

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/27/00

BILL NO. AB846

OR

SUBJECT _____

David Pifer
(NAME) Legal Action of WI
330 W. Well, Suite 800
(Street Address or Route Number)
Milwaukee WI 53203
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/27/00

BILL NO. AB846

OR

SUBJECT _____

BRN BUOT-TESTIFYING
(NAME) ON BEHALF OF REP. SUE
VERONICA - PRIMARY
(Street Address or Route Number)
RM-109 WJ
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/27/2000

BILL NO. AB 846

OR

SUBJECT _____

Sen. Gwen Morse
(NAME) State Capitol
(Street Address or Route Number)
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

Vote Record

Senate - Committee on Judiciary and Consumer Affairs

Date: 3/27/2000

Moved by: _____

Seconded by: _____

Clearinghouse Rule: _____

Appointment: _____

Other: _____

AB: 846 SB: _____

AJR: _____ SJR: _____

AR: _____ SR: _____

A/S Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____

A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Sen. Gary George, Chair

Sen. Fred Risser

Sen. Alice Clausing

Sen. Joanne Huelsman

Sen. Gary Drzewiecki

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Senate Committee on Judiciary and Consumer Affairs

Request for Paper Ballot Executive Action on 1999 Assembly Bill 846

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Assembly Bill 846 as planned. We would like to conduct a paper ballot on the bill.

Please return your ballot to Sen. George's office (Room 118 South) by noon today Tuesday March 28, 2000.

Concurrence in Assembly Bill 846:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)

_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)

_____ **Aye** (In Favor of Concurrence in the Bill)

_____ **No** (Oppose Concurrence in the Bill)

Signed: Mary F Dzywicki

March 28, 2000

Please return to Sen. George's Office by noon Tuesday, March 28, 2000.

Senate Committee on Judiciary and Consumer Affairs

Request for Paper Ballot Executive Action on 1999 Assembly Bill 846

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Please return your ballot to Sen. George's office (Room 118 South) by noon today Tuesday March 28, 2000.

Concurrence in Assembly Bill 846:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)

X_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)

X_____ **Aye** (In Favor of Concurrence in the Bill)

_____ **No** (Oppose Concurrence in the Bill)

Signed: Jane B. Hudson

March 28, 2000

Please return to Sen. George's Office by noon Tuesday, March 28, 2000.

Senate Committee on Judiciary and Consumer Affairs

Request for Paper Ballot Executive Action on 1999 Assembly Bill 846

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Assembly Bill 846 as planned. We would like to conduct a paper ballot on the bill.

Please return your ballot to Sen. George's office (Room 118 South) by noon today Tuesday March 28, 2000.

Concurrence in Assembly Bill 846:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)

_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)

Aye (In Favor of Concurrence in the Bill)

_____ No (Oppose Concurrence in the Bill)

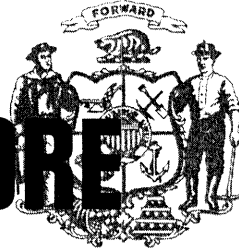
Signed: _____

Alice Clausen

March 28, 2000

Please return to Sen. George's Office by noon Tuesday, March 28, 2000.

State Senator GWENDOLYNNE MOORE



Capitol Office:
P. O. Box 7882, Madison, WI 53707-7882
Phone: (608) 266-5810 Fax: (608) 267-2353
District Telephone: (414) 442-3080
Toll-free Legislative Hotline: 1-800-362-9472
E-Mail: sen.moore@legis.state.wi.us
Member: Joint Finance Committee
Board Member: Wisconsin Housing and
Economic Development Authority

MEMORANDUM

TO: Members of the Assembly Committee on Judiciary and Personal Privacy
FROM: Senator Gwendolynne S. Moore
DATE: March 16, 2000
SUBJECT: Registering support for AB 846 relating to payment of judgments in traffic cases and in municipal court and the suspension of operating privileges

Due to a scheduling conflict, I am unable to appear before the Assembly Committee on Judiciary and Personal Privacy to express my support for AB 846. I am the author of the Senate companion bill to AB 846, and I want to thank the Committee for scheduling such a prompt hearing.

AB 846 would provide greater flexibility to poor individuals when paying court ordered forfeitures and penalty assessments. The bill would change current law in the following ways:

- AB 846 requires the court to inform the defendant that they must notify the court if they cannot pay a judgement due to poverty.
- If the court determines that the defendant is unable to pay the judgement because of poverty, the court may not suspend the defendant's license or imprison them without first providing the option of paying the judgement through an installment plan.
- However, if the defendant defaults on the payment schedule, the judge may impose the sentence for the initial offense.
- The defendant may use this installment option once. If a payment is not received, the option to pay the remaining balance through installments is no longer available.

In drafting this bill, Representative Jeskewitz and I consulted with municipal and circuit court judges as well as attorneys with Legal Action of Wisconsin. We believe this legislation will better encourage individuals to pay their fines while preventing them from having their license suspended unnecessarily.

I encourage Committee members to support this bill and pass it on to the full Assembly.



SUE JESKEWITZ

State Representative • 24th Assembly District

TESTIMONY ON INSTALLMENT PAYMENT PLANS
REPRESENTATIVE SUE JESKEWITZ
MARCH 16, 2000

Thank you Representative Huebsch and members of the Judiciary and Personal Privacy Committee for giving this bill such a prompt hearing and for allowing me to testify.

Assembly Bill 846 requires that judges offer a payment plan to a defendant who has proven to the court that he/she is unable to pay. The court already has established procedures to determine this. The payment amounts and schedule will be based on the defendant's income and ability to pay.

In the drafting of this bill, we consulted with both the municipal judges and the circuit judges associations. The municipal judge that we worked with said that many of their judges are offering installment plans **if a defendant asks for it**.

Currently if someone gets a large fine and knows that they can not pay the fine, they see no reason to go to court. The option of payment plans should persuade more people to come to court to work out a way to get the citation cleared. Being able to pay a large sum in smaller amounts will encourage more people to pay their fines.

Assembly Bill 846 is a common sense bill that is profitable for every party involved. The court gets the fine paid and the defendant gets to honestly work on clearing his/her record. I encourage you to support this bill in committee and quickly get it to the floor.

Thank you again for this opportunity to show my support for Assembly Bill 846.

Capitol Office: Post Office Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-3796 • Toll-Free: (888) 529-0024 • Fax: (608) 282-3624 • Rep.Jeskewitz@legis.state.wi.us
24th Assembly District: N80 W15239 Hilltop Drive • Menomonee Falls, Wisconsin 53051
(414) 251-9595 • Fax: (414) 251-9594

Assembly Committee Assignments:

Financial Institutions, Chair; Children and Families, Vice-Chair; Criminal Justice; Consumer Affairs; Ways and Means; Government Operations



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

March 20, 2000

Senator Gary George
State Capitol; Suite 118 South
Madison, WI 53707

Dear Senator George,

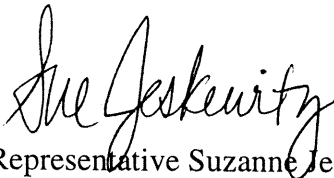
We are the authors of companion bills SB 436 and AB 846 which would provide greater flexibility to poor individuals when paying court ordered forfeitures and penalty assessments. AB 846 was heard and unanimously passed out of the Assembly Judiciary and Personal Privacy Committee on March 16, 2000 and is scheduled for an Assembly floor vote on Wednesday, March 22, 2000.

Due to the time crunch faced at the end the legislative session, we are inquiring as to whether it may be possible for the Senate Judiciary Committee to hold a public hearing on SB 436 for the purpose of expediency. Once AB 846 is messaged to the Senate late this week, however, it would be in the best interests of the legislation if the Judiciary Committee were to hold an executive session (or paper ballot) on AB 846. In this way, we may be able to get this legislation passed by the Senate and on to the Governor before the end of session.

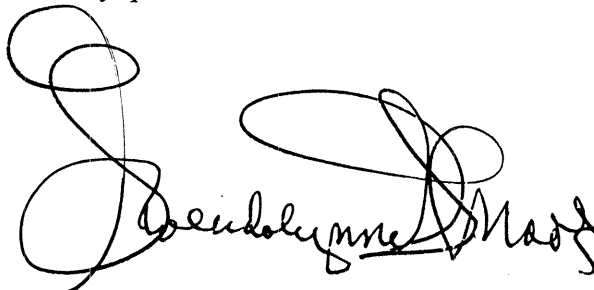
Any help that you could provide in passing this legislation through committee would be most appreciated. For your benefit, we have attached copies of the testimony we provided during the Assembly's hearing on this legislation if you have any questions.

Thank you for your attention to this matter.

Sincerely,

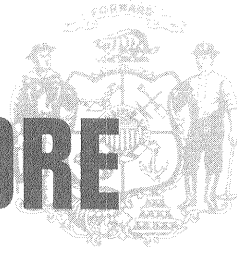


Representative Suzanne Jeskewitz



Senator Gwendolynne S. Moore

State Senator GWENDOLYNNE MOORE



Capitol Office:
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Member: Joint Finance Committee
Board Member: Wisconsin Housing and
Economic Development Authority

MEMORANDUM

TO: Members of the Senate Judiciary and Consumer Affairs Committee
FROM: Senator Gwendolynne S. Moore
DATE: March 27, 2000
SUBJECT: Registering support for AB 846 relating to payment of judgments in traffic cases and in municipal court and the suspension of operating privileges

Due to a scheduling conflict, I am unable to appear before the Senate Judiciary and Consumer Affairs Committee to express my support for AB 846. I am the author of the Senate Bill 436, the companion bill to AB 846, and I want to thank the Committee for scheduling such a prompt hearing on this legislation.

AB 846 would provide greater flexibility to poor individuals when paying court ordered forfeitures and penalty assessments. The bill would change current law in the following ways:

- AB 846 requires the court to inform the defendant that they must notify the court if they cannot pay a judgement due to poverty.
- If the court determines that the defendant is unable to pay the judgement because of poverty, the court may not suspend the defendant's license or imprison them without first providing the option of paying the judgement through an installment plan.
- However, if the defendant defaults on the payment schedule, the judge may impose the sentence for the initial offense.
- The defendant may use this installment option once. If a payment is not received, the option to pay the remaining balance through installments is no longer available.

In drafting this bill, Representative Jeskewitz and I consulted with municipal and circuit court judges as well as attorneys with Legal Action of Wisconsin. We believe this legislation will better encourage individuals to pay their fines while preventing them from having their driver's license suspended unnecessarily.

I encourage Committee members to support this bill and pass it on to the full Senate.

SUE JESKEWITZ

State Representative • 24th Assembly District

TESTIMONY ON ASSEMBLY BILL 846
INSTALLMENT PAYMENT PLANS
REPRESENTATIVE SUE JESKEWITZ
MARCH 27, 2000

Thank you Chairman George and members of the Judiciary and Consumer Affairs Committee for giving this bill such a prompt hearing and for allowing me to testify this afternoon.

Assembly Bill 846 requires that judges offer a payment plan to a defendant who has proven to the court that he/she is unable to pay. If a defendant agrees to the payment schedule, the judge will not impose a judgement including jail time or suspension of a driver's license. A defendant may only use this payment plan option once.

In the drafting of this bill, we consulted with both the municipal judges and the circuit judges associations. The municipal judge that we worked with said that many judges would offer installment plans **only if a defendant asks for it.**

Currently if someone gets a large fine and knows that they can not pay the fine, they see no reason to go to court. The option of payment plans should persuade more people to come to court to work out a way to get the citation cleared. This bill will encourage more people to pay their fines.

Assembly Bill 846 is a common sense bill that is profitable for every party involved. The court gets the fine paid and the defendant gets to honestly work on clearing his/her record. This bill passed unanimously out of the Assembly committee and passed on a voice vote on the floor. I encourage you to support this bill in committee and request that it be given executive action today.

Thank you again for this opportunity to show support for Assembly Bill 846.

Capitol Office: Post Office Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-3796 • Toll-Free: (888) 529-0024 • Fax: (608) 282-3624 • Rep.Jeskewitz@legis.state.wi.us
24th Assembly District: N80 W15239 Hilltop Drive • Menomonee Falls, Wisconsin 53051
(414) 251-9595 • Fax: (414) 251-9594

Assembly Committee Assignments:

Financial Institutions, Chair; Children and Families, Vice-Chair; Criminal Justice; Consumer Affairs; Ways and Means; Government Operations

From: Shelley Gaylord
To: O'Keefe, Jim
Date: 3/27/00 10:27AM
Subject: AB846

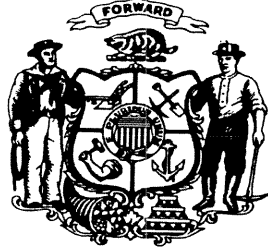
AB 846 is opposed by the Municipal Judge's Association. It is likely to result in more jail time, not less, for defendants. If AB 846 was passed with reinstatement of the court's authority to suspend a driver's license in non-traffic cases, then it would be more workable. However, the combination of eliminating the court's authority to suspend and adding these notice and poverty requirements is unlikely to help the group that is least likely to participate in court hearings. Indeed, it may harm that group more.

Let's start with the premise that fair notice to defendants of the possibility of a poverty determination is a good idea. For those people who appear in court, this is a matter of taking the time, as many of the judge's currently do, to set-up a reasonable payment plan taking into account defendant's resources. That group of people will likely follow through on payment. For those that do not, they face a warrant/commitment to jail. Some face a driver's license suspension. However, the cases where a warrant will be used include all non-traffic cases due to the current lack of authority to use a license suspension. Thus, warrants have to be used more often to enforce nonpayment.

Let's take another common scenario: defendant is cited, but never appears in court. A default judgement is issued. Notice of the poverty issue is reasonable to include with that judgement. So far so good. Now, let's assume that the defendant does not request a hearing. That is in fact the most likely scenario. The court has set a deadline for paying the default judgement. Payment is not made. The court then issues a warrant/commitment in virtually all non-traffic cases. Remember, the authority to suspend is gone, so warrants must be used more, not less. The defendant is picked up on the warrant and now wants an indigency hearing. There appear to be no time limits in this legislation for defendant requesting such a hearing. These last minute requests will be extremely difficult to effectuate. Many defendants will have to sit in jail for 24-48 hours before such a hearing is available. Is that really what the legislation intends? It seems that some time limits should be inserted for the defendant to make such a request if this legislation is to be effective. This should be combined with reinstatement of court authority to suspend driver's licenses to avoid this increase in warrants/commitments. For example, 60 days from the date of default or other final judgement might be workable. That way, courts and jails can proceed in some reasonable fashion for people who simply do not respond to the default judgements and notice of poverty rights.

I hope this helps you understand the very real practical difficulties with what is probably a well-intentioned bill. I would prefer that some study group focus on this to sort out the details of poverty, payments, warrants and suspensions in municipal courts. I'm hopeful that something more practical can be arranged.

State of Wisconsin



GARY R. GEORGE
SENATOR

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk
Senate Committee on Judiciary and Consumer Affairs

RE: Paper Ballot on Bills That Have Previously Received a Public Hearing in the
Senate Committee on Judiciary and Consumer Affairs and on Which There
Appears to be a Consensus In Favor

DATE: March 28, 2000

Attached please find paper ballots for two bills that have previously received a public hearing in the Senate Committee on Judiciary and Consumer Affairs. Included are: AB 689 (Interference with the custody of a child) and AB 846 (Payment of judgments in traffic cases and in municipal court and suspension of operating privileges).

A paper ballot on AB 185 will be circulated later this morning or early this afternoon.

Note: Please return the attached paper ballots by noon today -- Tuesday, March 28, 2000.

Judiciary Committee Hearing/Exec. Session -- March 27, 2000

Recommendations:

1. Take Executive Action on AB 497, AB 174 before the hearing starts so I can begin the paperwork. (These two bills are going to be amended so they need to go back to the Assembly.)
2. Hold public hearing on SB 491 (police technology) next.
3. Take Executive Action on SB 491 so I can begin the paper work.
4. Hold the hearing on the appointments (It is my understanding that only Roberta Harris will be able to appear today)
5. Hold the hearing on the bills.

All the other bills not listed in #1 and #2 do not need to be rushed. They are not going to be amended so they can go on Wednesday's calendar.

***Pat Essie has asked that we not take Executive Action on AB 185.

***The Municipal Judges Association opposes AB 846 but will not be able send anyone to testify.