



CITY OF WAUKESHA

Administration

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| Committee: Ordinance and License Committee | Date: 6/11/2018 |
| Common Council Item Number: Click here to enter text. | Date: Click here to enter a date. |
| Submitted By: Assistant City Attorney Anne M. Iselin | City Administrator Approval: Kevin Lahner, City Administrator KL |
| Finance Department Review: Rich Abbott, Finance Director RA | City Attorney's Office Review: Brian Running, City Attorney BER |
| Subject: Review and act on proposed amendments to Waukesha Municipal Ordinance 11.01(4), 11.01(5) and 11.01(9) – (11). | |

Details:
 The proposed amendments of Waukesha Municipal Ordinance 11.01 concern penalties for juvenile offenders in Municipal Court and brings those penalties in line with state law. Wis.Stat.§938.343(2) allows a Municipal Court to impose greater forfeitures than are now allowed by the City's current ordinance.

The current ordinance only allows juveniles to be assessed a forfeiture not less than \$10.00 nor more than \$25.00 plus court costs. Court costs on a \$25.00 forfeiture would bring the total to \$92.50 for a civil ordinance violation. However, Wis.Stat.§ 938.343(2) now allows a court to impose a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult committing the same violation (for example a Disorderly Conduct forfeiture is now set at \$200.00 plus costs for a total amount of \$313.00).

Where, however, the violation is only applicable to a person under the age of 18 (such as in cases of Curfew or Tobacco violations), the statute requires the forfeiture to be set at \$50.00 which is still greater than the current ordinance authorizes. By approving the proposed amendments, the Council would be complying with Wisconsin State law.

Options & Alternatives:
 The Council may set a specific forfeiture amount for those violations committed by juveniles which may also be committed by adults (i.e. Disorderly Conduct, Resisting/Obstructing, Retail Theft, etc.). However, such forfeiture amount may not exceed the maximum forfeiture imposed on an adult committing the same violation.

In cases where the violation is only applicable to a person under the age of 18 (i.e. Curfew, Tobacco, Possession of a Dangerous Weapon by a Child, etc.) the state mandates the forfeiture be set at \$50.00. There is, therefore, no alternative but approval of the increased forfeitures concerning such violations.



Financial Remarks: It is difficult to determine what fines will be assessed and estimating those at this point will be difficult. Revenues are evaluated on an annual basis within the Municipal Court fine and forfeiture area. However, with the recent change in Municipal Court Judge we are unable to predict if or when the Court will exercise its discretion to impose the maximum forfeiture allowed. Presumably the amendment will increase the City's revenue in juvenile matters.

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Executive Recommendation:

Recommend approval of the proposed amendments to Waukesha Municipal Ordinance Sec. 11.01, Public Offenses.