

**2005 DRAFTING REQUEST**

**Bill**

Received: 11/17/2004

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Jurisdiction of municipal courts; exclusive jurisdiction over traffic ordinance violations committed by juveniles 12 to 15 years of age

---

**Instructions:**

See Attached--provide for exclusive jurisdiction of municipal over juveniles 12 to 15 who violate traffic ordinances

---

**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>
/?	gmalaise 11/18/2004	lkunkel 11/28/2004 lkunkel 11/29/2004		_____			S&L
/1			jfrantze 11/29/2004	_____	lnorthro 11/29/2004		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	gmalaise 12/29/2004	lkunkel 12/30/2004	chaugen 01/05/2005	_____	sbasford 01/05/2005	lemery 02/04/2005	

FE Sent For:

<END>

**2005 DRAFTING REQUEST**

**Bill**

Received: **11/17/2004**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Jurisdiction of municipal courts; exclusive jurisdiction over traffic ordinance violations committed by juveniles 12 to 15 years of age

---

**Instructions:**

See Attached--provide for exclusive jurisdiction of municipal over juveniles 12 to 15 who violate traffic ordinances

---

**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>
/?	gmalaise 11/18/2004	lkunkel 11/28/2004 lkunkel 11/29/2004		_____			S&L
/1			jfrantze 11/29/2004	_____	Inorthro 11/29/2004		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	gmalaise 12/29/2004	lkunkel 12/30/2004	chaugen 01/05/2005	_____	sbasford 01/05/2005		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 11/17/2004

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Children - miscellaneous

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Jurisdiction of municipal courts; exclusive jurisdiction over traffic ordinance violations committed by juveniles 12 to 15 years of age ✓

Instructions:

See Attached--provide for exclusive jurisdiction of municipal over juveniles 12 to 15 who violate traffic ordinances

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>
/?	gmalaise 11/18/2004	lkunkel 11/28/2004 lkunkel 11/29/2004		_____			S&L

↓ ↓

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/1  
jfrantze \_\_\_\_\_ Inorthro  
11/29/2004 11/29/2004

12/mk 12/30      ch  
1-4      ch 1-9  
15

FE Sent For:

<END>

**2005 DRAFTING REQUEST**

**Bill**

Received: 11/17/2004

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Jurisdiction of municipal courts; exclusive jurisdiction over traffic ordinance violations committed by juveniles 12 to 15 years of age ✓


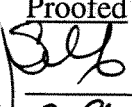
---

**Instructions:**

See Attached--provide for exclusive jurisdiction of municipal over juveniles 12 to 15 who violate traffic ordinances

---

**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>
/?	gmalaise	1/1mk 11/28 1/jld 11/29		 11/29			

FE Sent For:

<END>

**WISCONSIN MUNICIPAL JUDGES ASSOCIATION**

10150 West National Avenue, #390

West Allis, WI 53227

Telephone (414) 541-6800

Fax (414) 541-7739

E-mail: [wmja@execpc.com](mailto:wmja@execpc.com)

**Board of Directors**

**President**

Hon. Douglas Stern  
Western Waukesha County  
(414) 771-7780  
Fax (414) 771-6171

**Vice-President**

Hon. William Padway  
Village of Fox Point

**Secretary/Treasurer**

Hon. Ronald J. Wambach  
City of Franklin

**Past-President**

Hon. JoAnn Eiring  
Town of Brookfield

Hon. Mark L. Goodman  
City of Sparta

Hon. Jill A. Mitchell  
Town of Waterford

Hon. Gary A. Wickert  
Village of Ashwaubenon

Hon. David H. Nispel  
City of Middleton

**Legislative Chairman**

Hon. Michael C. Hurt  
Village of Menomonee Falls

**Program Chairman**

Hon. Charles H. Barr  
Village of Bayside

**Public Affairs Chairman**

Hon. C. Michael Hausman  
City of Delafield

October 21, 2004

Representative Mark D. Gundrum  
P. O. Box 8952  
Madison, WI 53708

Re: **Municipal Court Legislation**

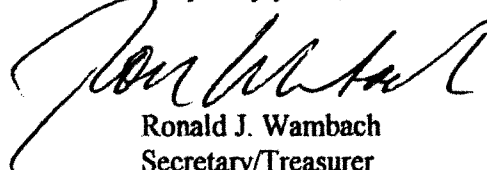
Dear Mark:

Pursuant to our conversation, I am advising on the bills that we reviewed as follows:

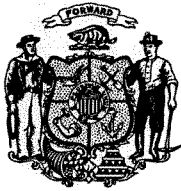

4. Next is Juveniles 12 to 15 Traffic Jurisdiction. There are no bills that were drafted in the past regarding this. This is a clarification to clearly establish jurisdiction in municipal courts as opposed to a concurrent jurisdiction or sole jurisdiction in the juvenile court. A bill with 938 Chapter Penalties should be introduced. 679

Any questions regarding any of this, please call.

Very truly yours,

  
Ronald J. Wambach  
Secretary/Treasurer





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0892/1  
GMM: [handwritten initials]  
jcd

2005 BILL

LPS -  
please print  
w/line numbers

Gencat

AN ACT ...; relating to: exclusive municipal court jurisdiction in proceedings against juveniles 12 years of age or over, but under 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.

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:**

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

938.17 (2) (a) 1. Except as provided in subd. 1m. and sub. (1), municipal courts have concurrent jurisdiction with the court assigned to exercise jurisdiction under

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

History: 1995 a. 77, 352, 448; 1997 a. 205, 239, 258; 1999 a. 9; 2001 a. 16.

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

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

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

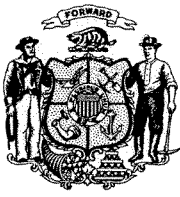
938.17 (2) (a) 3. (intro.) ~~When~~ Except as provided in subd. 1m., ~~When~~ a juvenile is alleged to have violated a municipal ordinance, the juvenile may be:

History: 1995 a. 77, 352, 448; 1997 a. 205, 239, 258; 1999 a. 9; 2001 a. 16.

**SECTION 4. Initial applicability.**

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

(END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0892/1  
GMM:lmk&jld:jf  
Keep  
2  
RMR

2005 BILL

9 The bill also requires a municipal court that finds that a juvenile has violated a municipal traffic ordinance to enter any of the dispositions <sup>numbers</sup> that are permitted under the Juvenile Justice Code for a civil law ~~to~~ or ordinance violation and that are authorized by the municipality. <sup>Those</sup> 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.

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.

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:*

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

**BILL**

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

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

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

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

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

**SECTION 4. Initial applicability.**

*If a municipal court finds that a juvenile has violated a municipal ordinance enacted under ch. 349 that is in conformity with chs. 341 to 349, the court shall enter any of the dispositional orders permitted under S. 938.343 that are*

**BILL**

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

5

**(END)**

**Emery, Lynn**

---

**From:** Usealman, Kevin  
**Sent:** Thursday, February 03, 2005 4:18 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-0892/2 Topic: Jurisdiction of municipal courts; exclusive jurisdiction over traffic ordinance violations committed by juveniles 12 to 15 years of age

It has been requested by <Usealman, Kevin> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0892/2 Topic: Jurisdiction of municipal courts; exclusive jurisdiction over traffic ordinance violations committed by juveniles 12 to 15 years of age