



Waukesha County Criminal Justice Collaborating Council
Evidence-Based Decision Making Victim Rights Workgroup
Monday, October 24, 2016 @ 12:00 PM

Members Present:

Hon. Michael Aprahamian	Kathy Madden	Marla Bell
Jen Dunn	Kelsey Morin	Jay Laufenberg

Others Present:

State Rep. Rob Hutton	Legislative Asst. Phil Pratt	Sarah Spaeth
Rebecca Luczaj	Alison Ries	Carla Matz
Amy Rendall		

Dunn called the meeting to order at 12:11 p.m.

Approve Minutes from October 10, 2016 Meeting

MOTION: Aprahamian moved, second by Morin to approve the minutes of October 10, 2016. Motion carried unanimously.

Discuss Recommended Changes to 2015 Wisconsin Act 355 with State Rep. Rob Hutton

Discussion was held with Rep. Hutton regarding proposed clarifications and modifications to Act 355 that were identified by the workgroup. The following points were discussed:

1. The 15% administrative fee DOR takes prior to collecting restitution: The workgroup feels the Attorney General should issue an opinion stating that no fines/fees can take precedence over restitution.
2. The ability of offenders to pay other fines/fees prior to paying restitution when making online payments in CCAP: The workgroup is recommending creating an interface between state systems, assigning restitution to an individual rather than a case, and applying restitution payments to the oldest pending case first. Madden stated that legislation mandating systems to communicate with each other would be very time consuming and costly. Hutton questioned if online payments are mandated to be applied to restitution first, will it deter offenders from making any payment at all?
3. Act 355 states restitution debt can be certified to DOR after 30 days of delinquency. DOR will only accept it when it is 90 days past due: The workgroup feels the intentions of Act 355 should be followed, and there needs to be consistency using the 30-day delinquency rule.
4. Allowing Clerks of Court and DOC to certify restitution debt to DOR: The workgroup recommends that all Clerks of Court be required to certify all restitution to DOR. Responding to Hutton's question, Madden stated some Clerks of Court do not certify restitution debt to DOR because they may receive fees for collecting the debt themselves.
5. The collection of administrative fees by Clerks of Court and the DOR: The workgroup feels fees create a greater barrier for offenders and hinders complete payment of restitution. The workgroup recommends reviewing the administrative fees and circumstances for which they are assessed. Hutton reported this is currently something that is on the table and being discussed at the state level.
6. The collection of supervision fees by DOC once the offender is no longer on supervision, yet owes restitution: The workgroup recommends clarification indicating other fees may not be collected until restitution in any form (certified to DOR or as a civil judgment) has been satisfied.
7. The lapse of civil judgments after 10 years: The workgroup is proposing civil judgments for restitution have no expiration date.

8. Limitations of judges to extend supervision for non-payment due to the DOC good faith clause: The workgroup is recommending modification of language in Wisconsin Statute 973.09(3)(c). Aprahamian will propose suggested language.

Hutton stated re-evaluation of Act 355 is on the agenda for this year at the state. He stated that feedback on new legislation is always appreciated since different entities can identify things that legislators may have overlooked.

Discuss Agenda Items for Next Meeting

Review and prioritize recommended changes to Act 355.

Adjourn

The meeting adjourned at 1:12 p.m.

Next Meeting Date:

Monday, November 7, 2016