

**2009 DRAFTING REQUEST**

**Bill**

Received: **10/07/2008**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Sherman (608) 266-7690**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sherman@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Costs of transporting arrested persons

---

**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>
/?				_____			S&L
/1	phurley 11/20/2008	wjackson 12/04/2008	jfrantze 12/04/2008	_____	sbasford 12/04/2008		S&L
/2	phurley 05/15/2009	wjackson 05/18/2009	rschluet 05/18/2009	_____	lparisi 05/18/2009	cduerst 07/06/2009	

FE Sent For: "1/2" @ intro, 7/8/09

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/1	phurley 11/20/2008	wjackson 12/04/2008	jfrantze 12/04/2008		sbasford 12/04/2008		

FE Sent For:

12 WJ 5/18



<END>

MJ  
JF  
5/18

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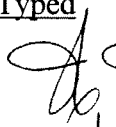
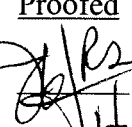
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**Instructions:**

See attached

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/?	phurley	1 WJ 12/4	 12/4	 12/4			S&L

FE Sent For:

<END>



# LA POINTE POLICE DEPARTMENT

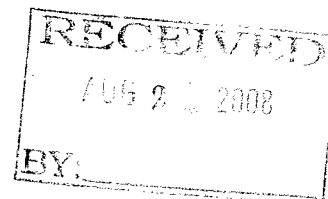
MADLINE ISLAND  
270 MAIN STREET  
LA POINTE, WISCONSIN 54850

PHONE: (715) 747-6913  
FAX: (715) 747-3096  
laptpd@cheqnet.net

**Michael W. Anderson, Chief**

August 20, 2008

Representative Gary Sherman  
State Capital, Room 320 West  
PO Box 7882  
Madison, WI 53708



Re: Town of La Pointe Resolution No. R2008-0812A

Dear Representative Sherman:

On behalf of the Town of La Pointe, I would like to thank you for your participation in last Monday's roundtable discussion at the Ashland County Courthouse.

During our discussion of what problem the Town of La Pointe is faced with regarding the transportation costs when taking people to the Ashland County Jail you and Senator Jauch requested some data that would help show what we are dealing with.

The following are the 2008 special ferry transports. There were several other transports that we either made while the ferries were operating under normal schedule or we shared the special trip with our local ambulance and we did not get billed. This generally occurs when there's a traffic crash with injuries and the patient is billed for the trip. We do attempt to collect reimbursement from the convicted party by simply billing them but as I stated, there is no legal avenue to force them to pay.

So far in 2008 there's been four (4) arrests for Operating While Intoxicated and two (2) arrests for Domestic Violence that required special ferry trips. This totals \$2,805. Our police departments 2008 vehicle/transportation budget includes operating costs for two squad cars, fuel, general maintenance, equipment and ferry costs totals \$9,000. My guess is there will be another four or five special trips before 2008 ends and that would put us at \$5,142.50 out of a total \$9,000 operating budget.

One issue that we did not get the opportunity to discuss is the number of times a law enforcement officer does not make an arrest because the subject(s) involved may be borderline OWI or criteria for a Domestic Violence is questionable and the knowledge of leaving Madeline Island and

having to face a \$467.50 special ferry bill on a borderline charge may prevent someone who should be arrested not be arrested.

I would also like to point out that of the six people transported this year five were out of state residents. I believe it would be necessary to collect the transportation costs at the time of conviction otherwise the guilty party would leave the state and our opportunity to get reimbursed will be gone. I'm not certain how that can be drafted into legislature but I'm sure someone does.

Again, the Town of La Pointe appreciates whatever you can do to help alleviate this burden from the innocent taxpayers of Ashland County. I look forward to working with you on this project and please do not hesitate to contact me with any questions you may have.

Sincerely,

*Michael Anderson*

Michael Anderson  
Police Chief

c Senator Robert Jauch  
La Pointe Town Board of Supervisors

# RESOLUTION

Resolution No. R2008-0812A

## A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LA POINTE REQUESTING LEGISLATIVE ACTION

**WHEREAS**, when the Town of La Pointe Police Department makes an arrest in the Town of La Pointe for a crime or forfeiture which necessitates incarceration outside the hours the ferryboat is operating, the Town of La Pointe Police Department has to call for a special ferryboat for transportation to the mainland, and

**WHEREAS**, the cost of a special ferryboat from La Pointe to the City of Bayfield is now \$466.50 and with the price of oil rapidly increasing, this cost is likely to also increase, and

**WHEREAS**, the cost of a special ferryboat is not a taxable cost which a convicted offender is required to pay although sometimes in a criminal case it can be made a part of the disposition, and

**WHEREAS**, rather than require the innocent taxpayers of the Town of La Pointe and Ashland County (which pays a portion of the La Pointe Police Department budget) to bear all the expense associated with these special ferryboat trips, it makes sense for Wisconsin Law to provide that such expense is a cost that a guilty offender in a criminal or civil forfeiture case is required to pay, and

**WHEREAS**, Town of La Pointe Police Chief Michael W. Anderson has discussed this issue with Tyler McGrane, Chief Officer on Washington Island in Door County and they are experiencing a similar problem,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of La Pointe does hereby request Representative Gary Sherman and State Senator Bob Jauch to introduce legislation amending §973.06 and §814.63 Wisconsin Statutes, so that they provide that money expended in transporting a defendant from an island in a criminal or civil forfeiture action is a cost which the defendant pays.

*note: there is  
no municipal cost there*

## Hurley, Peggy

---

**From:** Kelly, Judy  
**Sent:** Thursday, October 09, 2008 9:19 AM  
**To:** Hurley, Peggy  
**Subject:** RE: Drafting request

Hi Peggy,

I talked to the police chief of LaPointe (Madeline Island). He said they don't charge for transportation unless the ferry is not operating. In that case they need a special ferry and the Town is charged for it and is billed monthly. The ferries are privately owned. They do try to collect from the convicted person but there is nothing saying they have to pay so some do and some don't. If you need anything else, let me know. Thanks.

Judy

---

**From:** Hurley, Peggy  
**Sent:** Wednesday, October 08, 2008 1:21 PM  
**To:** Kelly, Judy  
**Subject:** RE: Drafting request

Hi Judy,

As of now, do you know who pays the ferry companies? The sheriff's department, the police department, the city clerk? And do you know if they pay each time an arrested person is transported, or do they have a "running tab" that they pay each fiscal year or at some other interval? I don't know anything about the ferries - are they wholly or partially private? Or are they kind of like "buses" for the cities and part of the city budget?

My initial thoughts on this draft are that if the sheriff or police department is footing the bill now, I think it would make sense to tack this fee onto the others imposed under s. 814.70. I'd like to discuss it further, though, with the other drafters in the courts/criminal procedure area.

Peggy Hurley

---

**From:** Kelly, Judy  
**Sent:** Tuesday, October 07, 2008 4:44 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Drafting request

Thanks, Peggy. We are particularly worried about the people who live in another state. We may never see that money if they leave the state without paying and it's important to the people who have to foot the bill if they don't pay.

---

**From:** Hurley, Peggy  
**Sent:** Tuesday, October 07, 2008 4:40 PM  
**To:** Kelly, Judy  
**Subject:** RE: Drafting request

No problem! Frankly, I am not sure what happens if they don't have the money when they are convicted. I can ask someone who knows more about the judicial system and get back to you tomorrow. I do know that if a person doesn't pay the costs under chapter 814 they can put in jail (see s. 973.07), but I am not sure what happens if someone can't pay the costs under s. 973.06. I'll let you know when I know, ok?

Peggy



---

**From:** Kelly, Judy  
**Sent:** Tuesday, October 07, 2008 4:36 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Drafting request

Sorry Peggy, chalk it up to my ignorance. What happens if they don't have the money when convicted?

---

**From:** Hurley, Peggy  
**Sent:** Tuesday, October 07, 2008 4:33 PM  
**To:** Kelly, Judy  
**Subject:** RE: Drafting request

Hi Judy,

Thanks for the clarification. I will limit the draft, then, to charging a person for the cost of chartering a ferry to transport the person. I am not sure what you mean by collecting the costs at the time of conviction - current law doesn't really allow for collecting at any other time.

If you meant at the time of arrest, I don't think it is permissible to charge a fee until the person is found guilty of the violation he or she is charged with. Please let me know if this is what you meant.

Peggy

---

**From:** Kelly, Judy  
**Sent:** Tuesday, October 07, 2008 4:23 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Drafting request

Hi Peggy,

We are specifically talking about transporting an arrested person from an island when a regular ferry is not available and one must be chartered. Additionally, please put into the legislation that the transportation costs should be collected at the time of conviction since many of the arrested people are out of state residents and the opportunity to collect will be gone if they leave the state. I hope this makes it clearer. Thanks.

Judy

---

**From:** Hurley, Peggy  
**Sent:** Tuesday, October 07, 2008 3:04 PM  
**To:** Kelly, Judy  
**Subject:** Drafting request

Hi Judy,

I'll be drafting your request regarding passing the cost of transportation onto convicted persons. Do you want the draft to pass on all costs of transporting any arrested person (after they are convicted)? Or do you want to limit it to costs that exceed a certain dollar amount or, perhaps, to transporting a person by ferry? I am assuming that if no ferries are running on a regular schedule when the person needs to be transported, a ferry is chartered to do the transport; please let me know if this is correct. I look forward to hearing from you.

Peggy Hurley  
Legislative Attorney  
608 266 8906

# 2009 BILL

11-20-08  
2-note

Gen Cat

1 AN ACT ...; relating to: costs of transporting an arrested person by ferry.

### *Analysis by the Legislative Reference Bureau*

Under current law, a person who is subject to a fine or forfeiture for violating a state law or a local ordinance is also subject to a variety of court costs, fees, and surcharges.

Under this bill, if, when a person is arrested, he or she is transported by a ferry after the ferry's usual hours of operation, the person is subject to a fee that reimburses the law enforcement agency that incurred costs of transporting ~~him or her~~ by the ferry.

the person

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:*

2 SECTION 1. 814.625 of the statutes is created to read:

3 **814.625 Transport fees.** (1) If a law enforcement agency requests a ferry  
4 provider to operate beyond its usual hours of operation in order to transport an  
5 arrested person to a jail or other facility, the law enforcement agency shall be  
6 reimbursed for the costs it incurs to pay for the ferry transport.

**BILL**

1           (2) If <sup>o</sup> circuit court imposes a fine or forfeiture on a defendant who was the  
2 subject of a ferry transport described in sub. (1), the clerk of circuit court shall collect  
3 a fee equal to the costs incurred by a law enforcement agency under sub. (1). The fee  
4 shall be paid by the defendant when judgement is entered against the defendant and  
5 <sup>pay</sup> ~~the~~ shall be ~~paid~~ the law enforcement agency that requested the transport.  
6 clerk of circuit court                                   (END)

*the defendant shall pay the fee*


**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0516/?dn

PJH:/:....

wlj

Date

Judy 



Please review this draft carefully to ensure that it is consistent with your intent.

Please <sup>note</sup> that under this draft, transport fees may not be imposed by a municipal court. <sup>If</sup> you have any questions or would like to discuss this draft further, please let me know.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0516/1dn  
PJH:wlj:jf

December 4, 2008

Judy:

Please review this draft carefully to ensure that it is consistent with your intent.

Please note that under this draft, transport fees may not be imposed by a municipal court. If you have any questions or would like to discuss this draft further, please let me know.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Tuesday, December 09, 2008 3:58 PM  
**To:** Kelly, Judy  
**Cc:** Rep.Sherman  
**Subject:** LRB 09-0516/1 (un-introduced) (attached - requested by Judy)

**Attachments:** 09-0516/1; 09-0516/1 dn



09-05161.pdf (10 KB) 09-05161dn.pdf (6 KB)



**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

---

**From:** Kelly, Judy  
**Sent:** Tuesday, December 09, 2008 3:01 PM  
**To:** Barman, Mike  
**Subject:** LRB 0516

Hi Mike,

I would like an electronic copy of LRB 0516. Thank you.

Judy Kelly  
Legislative Aide to  
Rep. Gary Sherman



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-051871

PJH:wlj:jf

Stays

2009 BILL

S/S

Regen

1 AN ACT ~~to create~~ 814.625 of the statutes; relating to: costs of transporting by  
2 ferry an arrested person.

*Analysis by the Legislative Reference Bureau*

Under current law, a person who is subject to a fine or forfeiture for violating a state law or local ordinance is also subject to a variety of court costs, fees, and surcharges.

Under this bill, if, when a person is arrested, he or she is transported by ferry after the ferry's usual hours of operation, the person is subject to a fee that reimburses the law enforcement agency that incurred the costs of transporting the person by ferry.

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:*

3 SECTION 1. 814.625 of the statutes is created to read:  
4 **814.625 Transport fees.** (1) If a law enforcement agency requests a ferry  
5 provider to operate beyond its usual hours of operation in order to transport an

**BILL**

*pursuant to sub(2)*

1 arrested person to a jail or other facility, the law enforcement agency shall be  
2 reimbursed for the costs it incurs to pay for the ferry transport.

3 (2) If a circuit court imposes a fine or forfeiture on a defendant who was the  
4 subject of a ferry transport described in sub. (1), the clerk of circuit court shall collect  
5 a fee equal to the costs incurred by a law enforcement agency under sub. (1). When  
6 judgment is entered against the defendant, the defendant shall pay the fee and the  
7 clerk of circuit court shall pay the law enforcement agency that requested the  
8 transport.

(END)

*enters a judgment against*



**Parisi, Lori**

---

**From:** Hoey, Joseph  
**Sent:** Friday, July 03, 2009 11:44 AM  
**To:** Parisi, Lori  
**Subject:** RE: LRB 09-0516/2 attached as requested

Please Jacket for the Assembly. Thank you.

---

**From:** Parisi, Lori  
**Sent:** Thursday, July 02, 2009 4:07 PM  
**To:** Hoey, Joseph  
**Subject:** LRB 09-0516/2 attached as requested

<< File: 09-0516/2 >>

Lori Parisi  
Program Assistant  
State of WI Legislative Reference Bureau  
1 East Main Suite 200  
Madison, WI., 53703  
Phone(608)266-3561 Fax(608)264-6948