

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 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 charge 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.

Q. Where does it say we can't handle adult drug paraphernalia?

A. Short answer: Read the excellent letter by the Hon. Ronald Ziwicki that is Appendix 22 of the Judges Manual. Longer Answer: 66.051 permits municipalities to enact ordinances that mirror 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.