

## 2005 ASSEMBLY BILL 89

1     **AN ACT** *to amend* 938.17 (2) (a) 1. and 938.17 (2) (a) 3. (intro.); and *to create*  
2             938.17 (2) (a) 1m. of the statutes; **relating to:** exclusive municipal court  
3             jurisdiction in proceedings against juveniles 12 years of age or over, but under  
4             16 years of age, for municipal traffic ordinance violations.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5             **SECTION 1.** 938.17 (2) (a) 1. of the statutes is amended to read:  
6             938.17 **(2)** (a) 1. Except as provided in subd. 1m. and sub. (1), municipal courts  
7             have concurrent jurisdiction with the court assigned to exercise jurisdiction under  
8             this chapter and ch. 48 in proceedings against juveniles aged ~~12 or older~~ 12 years of  
9             age or over for violations of county, town, or other municipal ordinances. If evidence  
10            is provided by the school attendance officer that the activities under s. 118.16 (5) have

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1       been completed or were not required to be completed as provided in s. 118.16 (5m),  
2       the municipal court specified in subd. 2. may exercise jurisdiction in proceedings  
3       against a juvenile for a violation of an ordinance enacted under s. 118.163 (2)  
4       regardless of the juvenile's age and regardless of whether the court assigned to  
5       exercise jurisdiction under this chapter and ch. 48 has jurisdiction under s. 938.13  
6       (6).

7               **SECTION 2.** 938.17 (2) (a) 1m. of the statutes is created to read:

8               938.17 **(2)** (a) 1m. Except as provided in sub. (1), municipal courts have  
9       exclusive jurisdiction in proceedings against juveniles 12 years of age or over for  
10      violations of municipal ordinances enacted under ch. 349 that are in conformity with  
11      chs. 341 to 349. When a juvenile 12 years of age or over is alleged to have violated  
12      a municipal ordinance enacted under ch. 349 that is in conformity with chs. 341 to  
13      349, the juvenile may be issued a citation directing the juvenile to appear in  
14      municipal court or make a deposit or stipulation and deposit in lieu of appearance  
15      or, if there is no municipal court in the municipality that enacted the ordinance, the  
16      juvenile may be issued a citation or referred to intake as provided in par. (b). If a  
17      municipal court finds that a juvenile has violated a municipal ordinance enacted  
18      under ch. 349 that is in conformity with chs. 341 to 349, the court shall enter any of  
19      the dispositional orders permitted under s. 938.343 that are authorized under sub.  
20      (2) (cm).

21               **SECTION 3.** 938.17 (2) (a) 3. (intro.) of the statutes is amended to read:

22               938.17 **(2)** (a) 3. (intro.) ~~When~~ Except as provided in subd. 1m., when a juvenile  
23      is alleged to have violated a municipal ordinance, the juvenile may be:

24               **SECTION 4. Initial applicability.**

