



Dane County

Minutes - Final Unless Amended by Committee

Public Protection & Judiciary Committee-Fines & Fees Subcommittee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Wednesday, December 9, 2020

12:00 PM

Virtual Zoom Meeting: See top of agenda for
instructions on how to join the webinar or call in by
phone.

A. Call To Order

Meeting called to order at 12:01 p.m.

Others present: C. Pabellon and S. Stavn.

Present: 9 - CATHERINE DORL, WESLEY SPARKMAN, JOSEPH BARING, CARLO ESQUEDA, SARAH DAVIS, ERICA NELSON, CAROUSEL BAYRD, HEIDI WEGLEITNER and LINDA KETCHAM

Excused: 1 - NICHOLAS McNAMARA

Absent: 4 - ISMAEL OZANNE, DAVID MAHONEY, ARVINA MARTIN and DOMINIQUE CHRISTIAN

B. Consideration of Minutes

1. [2020 MIN-339](#) FINES AND FEES SUBCOMMITTEE MINUTES OF NOVEMBER 11, 2020

Attachments: [2020 MIN-339 11-11-2020](#)

A motion was made by KETCHAM, seconded by SPARKMAN, that the Minutes be approved. The motion carried by the following vote: 9-0

Ayes: 9 - DORL, SPARKMAN, BARING, ESQUEDA, DAVIS, NELSON, BAYRD, WEGLEITNER and KETCHAM

Excused: 1 - McNAMARA

Absent: 4 - OZANNE, MAHONEY, MARTIN and CHRISTIAN

(Judge McNamara arrived at 12:08 p.m.)

Present: 10 - JOSEPH BARING, CAROUSEL BAYRD, CARLO ESQUEDA, CATHERINE DORL, LINDA KETCHAM, NICHOLAS McNAMARA, WESLEY SPARKMAN, SARAH DAVIS, HEIDI WEGLEITNER and ERICA NELSON

Absent: 4 - DOMINIQUE CHRISTIAN, DAVID MAHONEY, ARVINA MARTIN and ISMAEL OZANNE

(DA Ozanne arrived at 12:11 p.m.)

- Present:** 11 - JOSEPH BARING, CAROUSEL BAYRD, CARLO ESQUEDA, CATHERINE DORL, LINDA KETCHAM, NICHOLAS McNAMARA, ISMAEL OZANNE, WESLEY SPARKMAN, SARAH DAVIS, HEIDI WEGLEITNER and ERICA NELSON
- Absent:** 3 - DOMINIQUE CHRISTIAN, DAVID MAHONEY and ARVINA MARTIN

C. Reports to Committee

Clerk Esqueda presented on the Clerk's fees. A copy of his presentation is attached to these minutes.

Dorl asked how individuals were made aware of the fees and the waiver process. Esqueda explained that the process was administrative and initiated by staff. Bayrd and Wegleitner asked follow up questions regarding the waiver, and Esqueda explained. Wegleitner asked that the court form (CV-410) be distributed to the subcommittee. Davis asked if interest accumulates on delinquent fines, and Esqueda explained how the collection process worked. Baring asked about the cost associated with the collection process, and Esqueda provided information about the new process costs. Sparkman asked who benefits from the interest on the fines and fees. Esqueda explained that the interest income ultimately is paid into the County. Davis asked whether DOR could present to the subcommittee, and Bayrd stated she would look into whether it would be possible.

Judge McNamara presented on the Court costs and fees. A copy of his presentation is attached to these minutes. Bayrd asked whether the court assessments are collected through the Clerk of Court's program, and Judge McNamara confirmed that it was. Sparkman asked whether it was true that the Judiciary could use its discretion to waive court costs and fees. Judge McNamara said a judge could exercise its discretion but it may be appealed. Sparkman asked whether Judge McNamara would agree that the exercise of this discretion could be discriminatory, and the Judge acknowledged it was. Dorl commented on the potential discriminatory nature of such discretion. Ozanne provided background on the creation of state fines and fees.

Wegleitner asked whether the number of fee petitions have fallen since the onset of the COVID-19 changes made to Court operations. Esqueda explained he did not track it but will do so. Wegleitner asked how notarizations take place, and Esqueda explained his staff can do so.

1. [2020 PRES-105](#) CLERK OF COURTS AND JUDGE MCNAMARA PRESENTATION OF WISCONSIN CIRCUIT COURT FEES, FORFEITURE, FINES AND SURCHARGE TABLES AS OF MARCH 4, 2019

Attachments: [2020 PRES-105 WI Circuit Court Fees](#)

[CoC Fees](#)

[CV-410A](#)

[Legal Financial Obligations Slides](#)

[Copy of Fines Costs Fees Calculator ver. 12.16.20](#)

D. Update on County Board Resolutions and Ordinances to Address Fines and Fees

Bayrd explained she and Wegleitner had moved ahead on resolutions to discontinue juvenile fines and fees, and an ordinance amendment to discontinue the deferred prosecution fees.

1. [2020 OA-042](#) AMENDING CHAPTER 62 OF THE DANE COUNTY CODE OF ORDINANCES, ELIMINATING DEFERRED PROSECUTION AND FIRST OFFENDER PROGRAM FEES

Attachments: [2020 OA-042](#)
[2020 OA-042 Fiscal Note](#)
[2020 OA-042 SIGNED COPY](#)

2. [2020 RES-267](#) DISCONTINUING JUVENILE JUSTICE FEES AND FINES

Attachments: [2020 RES-267](#)
[2020 RES-267 Fiscal Note](#)
[2020 RES-267 SIGNED COPY](#)

E. Future Meeting Items and Dates

Bayrd informed the Committee on future presentations. Sparkman asked whether a presenter could be found to provide the history behind fees.

F. Public Comment on Items not on the Agenda

None

G. Such Other Business as Allowed by Law

None

K. Adjourn

A motion was made by OZANNE, seconded by KETCHAM, that the meeting be adjourned. The motion carried by the following vote: 11-0

The committee adjourned at 1:09 p.m.

Respectfully submitted by Stephanie A. Stavn