

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** February 28, 2007

FILE NUMBER: 060134

Original Fiscal Note Substitute

SUBJECT: Permits for installation of electronic sound production devices and licensing of installers

B) **SUBMITTED BY (Name/title/dept./ext.):** Kristine Hinrichs, Chief Court Administrator, Municipal Court/3836

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Contract programming services to modify the CATS case management system		\$3,000 est		
TOTALS			\$3,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**
 Estimate for contract programming services required to provide for specialized reporting of convictions for a particular ordinance violation and for reporting any changes in conviction status.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

The Court's case management system (CATS) does not have the ability to automatically report convictions by ordinance or the ability to report on changes in the status of convictions. It is important to note that defendants, convicted of an offense by default, do have the opportunity to ask that their case be re-opened if they can prove to the judge that their failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If this occurs within 6 months of conviction, the judge can hear the request without the City Attorney being present. If it occurs after six months, request can still be considered but the City Attorney has the right to be present at the motion hearing. For purposes of the proposed ordinance, this means that convictions reported at one point may well be reversed at a later date and that the City Clerk would have to have knowledge of these changes in order to take the relevant information into consideration in enforcement of the licensing requirements. It would be possible for a conviction to be used to determine the status of a licensed installer and then to later have that conviction subject to a motion to re-open the case.

The cost to add the feature to the Court's case management system that would provide for notification of the conviction and any subsequent changes in conviction status is estimated to be approximately \$3,000. The allocation of programming staff to this project would also require the Court to defer other scheduled system enhancements.

It is also important to note that Municipal Court records would only provide conviction information for violations of City of Milwaukee ordinances. Violations of Wisconsin Statutes would be prosecuted in the Circuit Court of the county where the offense is committed. This would be true even for a citation issued within the City of Milwaukee for a violation of Wisconsin Statutes. The Municipal Court would have no knowledge of the reporting capabilities of Milwaukee County Circuit Court – or any other circuit court in the State of Wisconsin where such a violation may be prosecuted.