



Legislation Text

File #: 31958, Version: 1

Fiscal Note

It is anticipated that the State will increase the allowed court cost from \$28 to \$38 in 2013. Additional revenue in 2013 is expected to be minimal. All revenue from court costs is deposited to the Municipal Court account Court Costs (GN01-75140-390000). The estimated increased revenue for 2014 from this change is \$240,000 and is included in the 2014 Executive Operating Budget as amended by the Board of Estimates.

Title

Amending Sections 1.08(2), (3)(c) and (3)(d) of the Madison General Ordinances to allow for an increase in Municipal Court costs, consistent with any changes in State Statute, and clarify that payments made by the public are made payable to the Madison Municipal Court.

Body

DRAFTER'S ANALYSIS: These amendments ensure that Citations issued for ordinance violations are done so in accordance with State Statute, allow for an increase in Municipal Court Costs when State Statute permits an increase, and clarifies that the public is to make payments to the Madison Municipal Court.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (2) entitled "The Citation" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended to read as follows:

"(2) The Citation.

(a) ~~The citation shall contain substantially the following information:~~

- ~~1. The name, address and date of birth of the alleged violator.~~
- ~~2. The name and department of the issuing officer.~~
- ~~3. Factual allegations describing the alleged violation, including the time and place of occurrence and a statement that the defendant committed the violation.~~
- ~~4. The section of the ordinance violated.~~
- ~~5. A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.~~
- ~~6. The date, time and place at which the alleged violator may appear in court.~~
- ~~7. Notice that the defendant may, prior to the court appearance, enter a plea of not guilty by mail and may within ten (10) days after entry of the plea request a jury trial.~~
- ~~8. A statement which in essence informs the alleged violator:

 - ~~a. That a cash deposit based on the schedule established by this ordinance including the costs and fees set forth in c. below may be made which shall be delivered or mailed to the Madison Municipal Court prior to the time of the scheduled court appearance.~~
 - ~~b. That if a cash deposit is made, the defendant may obtain release if an arrest has been made and that no appearance in court is necessary unless subsequently summoned.~~
 - ~~c. That if a cash deposit is made and the alleged violator does not appear in court, the nonappearance will be deemed a plea of no contest for which a forfeiture, a penalty assessment imposed by Sec. 165.87, Wis. Stats., a jail assessment imposed by Sec. 302.46(1), Wis. Stats., and court costs imposed by Sec. 814.65, Wis. Stats., not to exceed the amount of the deposit is submitted, or, if the court does not accept the plea of no contest, a summons will be issued for~~~~

- ~~the alleged violator to appear in court to answer the complaint.~~
- d. ~~That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.~~
9. ~~A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subparagraph 7 above has been read. Such statement shall be sent or brought with the cash deposit.~~
- (b) ~~The form of the citation shall be uniform and used by all law enforcement officers and other City officials.~~

The citation shall be in compliance with Wis. Stat. § 800.02.

2. Subdivision (c) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended to read as follows:

"(c) In addition to the appropriate cash deposit amount as established above, all citations issued under this ordinance shall further specify and include as part of the deposit any penalty assessment that would be applicable under Wis. Stat. § 757.05, any jail assessment that would be applicable under Wis. Stat. § 302.46(1), any crime labs and drug law enforcement assessment that would be applicable under Wis. Stat. § 165.755, any consumer information assessment that would be applicable under Wis. Stat. § 100.261, any domestic abuse assessment that would be applicable under Wis. Stat. § 973.055(1), and court costs of \$28 imposed by Wis. Stat. § 814.65. In the event that the State amends Wis. Stat. § 814.65, to mandate a specific dollar amount for court costs other than \$28, this subsection shall be automatically amended so that the phrase "of \$28" is deleted, and the amount allow for increased court costs, the maximum amount allowable by the amendment enacted by the State shall take effect upon passage of the State's amendment, without further action by the Common Council."

3. Subdivision (d) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended to read as follows:

"(d) Deposits shall be paid ~~in cash, money order or certified check~~ to the ~~City Treasurer~~ Madison Municipal Court who shall provide a receipt therefore."