

2005 DRAFTING REQUEST

Bill

Received: 11/18/2004

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: Jolene C

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - 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:

Municipal court imprisonment term if fail to obey court's order

Instructions:

03-3974

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>
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/1			rschluet 11/22/2004	_____	Inorthro 11/22/2004	lemery 02/04/2005	

FE Sent For:

<END>

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/1			rschluet 11/22/2004		Inorthro 11/22/2004		

Assembly
per Kevin
in office

LRB-0918

11/22/2004 01:59:09 PM

Page 2

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/?	rnelson2	11/20 jcd					
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FE Sent For:

<END>

Nelson, Robert P.

From: Dsida, Michael
Sent: Wednesday, November 17, 2004 9:51 AM
To: Nelson, Robert P.
Subject: RE: Rep. Gundrum - Drafting Requests

Item 3 is the only one of these that is mine.

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

From: Churchill, Jolene
Sent: Wednesday, November 17, 2004 7:51 AM
To: Dsida, Michael; Nelson, Robert P.
Subject: Rep. Gundrum - Drafting Requests

Dear Mike and Bob,

Representative Gundrum would like to have the attached six bills drafted as stand alone bills. Thanks! - Jolene 267-5158

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

From: Churchill, Jolene
Sent: Tuesday, November 09, 2004 9:08 AM
To: Churchill, Jolene
Subject: FW: Judge Wambach Letter

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

From: Faxination
Sent: Tuesday, November 09, 2004 8:26 AM
To: Gundrum, Mark
Subject: Judge Wambach Letter

Incoming Fax:
Description:

Explanation:
Sent to: '2823684' CSID:6082665104 (0)

Items received: 3
Duration: 102 seconds Transmission speed: 14400 baud
Gateway ID: 0 Job Reference: 4E49B

~~~~~

# WISCONSIN MUNICIPAL JUDGES ASSOCIATION

10150 West National Avenue, #390

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Telephone (414) 541-6800

Fax (414) 541-7739

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

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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:

1. Sentencing – Consecutive versus concurrent. This is similar to your 2001 AB 747 bill. RN
2. Regarding reserve judges there was an NLB 2515/3 which Judge Gramling has modified and I am enclosing a copy of it for the Statewide Judge Jurisdiction and Reserve Judge Status. RN
3. Drug paraphernalia -- I believe the original bill on this that passed was from Representative Honadel. We will contact him also for his sponsorship and participation. This is similar to AB 715 2003. T9D
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. G59
5. With regard to adult non-traffic forfeiture and DL suspensions, a bill similar to ~~AB 51 from 2003~~ should be reintroduced. This would reverse the budget bill from 1999 which stripped this authority. PH? suspend for license non-payment of cost

Representative Mark D. Gundrum  
October 21, 2004  
Page 2

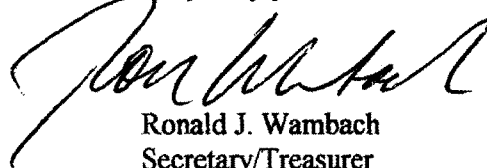
6. Appeal – Jury trial. No prior bill was introduced regarding this. This is sought for fairness purposes so that either party on appeal could demand a jury trial not just the appellant.

LL 800, 14  
(4)

Our proposal would be to have all of these in an omnibus bill, except the drug paraphernalia bill which would be a stand alone bill. We also discussed having a position regarding interpreters which you thought at best would be a stand alone bill. I think we can give this a low priority and shoot more for the omnibus bill and the drug paraphernalia bill for the time being.

Any questions regarding any of this, please call.

Very truly yours,



Ronald J. Wambach  
Secretary/Treasurer

RJW:kms

Enclosure

**ASSEMBLY BILL 747 (LRB -3974)**

An Act to amend 800.095 (4) (b) 1. of the statutes; relating to: noncompliance with a municipal court order. (FE)

**2002**

- 03-26. A. Introduced by Representatives **Gundrum, Krawczyk, Starzyk, Vrakas, Jeskewitz, J. Fitzgerald, Owens, Hahn, Petrowski, Ladwig, Miller, Hines, Albers, M. Lehman, Townsend and Grothman;** cosponsored by Senators **Darling, Huelsman and Lazich.**
- 01-28. A. Read first time and referred to committee on Judiciary ..... 605
- 02-04. A. Representative Stone added as a coauthor ..... 632
- 02-21. A. Public hearing held.
- 02-25. A. Fiscal estimate received.
- 03-26. A. Failed to pass pursuant to Senate Joint Resolution 1 ..... 810



5  
2001 ASSEMBLY BILL 747

January 28, 2002 - Introduced by Representatives GUNDRUM, KRAWCZYK, STARZYK, VRAKAS, JESKEWITZ, J. FITZGERALD, OWENS, HAHN, PETROWSKI, LADWIG, MILLER, HINES, ALBERS, M. LEHMAN, TOWNSEND and GROTHMAN, cosponsored by Senators DARLING, HUELSMAN and LAZICH. Referred to Committee on Judiciary.

- LPS  
Puff  
Please
- Regen
- 1 AN ACT *to amend* 800.095 (4) (b) 1. of the statutes; **relating to:** noncompliance  
2 with a municipal court order. ✓

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***Analysis by the Legislative Reference Bureau***

Under current law, if a person is found guilty of violating a municipal ordinance, the municipal court may order the offender to pay a forfeiture, make restitution, pay any appropriate assessment, and pay the costs of prosecution, including court fees. If the offender agrees to do so, the court may order the person to perform community service work in lieu of making these payments. If the offender fails to comply with the court's order, the court may issue a warrant for the offender's arrest and require him or her to appear in court. When the offender does appear in court, current law allows the court to modify or suspend the order, order the person to perform community service work, or order the person imprisoned until the amount ordered is paid. The maximum term of imprisonment is 90 days, and the amount of the outstanding order is reduced by \$25 for each day of imprisonment.

This bill allows the municipal court, when ordering a term of imprisonment, to make that term consecutive with or concurrent to any other imprisonment to which the offender is currently serving.

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:***

ASSEMBLY BILL 747

X

1 SECTION 1. 800.095 (4) (b) 1. of the statutes is amended to read:

2 800.095 (4) (b) 1. That the defendant be imprisoned until the forfeiture,  
 3 assessments, surcharge, and costs are paid, except that the defendant reduces the  
 4 amount owed at a rate of at least \$25 for each day of imprisonment, including  
 5 imprisonment following an arrest but prior to the findings under this subsection, and  
 6 the maximum period of imprisonment is 90 days. The court may impose a term of  
 7 imprisonment under this subdivision that is either concurrent with or consecutive  
 8 to any other term of imprisonment imposed at the same time or any term of  
 9 imprisonment imposed by any court.

(END)

10

*SEC #. Initial Applicability*

*(#) This act first applies to municipal court actions commenced on the effective date of this subsection.*