

2005 ASSEMBLY BILL 89

February 8, 2005 – Introduced by Representatives GUNDRUM, STASKUNAS, GUNDERSON and KRAWCZYK. Referred to Committee on Judiciary.

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.

Analysis by the Legislative Reference Bureau

Under current law, municipal courts have concurrent jurisdiction with courts assigned to exercise jurisdiction under the Juvenile Justice Code in proceedings against juveniles 12 years of age or over for municipal ordinance violations, except that courts of civil and criminal jurisdiction have exclusive jurisdiction in proceedings against juveniles 16 years of age or over for municipal traffic violations. This bill grants exclusive jurisdiction to municipal courts in proceedings against juveniles 12 years of age or over for municipal traffic ordinance violations, subject to the grant of jurisdiction under current law for proceedings against juveniles 16 years of age or over.

The bill also requires a municipal court that finds that a juvenile has violated a municipal traffic ordinance to enter any of the dispositions that are permitted under the Juvenile Justice Code for a civil law or ordinance violation and that are authorized by the municipality. Those dispositions include the imposition of a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the violation and suspension of the juvenile's operating privilege for failure to pay the forfeiture.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 938.17 (2) (a) 1. Except as provided in subd. 1m. and sub. (1), municipal courts
3 have concurrent jurisdiction with the court assigned to exercise jurisdiction under
4 this chapter and ch. 48 in proceedings against juveniles aged ~~12 or older~~ 12 years of
5 age or over for violations of county, town, or other municipal ordinances. If evidence
6 is provided by the school attendance officer that the activities under s. 118.16 (5) have
7 been completed or were not required to be completed as provided in s. 118.16 (5m),
8 the municipal court specified in subd. 2. may exercise jurisdiction in proceedings
9 against a juvenile for a violation of an ordinance enacted under s. 118.163 (2)
10 regardless of the juvenile's age and regardless of whether the court assigned to
11 exercise jurisdiction under this chapter and ch. 48 has jurisdiction under s. 938.13
12 (6).

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

14 938.17 (2) (a) 1m. Except as provided in sub. (1), municipal courts have
15 exclusive jurisdiction in proceedings against juveniles 12 years of age or over for
16 violations of municipal ordinances enacted under ch. 349 that are in conformity with
17 chs. 341 to 349. When a juvenile 12 years of age or over is alleged to have violated
18 a municipal ordinance enacted under ch. 349 that is in conformity with chs. 341 to
19 349, the juvenile may be issued a citation directing the juvenile to appear in
20 municipal court or make a deposit or stipulation and deposit in lieu of appearance
21 or, if there is no municipal court in the municipality that enacted the ordinance, the

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1 juvenile may be issued a citation or referred to intake as provided in par. (b). If a
2 municipal court finds that a juvenile has violated a municipal ordinance enacted
3 under ch. 349 that is in conformity with chs. 341 to 349, the court shall enter any of
4 the dispositional orders permitted under s. 938.343 that are authorized under sub.
5 (2) (cm).

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

7 938.17 (2) (a) 3. (intro.) ~~When~~ Except as provided in subd. 1m., when a juvenile
8 is alleged to have violated a municipal ordinance, the juvenile may be:

9 **SECTION 4. Initial applicability.**

10 (1) JURISDICTION OVER JUVENILE MUNICIPAL TRAFFIC ORDINANCE VIOLATIONS. This
11 act first applies to a violation of a municipal ordinance enacted under chapter 349
12 of the statutes that is in conformity with chapters 341 to 349 of the statutes
13 committed on the effective date of this subsection.

14 (END)