

State of Wisconsin



2005 Assembly Bill 89

Date of enactment: **March 23, 2006**

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2005 WISCONSIN ACT 190

AN ACT *to amend* 938.17 (2) (a) 1. and 938.17 (2) (a) 3. (intro.); and *to create* 938.17 (2) (a) 1m. of the statutes; **relating to:** exclusive municipal court jurisdiction in proceedings against juveniles 12 years of age or over, but under 16 years of age, for municipal traffic ordinance violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 938.17 (2) (a) 1. of the statutes is amended to read:

938.17 (2) (a) 1. Except as provided in subd. 1m. and sub. (1), municipal courts have concurrent jurisdiction with the court assigned to exercise jurisdiction under this chapter and ch. 48 in proceedings against juveniles aged ~~12 or older~~ 12 years of age or over for violations of county, town, or other municipal ordinances. If evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed or were not required to be completed as provided in s. 118.16 (5m), the municipal court specified in subd. 2. may exercise jurisdiction in proceedings against a juvenile for a violation of an ordinance enacted under s. 118.163 (2) regardless of the juvenile's age and regardless of whether the court assigned to exercise jurisdiction under this chapter and ch. 48 has jurisdiction under s. 938.13 (6).

SECTION 2. 938.17 (2) (a) 1m. of the statutes is created to read:

938.17 (2) (a) 1m. Except as provided in sub. (1), municipal courts have exclusive jurisdiction in proceedings against juveniles 12 years of age or over for violations of municipal ordinances enacted under ch. 349 that

are in conformity with chs. 341 to 349. When a juvenile 12 years of age or over is alleged to have violated a municipal ordinance enacted under ch. 349 that is in conformity with chs. 341 to 349, the juvenile may be issued a citation directing the juvenile to appear in municipal court or make a deposit or stipulation and deposit in lieu of appearance or, if there is no municipal court in the municipality that enacted the ordinance, the juvenile may be issued a citation or referred to intake as provided in par. (b). If a municipal court finds that a juvenile has violated a municipal ordinance enacted under ch. 349 that is in conformity with chs. 341 to 349, the court shall enter any of the dispositional orders permitted under s. 938.343 that are authorized under sub. (2) (cm).

SECTION 3. 938.17 (2) (a) 3. (intro.) of the statutes is amended to read:

938.17 (2) (a) 3. (intro.) ~~When~~ Except as provided in subd. 1m., when a juvenile is alleged to have violated a municipal ordinance, the juvenile may be:

SECTION 4. Initial applicability.

(1) JURISDICTION OVER JUVENILE MUNICIPAL TRAFFIC ORDINANCE VIOLATIONS. This act first applies to a violation of a municipal ordinance enacted under chapter 349 of the statutes that is in conformity with chapters 341 to 349 of the statutes committed on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].