



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 199 [2003 Assembly Bill 273]	Authority of Municipal Courts to Hold Refusal Hearings
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 199 addresses the authority of municipal courts to hold refusal hearings.

Under current law, if a motor vehicle operator refuses to submit to a test to determine the presence of an intoxicant, the person's operating privilege will be revoked if the refusal was improper. The person who refused the test may request a hearing before a circuit court to determine if the refusal was proper. Under current law, a municipal court has no authority to hold a refusal hearing and issue revocation orders based on results of the hearing; only circuit courts have that authority.

Act 199 allows municipal courts to hold refusal hearings and issue revocation orders based on the results of those hearings where the refusal is in connection with an underlying operating while intoxicated (OWI) first offense ordinance violation. (Under the Act, if the defendant transfers the underlying OWI violation to circuit court for a jury trial, the refusal hearing is also transferred to circuit court.)

Because municipal courts already have authority to hear municipal OWI (first offense) cases, permitting them to also hear related refusal hearings will result in efficiencies for the municipal and circuit court systems and attorneys, defendants, and law enforcement.

Effective Date: Act 199 takes effect August 1, 2004.

Prepared by: Don Dyke, Chief of Legal Services

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.