

Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Testimony on Assembly Bill 52

Mr. Chairman, members of the committee, thank you for having a hearing today to share with you this relatively simple bill providing for a minor modification in circuit court operation for moving traffic violations.

Last session this bill (SB 406/AB 377) was bogged down in the final weeks after the Assembly amended the Senate bill on the floor, and the Senate failed to concur in the amendment. This year's bill does not include the amendment that was added last session so that it can once again obtain the unanimous support it received in committee and in both chambers.

When a circuit judge holds court for traffic citations, they may have dozens and dozens of cases before them on a single date. The people showing up for their court date have likely taken measures inconveniencing their day such as getting babysitters, taking off from work, etc. They are largely uninterested in extending their stay in court or seeking an additional date. Most of them simply want to plead no contest, or perhaps have a few points reduced and go on their way. While trying to move through this caseload efficiently as many people cycle in and out of the courtroom, on a rare occasion a step may be mistakenly overlooked by a judge.

It is in this context that I bring forward this bill to you today.

A defendant who appears in court for a moving traffic violation has the opportunity to request a “continuance,” or postponement. This means that a future date would be set where potentially a trial could be held. Even though this right to a continuance is written on citations, it is also currently statutorily required to verbally be stated by the judge.

This bill proposes to accomplish two small changes. First, it eliminates the outdated procedure of an immediate trial for a person appearing in circuit court in response to a moving traffic citation. No modern court is prepared to hold immediate trials and they do not occur. Second, it eliminates the verbal mandate by judges of the option for a continuance for traffic court violations in circuit court.

Why eliminate the verbal mandate? Under the bill, if they choose, judges would be allowed to continue to give the verbal notice of the right to a continuance. Unfortunately, if a judge in the midst of many cases neglects to repeat the statutorily mandated “magic words” regarding a continuance, defense attorneys have used this as a technicality to reopen cases or get extensions for late requests for jury trials.

Judge Peter Grimm, the senior judge in Fond du Lac County, will be testifying that he knows of judges that have been tripped up by this technicality, causing justice to not be properly served. This issue has gone all the way to the Wisconsin Supreme Court, and the statutory language has been interpreted as written, which no longer makes sense since no trials are held for moving citations on the first day in traffic court.

I ask for your support and trust that you will agree with me that this bill will provide for an appropriate update to our statutes.

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Van H. Wanggaard

Wisconsin State Senator

Testimony on Assembly Bill 52

Thank you Mr. Chairman and Committee Members for the hearing today on Assembly Bill 52.

This is a very short, very simple bill. The bill eliminates an outdated procedure for traffic citations.

Under current law, a person who is in court on a traffic citation may request an immediate trial. In addition, a judge must verbally inform the defendant of their option of a continuance. Failure to comply with the request of an immediate trial or failing to verbally inform the defendant of the option of a continuance can lead to a citation being dismissed.

This poses two problems.

1 – Very few prosecutors or judges are prepared for a trial at the initial court appearance making it difficult to find a person guilty of the offense.

2 – Citations shouldn't be thrown out because a judge forgot to say something. Especially something so minor.

I remember in my early days as a traffic officer spending days in court just in case there happened to be a trial for one of the citations I wrote. Sometime along the way, we stopped doing this because it is was unproductive. This process took officers off the street, and away from their normal duties. And this does not account for the preparation required for being prepared to testify of potentially dozens of citations on the same day.

This bill removes an outdated and mostly unused procedure from circuit, or county, courts. It removes the demand for an immediate trial for a moving violation, and removes the need to verbally tell a defendant they are allowed a continuance. That is all. Please help us eliminate this unnecessary law again, and let's put this on the Governor's desk.

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