

Assembly Hearing Slip

X

(Please print plainly)

Date: 6/9/99

Bill No. HR335

Subject: _____

(Name) Rep. Urakas

(Street Address or Route Number) 119 BL State Capitol

(City & Zip Code) _____

(Representing) _____

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

X

(Please print plainly)

Date: 6-9-99

Bill No. 335

Subject: _____

(Name) Judge Richard J. Steinberg

(Street Address or Route Number) 1266 W. Capitol Dr.

(City & Zip Code) Brookfield, WI 53005

(Representing) President of WI Municipal Judges Assn

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

AB 335-Relating to Allowing Muni. Courts to Hold Refusal Hearings
Testimony for the June 9th Public Hearing before the Committee on Highway Safety

I want to thank Chairman Stone and the other Committee members for hearing AB 335 today.

I have been working with the Wisconsin Municipal Judges Association on a number of proposals which include:

- allowing municipal courts to order default judgements against defendants who fail to appear (Gundrum).
- allowing municipal courts to have full jurisdiction over both juvenile and adult drug paraphernalia cases (Foti).
- require 1st degree municipal OWI cases to be heard first before the municipal court. Currently defendants can ask for immediate jury demand moving the case directly to the circuit court. (Vrakas).
- AND VARIOUS OTHER ISSUES.

I introduced AB 335 at the request of the Wisconsin Municipal Judges Association to allow municipal courts to hold refusal hearings for municipal OWI offenses.

Under current law, if a person suspected of driving under the influence of alcohol refuses to submit to a blood alcohol test, three things happen:

1. The police officer takes possession of the person's drivers license.
2. Informs the person that their license will be revoked if it is determined that their refusal to take the BAC test was improper.
3. And, that he or she may request a hearing before the **circuit court** to determine if the refusal was proper. This is called a **refusal hearing**.

The law states that the **refusal hearing** must be heard before the circuit court even if the alleged OWI offense is a municipal ordinance violation, within a municipal court's jurisdiction.

AB 355 would simply allow municipal courts to hold refusal hearings for 1st offense OWI cases if the alleged OWI offense was a municipal ordinance violation (*after the 1st, any additional OWI offenses automatically go to the circuit court*).

Under the current law, you have two different courts handling the same case. By allowing the municipal court to handle refusal hearings, time and money are saved and the confusion between the two court systems is lessened. In addition, it is only appropriate for the hearing to be heard before court in which the offense took place

There was a technical amendment that was added to page 3, section 4, line 19—which includes municipal attorneys as a group that also needs to be contacted under this section.

I'd like to thank the Chairman and the Committee members again, and I would be happy to respond to any questions.