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#### LETTER

Muni View

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A periodic publication of Municipal Judge Education, Office of Judicial Education, Wisconsin Supreme Court

## Coordinator's Corner

Happy New Year!

By now you should have received the Municipal Court Directory Addendum. This will be the last one that we will be From now on, all printing. Judge and Court changes that we receive throughout the year will be printed in the Muni View and we will print a Directory once a year in June.

The 1999 update of the Municipal Judge Manual and the Municipal Court Clerk Manual are being revised and should be mailed in early March. Those people attending the Trial Seminar will get their manual at that time.

#### Muni View Office of Judicial Education

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## **Resignations/Deaths**

Since our last newsletter, Fredrick Love of Ladysmith has resigned and **Don Pressentin** of Monona has died, losing his battle with cancer.

Judge Love was the first judge in the newly created court of the City of Ladysmith. Judge Pressentin had served as the judge for the City of Monona since 1968.

No replacement has been announced for Judge Love in the city of Ladysmith. Randy Paul has been appointed to the Judgeship in the city of Monona.

#### **Elections**

As always, approximately half of you are up for election on April 6. I wish you very good luck.

Judge Paul Bookter of the Village of Howard, Judge Wayne Gilmour of the Village of Brooklyn, and Judge Michael Meurer of the Town of Geneva are not running for reelection.

In the Village of Marshall, Tammy Tremain who was appointed in 1998 is running unopposed for a one year term.

The Village of Wausaukee, where Brian Hartnell, has served as judge since 1995, and the Village of Belmont, where Margie Masbruch has been the judge since 1995 are abolishing their courts as of May 1, 1999 so there will be no election.

#### **Seminars**

The first seminar of the year, the Trial Seminar, will be held March 25 & 26 at the Pioneer Inn in The seminar announcement and registration form were mailed in early January and are at www.courts.state.wi.us.

The 1999-2001 seminar calendar is included with this newsletter and is also on the website. As always, we will send seminar registration materials out approximately 3 months before each of the seminars.

Remember: Seminar rooms are kept cool. Make sure you bring a sweater or light jacket, or wear layered clothing.

In 1998 we did away with the formal group lunch at most of our seminars and served a box lunch instead. This enabled us to deliver the required number of hours of education but still end the seminar by 2:00 or 2:30 p.m. It was a great success and will be continued through 1999 where possible.

## **Judge Questionnaire**

In the late fall of 1998, we sent out a questionnaire to all municipal judges. Approximately ½ of the questionnaires have been returned.

Since we have a new database program, it is important that the information we put in is correct. Another copy of the questionnaire (slightly revised) is enclosed with this newsletter. If you have not yet filled it out, please do so and send it in. If you have already filled out a questionnaire, would you please 1) update the case numbers for 1998 and 2) Fill out the new "Court Income" line and e-mail (Ronni.Jones@courts.state.wi.us) or fax (608) 261-6650 just the new information to the office.

### **DOT Request**

The DOT has asked that we print the following reminders:

Forward adjudicated citations to DOT within 5 working days from date of conviction.

When you are completing court dispositions, use felt tip pen.

Do not use staples on citations.

Use Field 53 (Not Field 52) for your adjudicating court code.

Before mailing citations, please make sure the adjudication date and adjudication are correct.

All court entries should be on the back side of the citation.

A conviction of §343.05(3), OWL, goes on the record as a minor offense with 3 points, regardless of whether it is the first or subsequent offense.

Unnecessary acceleration, doughnuts, exhibition of power and squealing tires are  $\underline{4}$  point violations, whether written on a UTC or a municipal citation.

Point assessments are statutory, based on the charge. You may not change the points, except by changing the charge.

When amending speed, use a single MPH figure, not a range.

If you have any questions on reporting dispositions, please call DOT's Citation Unit at 608/267-4591

Any suggestions you have on improving the process are welcome. Please put them in writing and mail to:

Valerie Elmer Wis DOT, Driver Services P.O. Box 7995 Madison, WI 53707-7995

# **Crime Prevention Organizations**

State v. Bizzle, 97-2616-CR published in December 1998, is an Appellate Court Decision dealing with "What is a Crime Prevention Organization". The decision was denied a petition for review by the Supreme Court.

Therefore, the Court of Appeals decision is the law in Wisconsin. In part, that decision reads "To define 'crime prevention organization' to include law enforcement agencies would lead to absurd results. By ordering a defendant to make a contribution to a 'crime prevention organization,' a court could order a defendant to repay internal operating expenses of a police department . . . and circumvent judicial interpretation of the applicable statutes and subsequent legislative acquiescence to that interpretation. Because we are required to avoid statutory constructions which lead to an absurd or unreasonable result. . ., we reverse that portion of the judgment that orders Bizzle to make a contribution to the Racine Police Department Street Crimes Unit pursuant to §973.06(1)(f), Stats.

#### **Practice Pointer**

When you take a plea on an OWI, ask the defendant if s/he has ever been convicted before, and if s/he has a pending OWI case. If pending, ask where. This will prevent a defendant from getting two OWI first offenses. A second OWI within 10 years (offense to offense date) is criminal.

### **Seminar Schedule**

March 25 & 26 -- Trial Seminar
May 6 & 7 -- MJ Institute
July 15 & 16 -- Special Topic
Sept. 16 & 17 -- Clerk Seminar
Oct. 14 & 15 -- Traffic Seminar
Nov. 4 & 5 -- Humanities Seminar (limited enrollment)

#### **Questions Asked**

- Q. How much can I chage as a commitment fee?
- A. There is no authority for imposing a commitment fee. A warrant fee, payable to the entity that provides the service, may be charged.
- Q. Do you have to be a resident of the town/village/city in which the court is held to be the judge?
- A. Yes, BUT, if the court is a joint municipal court, you may be a resident of ANY ONE of the municipalities that is a member of the court.

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- Q. Where does it say we can't handle adult drug paraphernalia?
- A. Short answer: Read the excellent letter by the Hon. Ronald Ziwisky that is Appendix 22 of the Judges Manual. Longer Answer: 66.051 permits municipalities to enact ordinances that miriror criminal charges that are listed. Adult drug paraphernalia under Ch 961 is NOT listed. In addition, 961.577 only says that nothing in Ch 961 limits the authority of municipalities to have ordinances covering JUVENILE drug paraphernalia offenses. It is silent as to adults. These combine to eliminate adult drug paraphernalia cases from our jurisdiction.
- Q. If the defendant gets an OWI ticket and a speeding ticket, and asks for a jury trial on the OWI, do both tickets go?
- A. No. The speeding ticket stays in municipal court.
- Q. Can a municipal court hear the refusal on a first offense drunk driving case?
- A. No. However, legislation has been proposed by the Municipal Judges Association that would change this.

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