

District 10

Curtis P. Cote was elected in the Village of New Auburn replacing **Eric Mickelson** who did not seek reelection.

Renee Keating was elected to the City of New Richmond defeating incumbent Allen Pape.

NEW LEGISLATION

2009 Wisconsin Act 17 – Payment of Judgments/Installment Payments

Act 17 requires a municipal court to inform a defendant that the defendant should notify the court if he or she is unable to pay a judgment because of poverty. If a defendant proves indigency, a municipal court may not order suspension of the operating privilege for failure to pay an ordinance violation judgment. Act 17 specifically requires that if a defendant is present at the time a judgment is entered and the court determines the defendant is unable to pay a traffic forfeiture because of poverty, the court may not suspend the defendant's operating privilege without first providing the defendant with an opportunity to pay the forfeiture in installments. If a defendant is unable to comply with an installment plan, a municipal court may modify, suspend, or permanently stay the payment plan or the municipal court may order the performance of community service. If an operating privilege has been suspended, a municipal court may lift the suspension and order an

installment plan and must do so if the defendant is indigent and the defendant has not previously failed to comply with an installment plan. This act applies to violations committed on or after **June 13, 2009**.

2009 Wisconsin Act 28 - The State Budget Bill

Increase in Crime Laboratory & Drug Law Enforcement

Surcharge – Increased from \$8 to \$13 for offenses committed on or after **July 1, 2009**.

Increase in Justice Information

Surcharge – Increased from \$12.00 to \$21.50. This surcharge will increase the costs of appeals from municipal court and applies to all appeals filed on or after **July 1, 2009**.

Operating after Revocation -

The law used to state that if a person was cited for a violation of Operating after Revocation, §343.44(1)(b), and had previously been convicted of an operating after revocation offense within the preceding 5 year period the current offense would be a crime. Accordingly, municipal courts only had jurisdiction to hear 1st offense operating after revocation citations and did not have jurisdiction to hear 2nd and subsequent offenses.

The law has now been changed to allow municipal courts to hear 2nd and subsequent operating after revocation offenses *unless* the revocation resulted from an Operating While Intoxicated offense. This offense remains criminal and municipal courts do not have jurisdiction to hear them.

This change in the law applies to violations that occur on or after **July 1, 2009**.

The forfeiture amount for operating after revocation remains the same.

Pending . . .

There are still a number of bills pending in the legislature that may impact municipal courts. However, in order to avoid any confusion we will send out bulletins on those bills *if and/or when* they pass.

NOTE: The members of the New Laws/New Cases Committee are working overtime to get all of these new changes into the materials they will present at our next seminar. Remember that you can access those materials at the Supreme Court website at <http://wicourts.gov/services/judge/docs/newlaws.doc>



UPCOMING SEMINARS

2009/2010 SEMINARS

Special Topic – July 16 & 17, 2009, The Plaza Hotel, Eau Claire

Traffic – September 17 & 18, 2009, Blue Harbor Resort, Sheboygan

Clerks – October 7, 8 & 9, 2009, Chula Vista Resort, WI Dells

Trial – March 11 & 12, 2010, Heidel House Resort, Green Lake

2010/2011 SEMINARS

Orientation Institute – May 4 – 7, 2010, Heidel House Resort, Green Lake (Mandatory for new judges. Other judges may attend May 6th & 7th if they have been on the bench four (4) years or less and have not already attended it twice)

Traffic – July 15 & 16, 2010, Radisson Paper Valley, Appleton

Other 2010/2011 seminar dates are pending.

Our program calendars and announcements are also located on the Supreme Court website at: wicourts.gov/services/judge/edu.htm

IN MEMORIAM

Roger P. Paulson, Reserve Municipal Judge for Waukesha County passed away on May 19, 2009 at the age of 76 after a serious fall. Roger served as the municipal Judge for the Village of Elm Grove for 10 years and had been a reserve judge since 2003. You will be missed Roger.

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