

Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Testimony for AB 22

March 28, 2013

Chairman Ott and committee members. It is not too often that you have a very short bill but with profound impact for local governments. I bring this bill forward primarily because it gives municipalities using a municipal court the ability to manage their budgets by placing the financial burden on those committing violations to pay for the services they create.

The purpose of AB 22 is to raise the permissible fee threshold for municipal court offenders by \$10 to help offset the costs the court incurs. This bill would increase the maximum filing fee in a municipal court action from \$28 to \$38 when the court finds that the party has violated an ordinance. Of that fee, \$5 is forwarded to the Department of Administration and the municipality retains the balance. The fiscal estimate of this bill is a potential impact of \$4.5 million of increased revenue for operation of the state's 245 municipal courts.

The current fee has been in place since 2005. No recent increases in this fee has made the municipal courts more reliant on the general fund of the parent municipalities. This has been complicated further by property tax caps on municipalities. Municipalities are forced into a decision of budget cuts or possible elimination of the court.

This proposal will transfer more of the burden of funding the municipal court on the perpetrators/offenders and not the taxpayers in general.

Each municipality would still reserve the right to keep their fees the same or increase them. This bill simply allows municipalities to increase them and doesn't mandate that they will. I have heard from numerous judges that the fee does not come close to covering the costs of each case. I am confident that the municipal judges that are here today will also provide other detailed examples of the need for this permissible fee increase.

Even with this proposed allowable increase, the costs for a case in municipal court would still be significantly lower than the costs for a case that might be sent to circuit court. For example even with the proposed \$10 court cost increase an average speeding ticket would be \$98.80 in municipal court and \$160.80 or higher in circuit court.

Municipal courts free the circuit courts from caseloads that are best served at the municipal level. For example, municipal courts handle most of the juvenile cases involving truancy, retail theft, disorderly conduct, damage to property, underage possession and consumption of alcohol, and many other juvenile violations. Circuit courts need to devote their time and resources to repeat and more serious offenses. Without municipal courts many violations would not be addressed. If those cases are ignored or not adequately addressed by the legal system, it often leads to more serious crimes down the road.

A few individuals have expressed to me a concern that a fee increase is being considered which often falls upon those who cannot pay. 2009 WI Act 17 requires that indigent defendants have the opportunity to arrange for an installment plan for the payment of any court judgments or fees to ensure that they do not face driver's license revocation or imprisonment for the failure to pay.

Serving the City of Fond du Lac and the Communities of North Fond du Lac, Eldorado, Taycheedah and Friendship

Wisconsin Municipal Judges Association

Honorable Scott R. Letteney, President

N3496 Como Road
Lake Geneva, Wisconsin 5317

March 28, 2013

Wisconsin Assembly
Committee on Judiciary

Re: Assembly Bill 22

Chairman Ott, Vice Chairman Jacque, and Committee Members,

Thank you for the opportunity for the Wisconsin Municipal Judges Association to address the Committee. I apologize that my schedule does not permit me to appear before you in person. The Wisconsin Municipal Judges Association supports Assembly Bill 22 and respectfully requests that you pass the bill.

As you are aware, there are approximately 250 municipal courts in the State of Wisconsin. Municipal courts conduct a significant part of the work of the judiciary throughout Wisconsin from Burnette County to Kenosha County and from Marinette County to Iowa County. Whether operating in urban, suburban, or rural settings, Wisconsin's dedicated municipal judges daily attend to the interests of justice both to the municipalities they serve and to the defendants appearing before them. As with all functions of municipal government, there is a cost to operating a municipal court. The municipal court fee structure now existing does not adequately meet those costs.

The pressure for municipalities to control expenditures is great, and the pressure to control spending attributable to municipal levies is substantial. Proposed Assembly Bill 22 presents an opportunity to move more of the cost of municipal court operations off the levy. An increase in the costs imposed upon defendants who are convicted of offenses in municipal courts will facilitate that shift. The municipal court fee structure currently in place does not cover the costs incurred for each case by municipal courts. Consequently taxpayers, not defendants, are paying the resulting shortfall. The proposed increase of \$10 per case will close that gap and relieve the taxpayers of funding what is rightfully the defendants' obligation.

An important part of this proposed legislation is that each individual municipal government has the option of increasing municipal court fees for its municipality. Therefore, each municipality can determine whether increasing fees is appropriate.

Again, on behalf of the members of the Wisconsin Municipal Judges Association, I ask that you pass this important legislation. Thank you for your service and attention to this matter.

Sincerely,

/s/

Scott R. Letteney
Municipal Judge, Town of Geneva
President, Wisconsin Municipal Judges Association