
N E W S

L E T T E R

Muni View

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Coordinator's Corner

We are just half way into our 2000-2001 seminar year, so this *Muni View* accompanies your credit notice. As you recall, the credit year runs from May 1 to May 1. Therefore, if you have not earned your credits for this year, you have the September Trial seminar and the March Special Topic seminar from which to choose.

The Municipal Court Directory was mailed last month. If you have not received your copy, please call the office.

Because August 1 is the implementation date for several DOT Wis. Act 84 changes, there are two articles in this newsletter dealing with them. You should also be receiving mailings from the DOT regarding these changes. If you are not, call the DOT.

Public Records

According to the Lawyers Legislative Action Network of the State Bar, Attorney General Jim Doyle issued an advisory letter to public records custodians throughout the state advising them not to charge excessive or inappropriate fees when responding to requests for public records.

“The purpose of the public records law is to provide the public with reasonable access to public records at reasonable costs. A governmental body’s record keeping policies should not be used to frustrate public access to public records.”

Contact Jenny Boese at 1-800-444-9404, ext. 6045 or email her at jboese@wisbar.org if you would like to obtain a copy of the letter.

Bond for OAS/OAR

Below is the Uniform Bond Committee’s recommended bond and bail amounts for the changes to become effective August 1, 2000. These amounts are subject to the approval of the Judicial Conference which meets in October and the Supreme Court. However, law enforcement officers are being told to contact their local courts for bond amounts that should be used on or after August 1, 2000. These proposed amounts are being distributed for your information and possible use between August 1 and the final approval of the bond schedule.

343.44(1)(a) – OAS

(\$50 – 200; 0 – 6 mo. suspension; 6 mo. revocation on 4th conviction) \$50 deposit

plus costs and assessments

343.44(1)(b) – First offense OAR

(\$0 - \$600; 0 – 6 mo. suspension)

\$150 deposit plus costs and assessments.

Resignations/New Judges

James Eick, Village of Mosinee resigned as of the end of June. He will be moving to Texas. Appointed to replace him is **Tom Mielke**.

New Courts

The City of Brillion, in Calumet County, created a municipal court in June 2000. **Jeffrey Plitt** has been appointed judge.

The Village of Bonduel, in Shawano County, is creating a municipal court. No judge has been appointed as yet.

Joint Courts

1999 Wis. Act 182 has **changed the procedure for filing** for judges who are in Joint Municipal Courts.

The Act provides that the judge is to file with the County Clerk or Board of Election Commissioners of the County having the largest portion of the population served by the judge.

In most cases, the joint/multiple courts are in one county so there is no issue. There, filing is with that county clerk or

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board. Where the joint court is in more than one county, use the above rule.

This means, joint municipal court judges no longer have to file with the State Elections Board.

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FROM THE DOT

August 1 Effective Date for Key Portions of New OWS/OAR Law

Suspension Versus Revocation.

Under the law going into effect August 1, persons driving while suspended will be guilty of a civil forfeiture. Persons driving while revoked may be subject to criminal penalties. After May 1, 2002, all persons driving while revoked will face criminal penalties.

OPERATING WHILE SUSPENDED 343.44(1)(a), Stats.

Section 343.44(1)(a), the **Operating While Suspended** paragraph of the new law, prohibits:

1. Driving while suspended, OR
2. Driving in violation of a restriction on an occupational license issued to a suspended driver.

Scienter is removed as an element in OWS cases. All OWS offenses result in a straightforward forfeiture of not less than \$50 nor more than \$200.

In addition, 1. On 1st, 2nd and 3rd offense OWS in a 5 year period, courts have the option of **suspending** the driver's operating privilege for additional time. 2. On 4th offense, the court **must revoke** the driver's operating privilege for 6 months. A shorter revocation may be ordered **if** the court places the reasons for ordering a shorter period on the record. If the court forgets to enter an order, DOT is required to impose the 6 month revocation by default.

OPERATING AFTER REVOCATION 343.44(10)(b), Stats.

Section 343.44(1)(b), the **Operating After Revocation** paragraph of the new law, prohibits:

1. Driving while revoked, OR
2. Driving in violation of a restriction on an occupational license issued to a revoked driver.

Because OARs will eventually all be criminal offenses, scienter remains as an element of the offense.

The general scheme of 1997 Wis. Act 84 was to make OWS offenses all civil forfeitures and OAR offenses all criminal offenses. However, until May 1, 2002, 1st offense OAR is a civil offense with a maximum forfeiture of \$600. Second and subsequent offense OAR (and 1st offense after 5/1/2002), are criminal offenses.

Suspensions and Revocations Last Until Reinstatement

New s. 343.44(1g) provides that suspensions or revocations remain in effect until a person reinstates his or her operating privilege. Thus, officers can rely on the driver record status line to know whether to issue an OWS or OAR citation. The analysis under the new law is straightforward:

1. If the driver is suspended, the citation will be for operating while suspended.
2. If the driver is revoked with no prior OAR convictions OAR (OWS convictions don't count) in the preceding 5 years, the citation will be a civil citation for 1st offense OAR.
3. If the driver is revoked and has one or more prior OAR convictions on his record within the preceding 5 year period, a criminal complaint will be needed.

For questions, contact the **Bureau of Driver Services** directly at (608) 267-1854, or e-mail at cnr.dmv@dot.state.wi.us
