345.47 (1) (intro.), 345.47 (1) (c), 345.47 (1) (d), 800.09 (1) (a),
2 800.09 (1) (c), 800.095 (2) (a) (form), 800.095 (4) (a), 800.095 (4) (b) (intro.) and
3 800.095 (4) (c); and *to create* 345.47 (4) and 800.09 (3) of the statutes; **relating**
4 **to:** payment of judgments in traffic cases and in municipal court and the
5 suspension of operating privileges.

Analysis by the Legislative Reference Bureau

Currently, if a person is found guilty of violating a traffic regulation, the court may enter judgment against the defendant for the forfeiture and for any applicable assessments, such as a penalty assessment. In addition, the court may suspend or revoke the person's operating privilege for a period not exceeding one year. This bill requires the court, when entering judgment, to tell the defendant, or to notify the defendant if he or she is not present in court, that he or she should notify the court if he or she is unable to pay the judgment because of poverty. The bill requires the court to determine if the defendant is unable to pay the judgment because of poverty, and if so, to give the defendant the opportunity to pay the judgment in installments, based on the defendant's income.

Under current law, if a defendant is found guilty in municipal court of an ordinance violation, the court orders the defendant to pay a forfeiture, restitution, and applicable assessments and informs the defendant of the date on which the judgment must be paid and of the penalties of failure to pay the judgment, including imprisonment and operating privilege suspension. The bill requires the municipal

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court to also notify the defendant at the time the judgment is rendered that, if the defendant cannot pay the judgment because of poverty, he or she should notify the court. If a judgment is not paid, current law allows the municipal court to defer payments, provide for installment payments of the judgment, allow the defendant to perform community service in lieu of paying the judgment, suspend the defendant's operating privilege, or imprison the defendant for up to 90 days. This bill prohibits the judge from ordering the defendant imprisoned or the suspension of the defendant's operating privilege if the defendant has notified the municipal court of his or her poverty unless the defendant fails to comply with the court order to pay the judgment in installments or to perform community service work.

Currently, a person found guilty of violating a traffic regulation or ordinance who fails to pay the ordered judgment may be imprisoned for up to 90 days or may have his or her operating privilege suspended for 30 days or until the judgment is paid, but not to exceed five years. Under this bill, the court may terminate the ordered operating privilege suspension and substitute an installment plan for the payment of the judgment. The bill requires the court to terminate the ordered operating privilege suspension and substitute an installment plan for the payment of the judgment if the defendant is unable to pay the judgment because of poverty and the defendant has not previously failed to comply with a court-ordered installment plan.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 345.47 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act
2 16, is amended to read:

3 **345.47 (1) (intro.)** If the defendant is found guilty, the court may enter
4 judgment against the defendant for a monetary amount not to exceed the maximum
5 forfeiture, penalty assessment, if required by s. 757.05, the jail assessment, if
6 required by s. 302.46 (1), the truck driver education assessment, if required by s.
7 349.04, the railroad crossing improvement assessment, if required by s. 346.177,
8 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
9 assessment, if required by s. 165.755, provided for the violation and for costs under
10 s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under

2001 ASSEMBLY BILL 208

March 15, 2001 - Introduced by Representatives SYKORA, TURNER, ALBERS, STONE, JESKEWITZ, LIPPERT, RYBA, URBAN, OLSEN, RILEY, LADWIG, MORRIS-TATUM, MUSSEY, STASKUNAS, KRAWCZYK, VRAKAS, HUNDERTMARK, TOWNSEND, LASSA, BERCEAU, D. MEYER and M. LEHMAN, cosponsored by Senators MOORE, PLACHE, RISSER, ROSENZWEIG, ROESSLER, DARLING and SCHULTZ. Referred to Committee on Housing.

- 1 AN ACT *to amend* 704.17 (1) (c), 704.17 (2) (c), 704.17 (3) (b) and 893.80 (7) of the
2 statutes; **relating to:** termination of a tenancy if notice given regarding drug
3 or criminal gang activity.

Analysis by the Legislative Reference Bureau

Under current law, if a property owner receives notice from a law enforcement agency of a city, town, or village that a rental unit is a nuisance because the unit is being used to facilitate the delivery, distribution, or manufacture of a controlled substance or is being used to facilitate the activities of a criminal gang, the property owner may terminate the tenancy by giving the tenant written notice requiring the tenant to vacate on or before a date at least five days after the giving of the notice.

Under current law, the city, town, or village, and officers and employees of those municipalities who act in good faith, are immune from liability for acts or omissions related to the provision of a notice that a rental unit is a public nuisance.

This bill expands the law enforcement agencies that may give notice to a property owner that a rental unit is a nuisance to include any law enforcement agency of the state or of a political subdivision of the state and provides immunity to those additional entities and their officers and employees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2001 ASSEMBLY BILL 470

August 15, 2001 - Introduced by Representatives JESKEWITZ, SHERMAN, LIPPERT, D. MEYER, WADE, TOWNSEND, OWENS, LADWIG, KEDZIE, SYKORA, M. LEHMAN, OTT, RYBA and OLSEN, cosponsored by Senators GEORGE, HUELSMAN, DARLING and ROESSLER. Referred to Committee on Judiciary.

- 1 **AN ACT** *to amend* 800.065 (1); and *to create* 800.065 (2m) of the statutes;
2 **relating to:** the appointment of municipal temporary reserve judges.

Analysis by the Legislative Reference Bureau

Under current law, the chief judge of a judicial administrative district may appoint a person as a temporary reserve judge to act as a municipal court judge in a municipality in that district to perform duties on a day-to-day basis as directed by the chief judge. To be eligible to be appointed as a temporary reserve judge, a person must have served eight or more years as a municipal court judge or served four or more years as a municipal court judge and not been defeated in his or her last judicial office race. This bill allows the chief judge of a judicial administrative district to appoint any eligible person to act as a temporary reserve judge within that judicial district, regardless of where the person resides at the time of the appointment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** 800.065 (1) of the statutes is amended to read:
4 800.065 (1) **DEFINITIONS.** In this section, "temporary reserve judge" means a
5 person appointed to act as a judge for a municipal court for any municipality within
6 ~~the judicial administrative district appointed by the chief judge of that~~ the judicial