

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB15)

Received: 09/22/2003

Received By: rnelson2

Wanted: Soon

Identical to LRB:

For: Wayne Wood (608) 266-7503

By/Representing:

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies:

Submit via email: YES

Requester's email: Rep.WoodW@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Venue for prosecution

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rnelson2 09/22/2003	kgilfoy 09/22/2003	pgreensl 09/22/2003	_____	lemery 09/22/2003	lemery 09/22/2003	

FE Sent For:

<END>

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/1	rnelson2	11-9/22	9/22 PS	9/22 PJ/CE			

FE Sent For:

<END>

Nelson, Robert P.

From: Nelson, Robert P.
Sent: Monday, September 22, 2003 3:24 PM
To: 'Repwood44@aol.com'
Cc: Fast, Timothy
Subject: RE: (no subject)

I've talked to a couple of other attorneys in the office and they think, because of the small number of cases that will probably be involved, and because it involves a non-law enforcement agency determination, the bill could give the person the right to ask for a change in venue if the person was not the one who committed the violation. I think we could require the court to provide information about how the person could do so, thus reducing the need for an attorney representation. I will draft something like that and see if it helps you.

-----Original Message-----

From: Repwood44@aol.com [mailto:Repwood44@aol.com]
Sent: Monday, September 22, 2003 2:52 PM
To: robert.nelson@legis.state.wi.us.
Subject: (no subject)

Hi Bob;

My concern with AB 15 is the probability that a rail road employee will make a mistake in reporting a license number. If the color of the car just happens to match, a vehicle owner in Rock County could receive a citation from Douglas County and have to either pay an unwarranted fine OR have to take a day off work and travel the length of the State to defend themselves in court. This seems to me to need some method for an innocent owner to be made whole. I'm open to suggestions.

Wayne W. Wood

343.44(2s)

(2s) Citations. Within 30 days after receipt by the department of a report from a law enforcement officer under s. 343.305 (7) or a court order under s. 343.28 of a violation committed by a person operating a commercial motor vehicle while subject to an out-of-service order under s. 343.305 (7) (b) or (9) (am), a traffic officer employed under s. 110.07 may prepare a uniform traffic citation under s. 345.11 for a violation of sub. (1) (c) or (d) and serve it on the person. The citation may be served anywhere in this state and shall be served by delivering a copy to the person personally or by leaving a copy at the person's usual place of abode with a person of discretion residing therein or by mailing a copy to the person's last-known residence address. The venue for prosecution may be the county where the alleged offense occurred or in the person's county of residence.

938.185(1)(c)

(c) In the case of a violation of a state law or a county, town or municipal ordinance, the county where the violation occurred, except that in that case the court of the county where the violation occurred may, after the juvenile is adjudged delinquent, transfer the proceeding to the county where the juvenile resides for disposition, if the court of the county of residence agrees to that transfer.

971.19(9)

~~(9) (intro.) In an action under s. 301.45 (6) (a) or (ag), the defendant may be tried in the defendant's county of residence at the time that the complaint is filed. If the defendant does not have a county of residence in this state at the time that the complaint is filed, or if the defendant's county of residence is unknown at the time that the complaint is filed, the defendant may be tried in any of the following counties:~~

^{same}
→ 971.19(10) - falsifying a title to a boat

48.185(2) - child's disposition orders - can be moved to county of residence

51.13(4)(b) - re: admission of a child to a mental health inst. - can move ct. review to county of residence



**ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 15**

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 4, line 3: after that line insert:

3 "d) In addition to serving the person with the citation under par. (a), (b), or
4 ✓ (c), the serving agency shall include a notice that informs the person that he or she
5 may petition the court for a change ^{of} venue; ^{of} the court costs required for petitioning
6 for a change ^{of} venue; and ^{of} ~~how the person may petition~~ the court for a change ^{of}
7 venue.

the procedures for petitioning

8 (4m) The venue for the action shall be in the county where the violation
9 occurred, except that the venue shall be in the county where the person is a resident
10 if he or she is a resident of the state and he or she petitions the court for a change ^{of}
11 venue to his or her county of residence.".

12 (END)

text: treat