

Wisconsin Justice Initiative



May 30, 2019

The Wisconsin Justice Initiative opposes AB 15.

Although its intent to hold first-time drunk drivers accountable is noble, the bill would impose harsher penalties for failure to appear for first offenders than are levied on those who miss court dates in second-offense (or greater) OWI criminal cases.

Second, it ignores the realities of municipal courts. Some meet fairly rarely, sometimes twice a month or once a week. Regularly adding 5, 10, 15 or more cases to the dockets could overwhelm the courts or require them to spend more on staffing and security.

The limited municipal court calendars also make it much more challenging for defendants to appear in court. Trouble obtaining childcare or transportation could make it very difficult for a defendant to make the required court appearance.

And why \$300? The surcharge amount appears arbitrary. It is certainly regressive, hitting hardest the people least able to pay it.

WJI also is concerned with the lack of due process attached to the levying of the surcharge. How would defendants appeal in case of a last-minute emergency or an unavoidable delay that makes them miss their court date? Or are they out of luck?

If defendants appeal their OWI cases and win, would they get refunds of the surcharges? Who would keep track of payments, non-payments and refunds, and what entity would be responsible for processing any refund – the municipality or the county that ultimately benefits?

Finally, it is troubling that a proposed amendment to the bill would have the surcharge go to counties. Municipalities would incur the costs of longer and perhaps additional municipal court sessions. They likely would be responsible for pursuing and collecting the surcharges. Yet they would not receive funding to cover those costs.

Thank you,

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