

**Agenda**  
Eau Claire County  
Committee on Judiciary and Law Enforcement  
Thursday, March 07, 2019 – 4:00 PM  
Courthouse – Room 1273

1. Call to Order
2. Public Comment
3. Approve Minutes from December 06, 2018 Meeting – discussion/action Page 2
4. Q3 2019 HR Metrics – discussion Page 7
5. TRY Mediation 4<sup>th</sup> Quarter Fiscal Update – discussion Page 15
6. Sheriff's Office Updates
  - a. Jail Population Update – discussion
7. File No. 18-19/097 Ordinance to Amend Section 9.96.010 B. and Create C of the Code: Page 23  
Purpose; to Amend Section 9.96.020 of the Code: Definitions; to Amend... - discussion/action
8. Set Future Meeting Date(s) – discussion/action
  - a. April 04, 2019 at 4:00 PM
9. Set Future Agenda Item(s) – discussion/action
  - a. Sheriff's Office
    - i. Protective Status Legislation
    - ii. ECCJ Population Update
    - iii. Fees and Service Charges for Inmates
  - b. Marijuana/THC Forfeiture
  - c. Homelessness/Affordable Transitional Housing
  - d. Weekend Court/Night Court Availability
10. Adjourn

Posted: 03/04/19

Copy: Committee Members  
Media

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**Minutes**  
Eau Claire County  
Committee on Judiciary and Law Enforcement  
Thursday, December 06, 2018 – 4:00 PM  
Courthouse – Room 1273

**Members Present:** Brandon Buchanan, Sue Miller, Sandra McKinney, Gerald Wilkie, and Stella Pagonis

**Others Present:** Sheriff Ron Cramer, Captain Dan Bresina, Lieutenant Dave Riewestahl, Jean Gay, Eric Huse, Sarah Ferber, Kim Cronk, Audrey Nelson

**Call to Order**

The meeting was called to order by Chairperson Sue Miller at 4:00 PM.

**Public Comment**

- Sarah Ferber made public comments regarding substance abuse, addiction, and rehabilitation in the context of jail population over-crowding. Ms. Ferber spoke out against jail expansion and offered suggestions on alternatives to incarceration and treatment.
- Kim Cronk made public comments regarding the proposed resolution 18-19/082. Spoke out against jail expansion.
- Audrey Nelson spoke out against jail expansion and in favor of expanding treatment options.
- The committee received a letter from former Judge William M. Gabler, Sr.

**Approve Minutes from November 01, 2018 Meeting**

Supervisor McKinney moved to approve the minutes from the November 01, 2018 meeting. The minutes were adopted as published in the meeting materials via a 5-0 voice vote.

**2018 3<sup>rd</sup> Quarter Fiscal Updates**

**Circuit Court**

Jean Gay was present to address the Circuit Court fiscal update. Within budget.

**Clerk of Courts**

Jean Gay was present to address the Clerk of Court fiscal update. Revenue is up due to the State Debt Collection program. Revenue will likely be up for the next two years due to this program but will plateau.

**Criminal Justice Collaborating Council**

Tiana Glenna was not available for the meeting, but submitted a 3<sup>rd</sup> Quarter update. Questions regarding CJCC budget will be forwarded Tiana Glenna at a later date.

**District Attorney**

Eric Huse was present to address the District Attorney fiscal update. Will likely come within budget.

**Register in Probate/Clerk of Juvenile Court**

Jean Gay was present to address to the Register in Probate/Clerk of Juvenile Court fiscal update. Right on target. Will come in under budget.

**Eau Claire County Sheriff's Office Updates**

- a. 3<sup>rd</sup> Quarter Fiscal Update
  - a. Captain Bresina gave the fiscal update. Doing everything they can to control budget. Overtime, out of county housing, and medical issues with inmates are areas of concern but overall within budget. Currently only one job vacancy in jail. Overtime is budgeted on a 3 year average. Looking at additional grant funding options.
- b. Jail Population Update
  - a. Lt. Riewestahl spoke about the current jail population. 220 secure inmates, 85% of capacity. High so far this month: 245 inmates which is 95% of capacity. 7 inmates are housed out of

county currently. \$160,000 YTD in out of county housing expenses but waiting on November/December invoices. Will push \$200,000 this year. \$214,000 saved/not spent by keeping secure inmates in Huber center. Social Worker recently began working with jail inmates who will be transitioning out of the jail and into the public.

**File No. 18-19/078 Resolution Urging Increase for State Public Defender Compensation Rate**

Supervisor Buchanan moved to adopt the resolution and present to the full County Board. **Approved** 5-0 voice vote.

**File No. 18-19/082 Resolution Directing CJCC to Complete Jail Population Study**

Vice-Chairperson Wilkie moved to adopt the resolution and present to the full County Board. **Approved** via 5-0 voice vote.

**Future Meeting Date**

The next committee meeting is scheduled for Thursday, January 03 at 4:00 PM.

**Future Agenda Items**

- Sheriff's Office
  - ECCJ Population Update
  - Protective Status Legislation
  - Fees and Service Charges for Inmates
- Marijuana/THC Forfeiture
- Homelessness/Affordable Transitional Housing
- Weekend Court/Night Court Availability

**Adjourn**

The meeting was adjourned by Chairperson Miller at 5:33 PM.

Respectfully Submitted:

Eric Huse  
Committee Clerk

4 - RESOLUTION URGING THE STATE OF WISCONSIN TO INCREASE COMPENSATION  
5 FOR DEFENSE  
6 COUNSEL ASSIGNED BY THE STATE PUBLIC DEFENDER -  
7

8 WHEREAS, both the United States Constitution and the Wisconsin State Constitution  
9 provide that persons accused of a crime have the right to counsel. In Wisconsin the Office of the  
10 State Public Defender, SPD, provides counsel to those persons meeting income eligibility guidelines  
11 for services. Where SPD is unable to provide representation, due to conflict or other reasons, the  
12 SPD appoints private attorneys to provide representation. Almost 40% of all SPD cases are  
13 appointed to private attorneys; and  
14

15 WHEREAS, the compensation rate for private bar appointed attorneys in Wisconsin has not  
16 been increased since 1995 and currently stands at \$40.00 per hour. It is the lowest in the nation,  
17 failing to even cover an appointed attorney's overhead costs. As a result, private attorneys are  
18 increasingly declining to accept SPD appointments, which is creating an increasing burden on the  
19 courts and Wisconsin Counties. Costs to counties are increasing as circuit court judges are being  
20 forced to appoint counsel at county expense and accused persons are being held in jail longer  
21 pending appointment of counsel. These delays also lead to inefficiency for courts and law  
22 enforcement agencies, and additional delay for obtaining justice for victims; and,  
23

24 WHEREAS, in May of 2018 the Wisconsin Supreme Court authorized an increase in the  
25 hourly rate from \$70.00/hr. to \$100.00/hr. for attorney's appointed by the county, this increase to go  
26 into effect on January 1, 2020; and,  
27

28 WHEREAS, the increase authorized to private attorneys, at county expense, may cost Eau  
29 Claire County approximately \$116,000 annually depending on case load, and complexity; and,  
30

31 WHEREAS, the disparity created between the two rates, SPD \$40.00/hr, County \$100.00/hr.,  
32 will cause private attorneys to refuse SPD cases, and  
33

34 WHEREAS, other counties in Wisconsin are passing resolutions similar to this one,  
35 including, Dunn, Barron, Burnett and La Crosse; and  
36

37 NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of  
38 Supervisors does hereby urge the State of Wisconsin to provide sufficient resources to the Office  
39 of the Public Defender to ensure the criminal justice system operates effectively and efficiently,  
40 including increasing the rate of reimbursement for private attorneys appointed by the Public  
41 Defender to a market rate that will ensure prompt appointment of counsel and that cases are  
42 handled in a timely and efficient manner, by at minimum, increasing the hourly rate paid to SPD  
43 appointed private attorney's to the same amount as those recently authorized by the Wisconsin  
44 Supreme Court.  
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1 BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the  
2 county clerk to forward this resolution to the governor, assembly members and senators representing  
3 Eau Claire County, the Wisconsin Bar Association, the Office of the Wisconsin Attorney General,  
4 the Office of the State Public Defender, the Wisconsin Supreme Court and the Wisconsin Counties  
5 Association.  
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\_\_\_\_\_  
Gene Malley  
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Donald DeLise  
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~~\_\_\_\_\_~~  
\_\_\_\_\_  
Sandra McKinney  
\_\_\_\_\_  
Steve Pagani  
Committee on Judiciary and Law

yk

Dated this 6<sup>th</sup> day of December, 2018.

ORDINANC/18-19/078

4 -DIRECTING THE CRIMINAL JUSTICE COLLABORATING COUNCIL TO DO A  
5 COMPREHENSIVE STUDY OF THE EAU CLAIRE COUNTY JAIL POPULATION AND  
6 PROVIDE A REPORT TO THE COUNTY BOARD ON OR BEFORE JUNE 2019  
7 ANALYZING THE INCREASE IN JAIL POPULATION AND RECOMMENDING THE  
8 BEST ALTERNATIVES -

9 WHEREAS, on September 13, 2006 the Eau Claire County Board of Supervisors adopted  
10 Resolution File No. 06-07/075 establishing an Eau Claire Criminal Justice Collaborating  
11 Council (CJCC) in order to provide a coordinated leadership necessary to establish and foster  
12 innovative, effective corrections programs for adult and juvenile offenders and to effectively  
13 qualify for state and federal grants to fund such programs; and,  
14

15 WHEREAS, the CJCC is uniquely qualified to analyze the reasons for and potential  
16 solutions to the increasing jail population based on its use of Evidence Based Decision Making  
17 (EDBM) and report its findings to the county board; and,  
18

19 WHEREAS, CJCC will evaluate changes in county demographics, State level EDBM  
20 efforts, process changes in prisoner classification and engage the Department of Corrections  
21 (DOC) in process discussions that impact the jail population.  
22

23 NOW THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors  
24 that the CJCC is directed to do a comprehensive analysis and review of the Eau Claire County  
25 jail population and provide a report to the county board on or before June 2019.  
26  
27  
28

29 \_\_\_\_\_  
30 *Sue Miller*  
31 \_\_\_\_\_  
32 *Donald Wilkie*  
33 \_\_\_\_\_  
34 *[Signature]*  
35 \_\_\_\_\_  
36 *Jarvis McKinney*  
37 \_\_\_\_\_  
38 *Steve Ryan*  
39 \_\_\_\_\_  
40 Committee on Judiciary and Law Enforcement

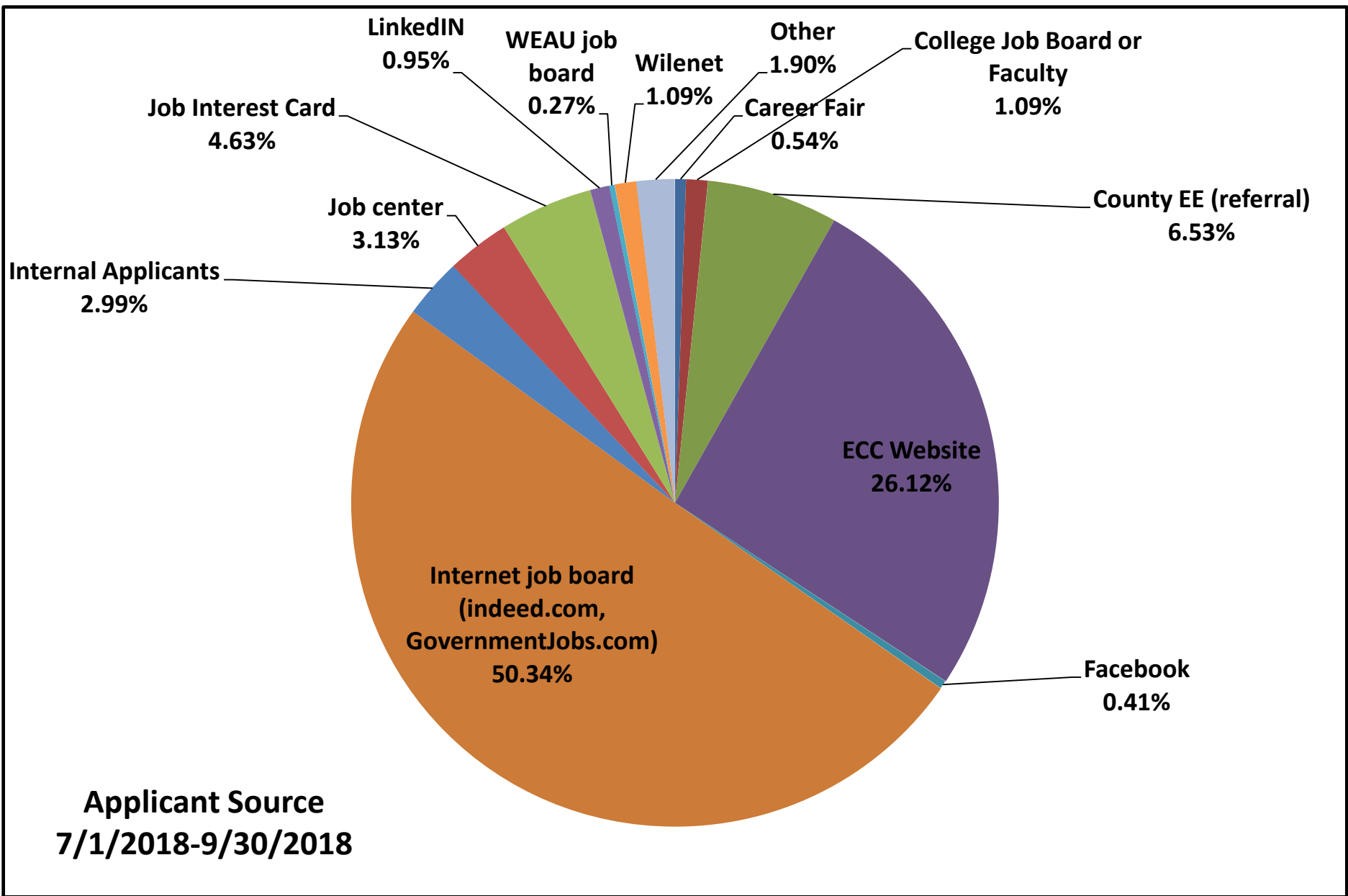
41 KRZ/yk

42 Dated this 6<sup>th</sup> day of December, 2018.

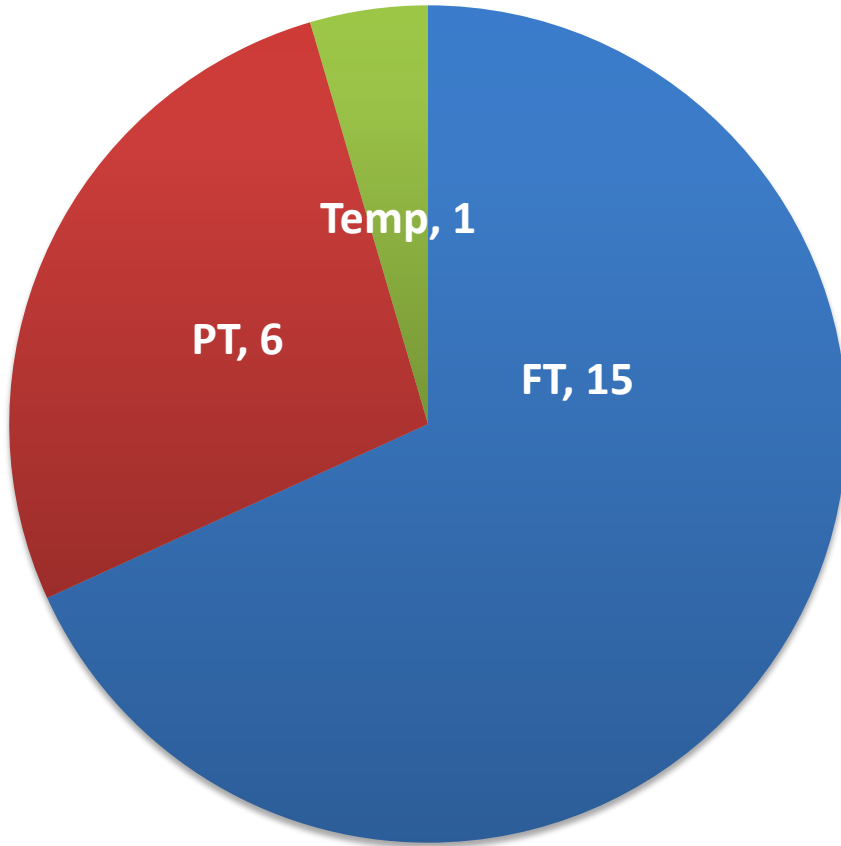
ORDINANC/18-19/082

# HR Metrics Q3 2018

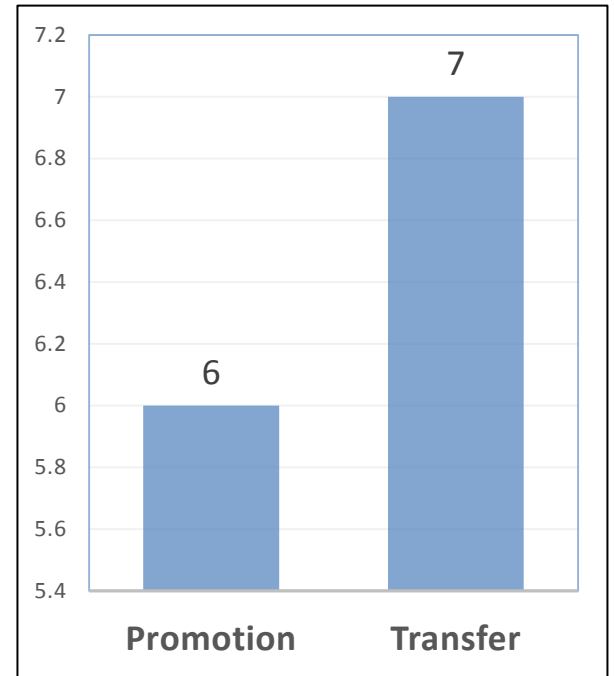
Committee on Human Resources  
December 14, 2018



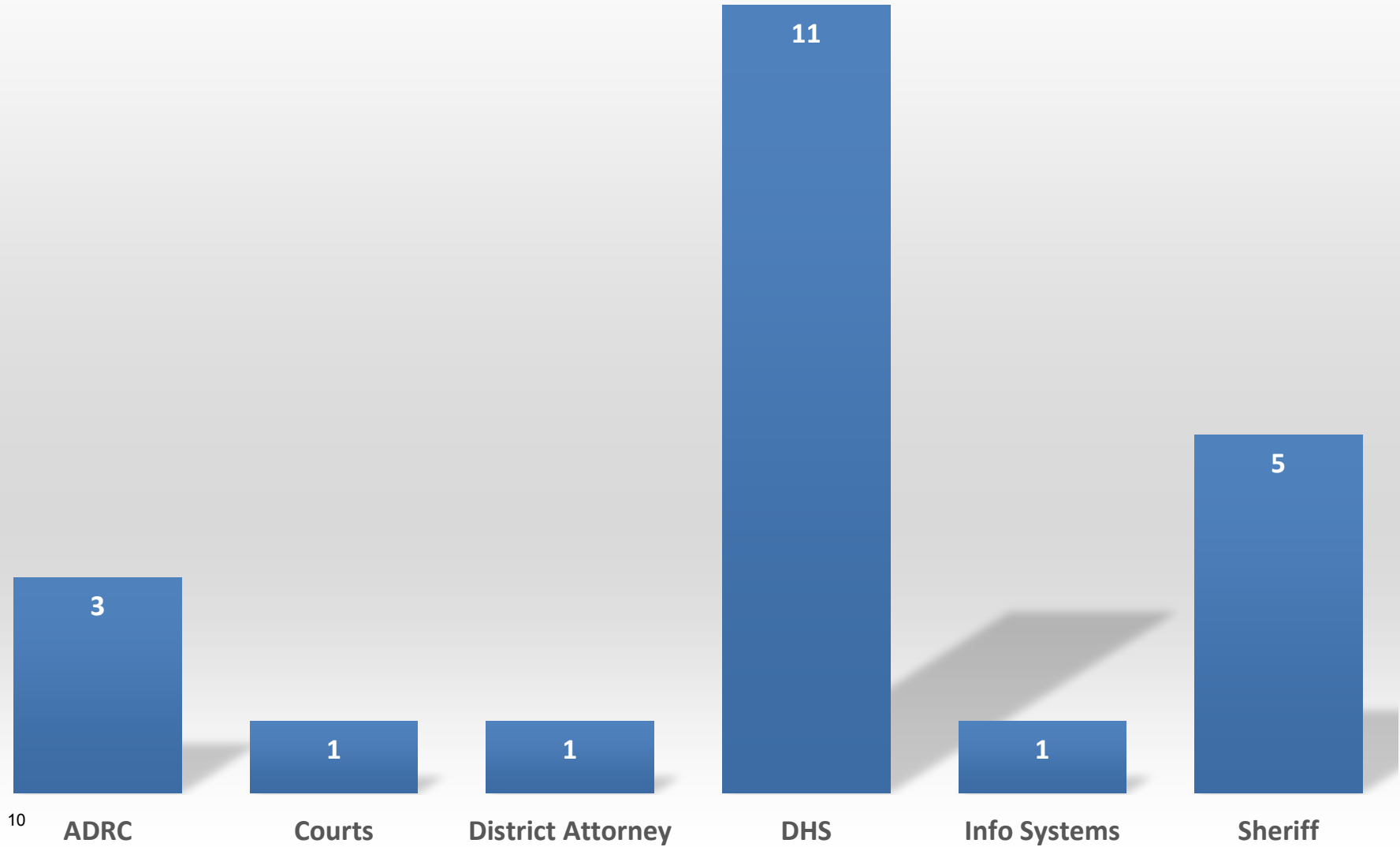




**Total Applicants approximately 854**  
**7/1/18-9/30/18**  
**total jobs= 22**

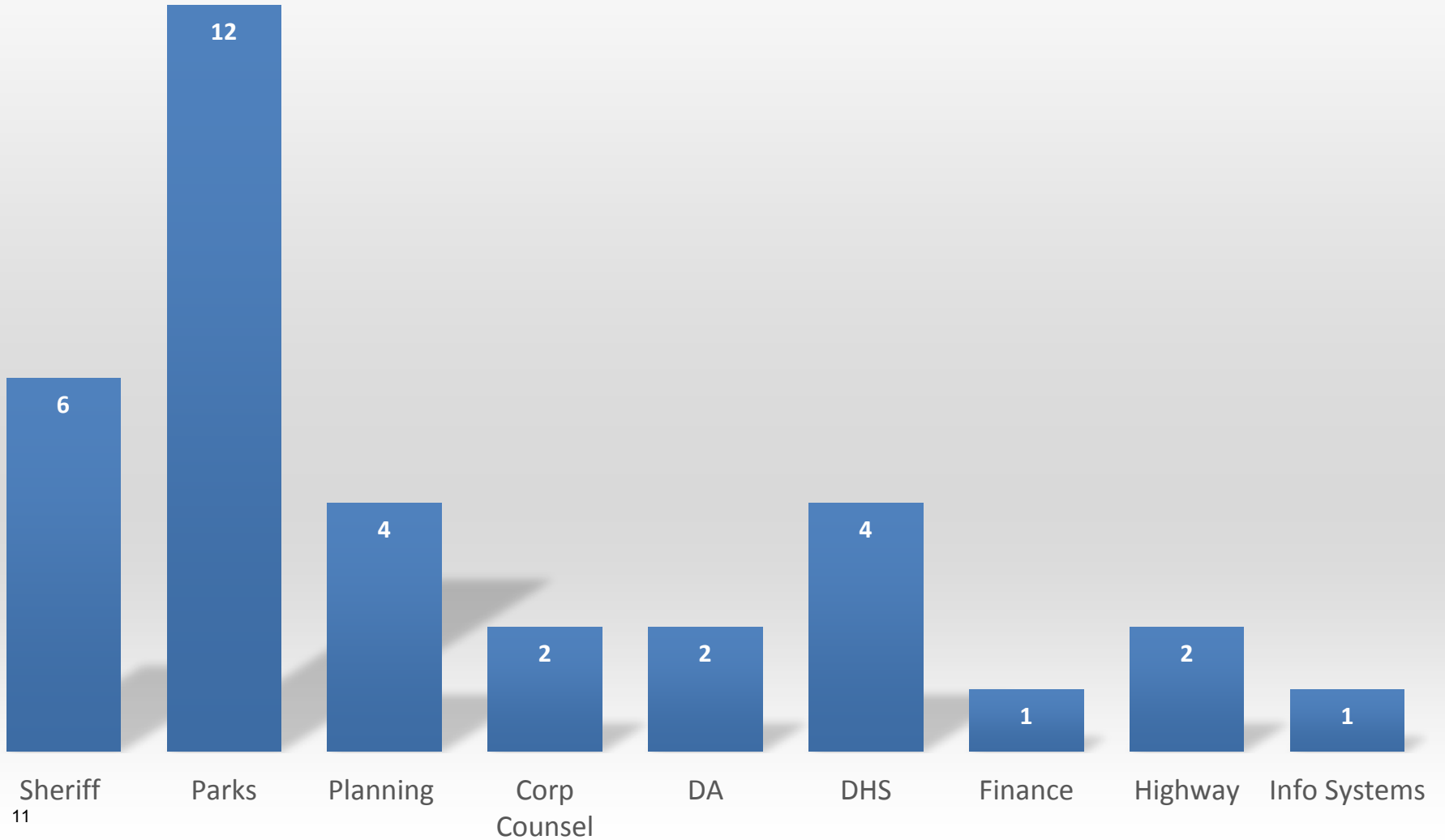


# Open Position by department Q3 2018

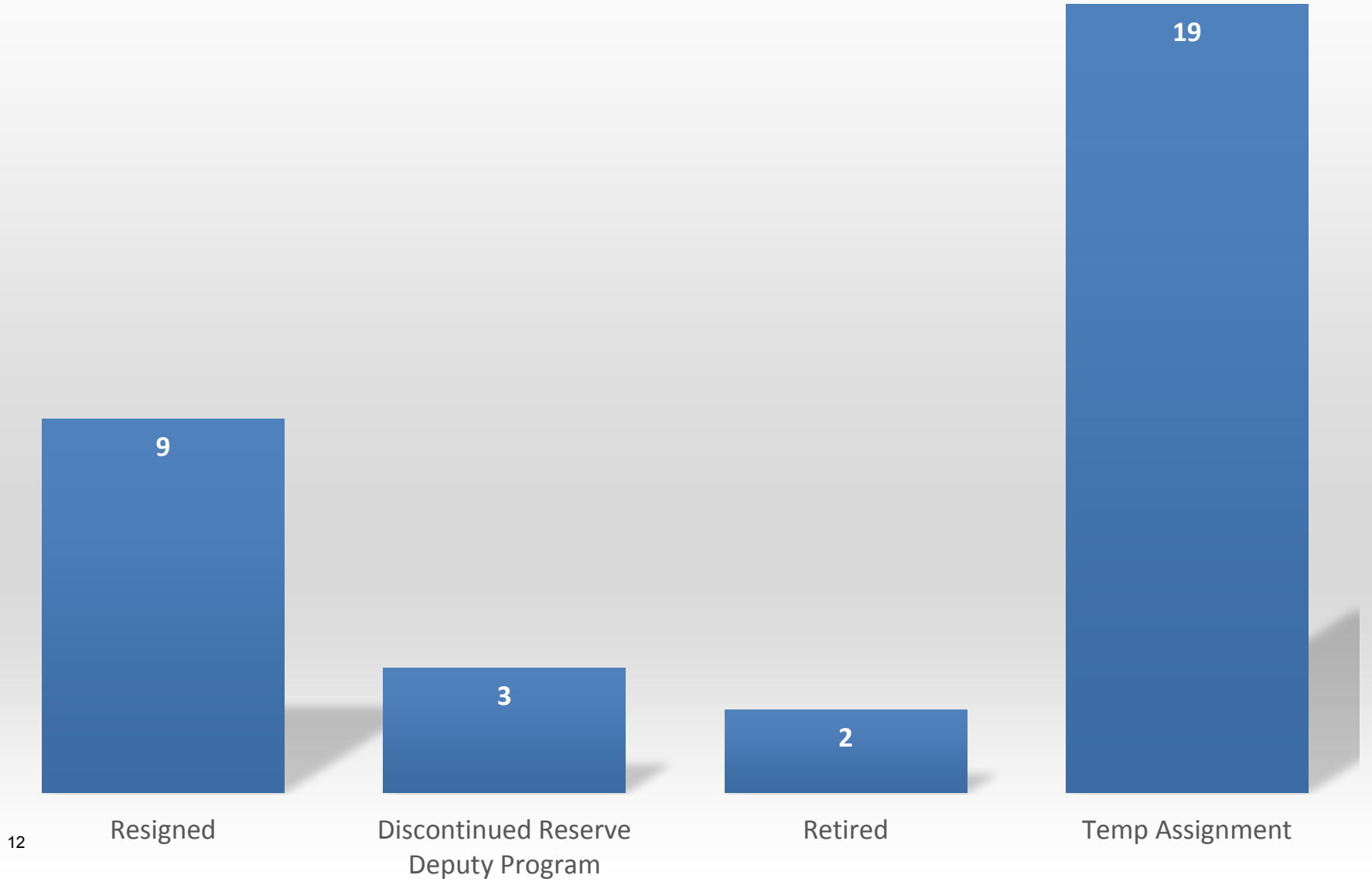


# Separation by department

## Q3 2018

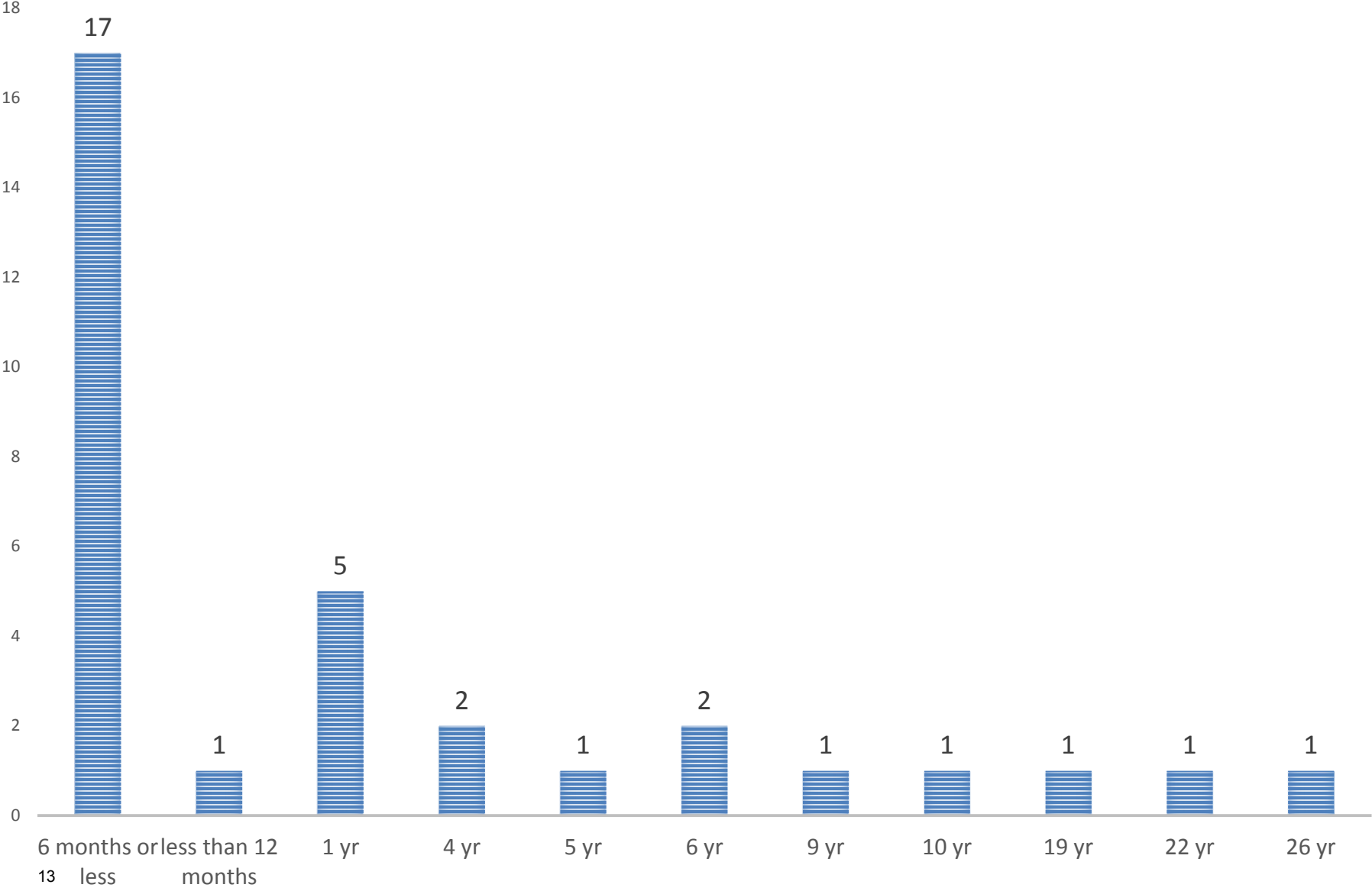


# Reason for Separation Q3 2018



# SEPARATION BY LENGTH OF SERVICE

## 4TH QTR 2018



# Discussion/Questions

# TRY MEDIATION

## EAU CLAIRE COUNTY CASE LOAD REPORT 4th QUARTER 2018

<b>MEDIATION CASELOAD:</b>	
<b>Eau Claire County:</b>	
Family Cases	57
Small Claims	118
Parent Coordinator	1
Family Assessment	0
Financial	0
Other/Voluntary	1
<b>Eau Claire County Total:</b>	<b>177</b>

<b>PARENT EDUCATION:</b>	<b>Classes Offered</b>	<b>Attendees</b>
October	2	33
November	2	21
December	2	13
<b>3rd Quarter Total</b>	<b>6</b>	<b>67</b>

## 2018 CASELOAD SUMMARY (CASES OPENED)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
<b>Eau Claire County:</b>					
Family Cases	58	70	58	57	243
Small Claims	165	109	112	118	504
Parent Coordinator	1	0	1	2	4
Family Assessment		0			0
Financial	1	0			1
Other/Voluntary	1	5	2	1	9
<b>Eau Claire County Total:</b>	<b>226</b>	<b>184</b>	<b>173</b>	<b>178</b>	<b>761</b>
<b>Other Counties:</b>					
Buffalo County	10	4	4	2	20
Chippewa County	34	52	45	39	170
Dunn County	23	19	18	10	70
Pepin County	3	4	2	3	12
Other Counties		1			
<b>Other Counties Total:</b>	<b>70</b>	<b>80</b>	<b>69</b>	<b>54</b>	<b>272</b>
<b>ALL COUNTIES TOTAL:</b>	<b>296</b>	<b>264</b>	<b>242</b>	<b>232</b>	<b>1033</b>



## 2018 CASES CLOSED

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
<b>Eau Claire County:</b>					
Family Cases	59	73	80	65	277
Small Claims	148	127	112	118	505
Parent Coordinator		0	0	1	1
Family Assessment		0	0		
Financial		0	0		
Other/Voluntary	4	5	2	3	14
<b>Eau Claire County Total:</b>	<b>211</b>	<b>205</b>	<b>194</b>	<b>187</b>	<b>797</b>
<b>Other Counties:</b>					
Buffalo County	11	7	5	5	28
Chippewa County	33	52	60	45	190
Dunn County	24	25	27	21	97
Pepin County	4	6	2	3	15
Other Counties					
<b>Other Counties Total:</b>	<b>72</b>	<b>90</b>	<b>94</b>	<b>74</b>	<b>330</b>
<b>ALL COUNTIES TOTAL:</b>	<b>283</b>	<b>295</b>	<b>288</b>	<b>261</b>	<b>1127</b>

## 2018 SMALL CLAIMS

	<b>Cases</b>	<b>Resolved</b>	<b>No Agreement</b>	<b>No Show/Other</b>
January	83	45	30	8
February	40	29	8	3
March	42	25	15	2
<b>1st Quarter Total:</b>	<b>165</b>	<b>75</b>	<b>53</b>	<b>13</b>
April	35	23	11	1
May	46	30	16	0
June	28	14	10	4
<b>2nd Quarter Total:</b>	<b>109</b>	<b>67</b>	<b>37</b>	<b>5</b>
July	54	18	22	4
August	29	9	17	3
September	29	16	12	1
<b>3rd Quarter Total:</b>	<b>112</b>	<b>43</b>	<b>51</b>	<b>8</b>
October	45	26	16	3
November	37	19	17	1
December	36	23	9	4
<b>4th Quarter Total:</b>	<b>118</b>	<b>68</b>	<b>42</b>	<b>8</b>
<b>Year-to-date Total:</b>	<b>504</b>	<b>253</b>	<b>183</b>	<b>34</b>

## SMALL CLAIMS 4th QUARTER COMPARISON

<b>2018</b>	<b>Cases</b>	<b>Resolved</b>	<b>No Agreement</b>	<b>No Show/Other</b>
October	45	26	16	3
November	37	19	17	1
December	36	23	9	4
<b>4th Quarter Total</b>	<b>118</b>	<b>68</b>	<b>42</b>	<b>8</b>
<b>2017</b>				
October	60	34	21	5
November	42	24	14	4
December	27	15	9	3
<b>4th Quarter Totals</b>	<b>129</b>	<b>73</b>	<b>44</b>	<b>12</b>

## 2018 PARENTING CLASSES

	Classes Offered	Attendees	2017 Comparison
January	2	26	34
February	2	29	37
March	2	36	29
<b>1st Quarter Total:</b>	<b>6</b>	<b>91</b>	<b>100</b>
April	2	27	29
May	2	27	24
June	2	31	27
<b>2nd Quarter Total:</b>	<b>6</b>	<b>85</b>	<b>80</b>
July	2	35	41
August	2	40	34
September	2	34	25
<b>3rd Quarter Total:</b>	<b>6</b>	<b>109</b>	<b>100</b>
October	2	33	31
November	2	21	26
December	2	23	23
<b>4th Quarter Total:</b>	<b>6</b>	<b>77</b>	<b>80</b>
<b>Year-to-date Total:</b>	<b>24</b>	<b>362</b>	<b>360</b>

**TRY MEDIATION, INC.**  
**Profit & Loss Budget vs. Actual**  
**October through December 2018**

	Oct - Dec 18	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>Inkind Rent/County Revenue</b>	750.00	750.00	0.00
<b>County - Revenue</b>			
County - Buffalo	750.00	750.00	0.00
County - Chippewa	6,249.99	6,249.99	0.00
County - Eau Claire	33,424.76	33,404.76	20.00
County - Pepin	0.00	0.00	0.00
County Dunn	4,249.98	4,250.01	-0.03
<b>Total County - Revenue</b>	44,674.73	44,654.76	19.97
<b>Interest Income</b>	101.75	75.00	26.75
<b>Mediation Fees</b>			
Mediation Fees - Buffalo	150.00	351.00	-201.00
Mediation Fees - Chippewa	822.50	234.00	588.50
Mediation Fees - Dunn	300.00	129.00	171.00
Mediation Fees - Eau Claire	2,167.50	1,734.00	433.50
Mediation Fees - Pepin	200.00	45.00	155.00
<b>Total Mediation Fees</b>	3,640.00	2,493.00	1,147.00
<b>Other Income</b>			
Refunds and Miscellaneous	282.00		
<b>Total Other Income</b>	282.00		
<b>Parent Education</b>	3,630.00	3,750.00	-120.00
<b>Total Revenue</b>	52,328.48	50,972.76	1,355.72
<b>Total Income</b>	53,078.48	51,722.76	1,355.72
<b>Gross Profit</b>	53,078.48	51,722.76	1,355.72
<b>Expense</b>			
Advertising/Public Information	0.00	0.00	0.00
Assistant's compensation	6,550.38	6,550.38	0.00
Bank Service Fee	0.00	16.20	-16.20
Client Refunds	0.00	75.00	-75.00
Credit Card Fees	189.12	405.00	-215.88
Director's compensation	11,068.86	11,068.83	0.03
Equipment and Furniture(expense)	683.20	573.00	110.20
FICA - Employer's Share	2,244.47	2,291.55	-47.08
In-Kind Rent Expense-E.C.	750.00	750.00	0.00
Insurance - Liability	1,079.00	0.00	1,079.00
Insurance - Malpractice	0.00	1,054.00	-1,054.00
Insurance - Workman's Comp.	0.00	0.00	0.00

**TRY MEDIATION, INC.**  
**Profit & Loss Budget vs. Actual**  
**October through December 2018**

	Oct - Dec 18	Budget	\$ Over Budget
Mediator Training	0.00	312.00	-312.00
Medicare Tax -Employer's Share	524.92	535.86	-10.94
Membership Dues	0.00	0.00	0.00
Miscellaneous Expense	0.00	0.00	0.00
Postage	150.00	300.00	-150.00
Printed Material	0.00	0.00	0.00
Professional Fees	0.00	0.00	0.00
Recognition	945.88	0.00	945.88
Salaries -			
Salaries-Dunn	3,155.00	3,923.07	-768.07
Salaries - Chippewa	1,350.00	923.07	426.93
Salaries - Eau Claire	9,576.90	10,018.86	-441.96
Salaries - - Other	0.00		
<b>Total Salaries -</b>	<b>14,081.90</b>	<b>14,865.00</b>	<b>-783.10</b>
SEP Retirement			
Health Insurance Reimbursement	4,500.00	4,500.00	0.00
SEP Retirement - Other	3,799.74	3,297.69	502.05
<b>Total SEP Retirement</b>	<b>8,299.74</b>	<b>7,797.69</b>	<b>502.05</b>
State Unemployment	12.16	45.00	-32.84
Supplies	225.09	306.00	-80.91
Telephone	0.00	300.00	-300.00
Travel and Conference	684.75	775.07	-90.32
<b>Total Expense</b>	<b>47,489.47</b>	<b>48,020.58</b>	<b>-531.11</b>
<b>Net Ordinary Income</b>	<b>5,589.01</b>	<b>3,702.18</b>	<b>1,886.83</b>
<b>Net Income</b>	<b>5,589.01</b>	<b>3,702.18</b>	<b>1,886.83</b>

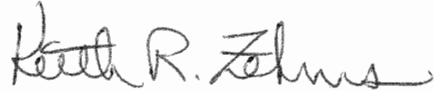
**FACT SHEET**

**TO FILE NO. 18-19/097**

The proposed changes in this ordinance reflect the recent changes adopted by the Eau Claire City Council. The cover sheet provided to the City Council is attached.

Fiscal Impact: **None.**

Respectfully Submitted,

A handwritten signature in cursive script that reads "Keith R. Zehms".

Keith R. Zehms  
Corporation Counsel

Ordinance/18-19/097 Fact

**CITY COUNCIL**

**AGENDA ITEM SUMMARY**

**Meeting Date:** Tuesday, December 11, 2018

**Agenda Item:** Ordinance amending Chapter 5.04 of the City Code of Ordinances entitled “Pawnbrokers”

**COMMENTS**

This ordinance amendment is the result of an extensive collaborative process held between the City of Eau Claire Police Department and local second-hand businesses seeking ways to improve investigative opportunities for the police department while also reducing the cost and time spent by area second-hand businesses. Over the course of more than a year the City of Eau Claire Police Department held public and in person meetings with area second-hand businesses which resulted in the proposed ordinance amendment.

The ordinance amendment does the following things:

- Eliminates Automated Pawn System (“APS”) as the exclusive electronic recordkeeping platform for second-hand transactions, and instead allows businesses to electronically report second-hand transactions on any electronic recordkeeping platform approved by the Chief of Police or his or her designee.
- Modifies transaction fees from being assessed for each transaction and instead imposes a flat transaction fee.
- Modifies reporting requirements for and definitions for secondhand jewelry dealers and secondhand article dealers.
- Reduces holding periods for secondhand articles when the business takes a clear digital photograph of the item and submits an electronic report that includes an image of the item.

**Note:** A scrivener’s error in the ordinance provided to council at first reading which omitted “pawnbrokers” from modified holding requirements has been corrected.

**ACTION/ATTACHMENTS**

**Action:**

Final reading

**Attachments:**

Ordinance

Letter from Cherry Pickers dated November 15, 2018

Letter from Williams Diamond Center dated November 24, 2018

Letter from National Pawn Company dated November 28, 2018

Letter from C&C Pawnbrokers, LLC dated November 29, 2018

Letter from Plato’s Closet dated November 28, 2018

Letter from ecoATM dated November 28, 2018



2  
3 - TO AMEND SECTION 9.96.010 B. AND CREATE C. OF THE CODE: PURPOSE; TO  
4 AMEND SECTION 9.96.020 OF THE CODE: DEFINITIONS; TO AMEND SECTION  
5 9.96.080 A. 1. OF THE CODE: LISCENSE ISSUANCE; TO AMEND SECTION 9.96.090 D.  
6 AND G. OF THE CODE: REQUIREMENTS; TO AMENDED SECTION 9.96.140 B. OF THE  
7 CODE: FEES -

8  
9 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

10  
11 SECTION 1. That Subsection B. of 9.96.010 of the code be amended and C. created to  
12 read:

13  
14 B. This chapter implements and establishes the required use of ~~the Automated Pawn~~  
15 ~~System (APS)~~ any electronic recordkeeping system approved by the sheriff or his or her  
16 designee to help the sheriff’s office better regulate current and future pawnshops to decrease and  
17 stabilize costs associated with the regulation of pawnshops, and to increase identification of  
18 criminal activities in pawnshops through the timely collection and sharing of transaction  
19 information.

20 C. The county board finds that any requirements included in this Chapter which differ  
21 from the requirements found in Wis. Stat. § 134.71, are at least as stringent as the requirements  
22 found in this state statute.

23  
24 SECTION 2. That Section 9.96.020 of the code be amended to read:

25  
26 9.96.020 Definitions. In this chapter:

27 A. “Article” means any item of value defined as “article” in Wis. Stat. §134.71,  
28 including any future amendments, revisions, or modifications provided such amendments,  
29 revisions, or modifications do not restrict the County of Eau Claire’s authority to enforce the  
30 provisions of this chapter. For purposes of this chapter “article shall also include “jewelry” when  
31 discussing the requirements and responsibilities of secondhand jewelry dealers.

32 B. “Billable transaction” means every reportable transaction except renewals,  
33 redemptions, voids, or extensions of existing pawns or purchases previously reported and  
34 continuously in the pawnbroker’s possession.

35 C. “Charitable organization” means a corporation, trust, or community chest, fund,  
36 or foundation organized and operated exclusively for religious, charitable, scientific, literary, or  
37 educational purposes, or for the prevention of cruelty to children or animals, no part of the net  
38 earnings of which insures to the benefit of any private shareholder or individual.

39 D. “Customer” means a person with whom a pawnbroker, secondhand article dealer,  
40 or secondhand jewelry dealer or an agent thereof, engages in a transaction of purchase, sale,  
41 receipt, or exchange of any secondhand article.

42 E. “Jewelry” means any tangible personal property ordinarily wearable on the person  
43 and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious  
44 or semiprecious. For the purposes of this Chapter “jewelry” shall also include secondhand  
45 “coins” which are purchased, sold, received or exchanged, and any item made in whole or in part  
46 from gold, silver, platinum or any metal, mineral, or gem customarily regarded as precious or  
47 semiprecious.

48 EF. “Pawnbroker” means any person who engages in the business of lending money  
49 on the deposit or pledge of any article or purchasing any article with an expressed or implied  
50 agreement or understanding to sell it back at a subsequent time at a stipulated price. To the  
51 extent that a pawnbroker’s business includes buying personal property previously used, rented,

1 leased, or selling it on consignment, the provisions of this chapter shall be applicable. A person  
2 is not acting as a pawnbroker when engaging in any of the following:

3 1. Any transaction at an occasional garage or yard sale, an estate sale, a gun,  
4 knife, gem, or antique show, or a convention.

5 2. Any transaction entered into by a person engaged in the business of junk  
6 collector, junk dealer, or scrap processor, as described in Wis. Stat. 70.995(2)(x).

7 3. Any transaction while operating as a charitable organization or conducting  
8 a sale, the proceeds of which are donated to a charitable organization.

9 4. Any transaction between a buyer of a new article and the person who sold  
10 the article when new that involves any of the following:

11 a. The return of the article.

12 b. The exchange of the article for a different, new article.

13 5. Any transaction as a purchaser of a secondhand article from a charitable  
14 organization if the secondhand article was a gift to the charitable organization.

15 6. Any transaction as a seller of a secondhand article that the person bought  
16 from a charitable organization if the secondhand article was a gift to the charitable organization.

17 **FG.** “Reportable transaction” means every transaction conducted by a  
18 pawnbroker secondhand article dealer, or secondhand jewelry dealer in which an article or  
19 articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is  
20 renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier  
21 is generated by their point-of-sale software, and is reportable except:

22 1. The bulk purchase or consignment of new or used articles from a  
23 merchant, manufacturer, or wholesaler having an established permanent place of business, and  
24 the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase  
25 or consignment that describes each item, and must mark each item in a manner that relates it to  
26 that transaction record.

27 2. Retail and wholesale sales of articles originally received by pawn or  
28 purchase, and for which all applicable hold and/or redemption periods have expired.

29 **GH.** “Secondhand” means owned by any person, except a wholesaler, retailer, or  
30 licensed secondhand article dealer or secondhand jewelry dealer, immediately before the  
31 transaction at hand.

32 **I.** “Secondhand article dealer” means any person, other than an auctioneer, who  
33 primarily engages in the business of purchasing or selling secondhand articles other than books,  
34 except when engaging in any of the following:

35 1. Any transaction at an occasional garage or yard sale, an estate sale, a gun,  
36 knife, gem or antique show or a convention.

37 2. Any transaction entered into by a person while engaged in a business for  
38 which the person is licensed under Wis. Stats. §§ 134.71(2) or (4), including any future  
39 amendments, revisions, or modifications or while engaged in the business of junk collector, junk  
40 dealer or scrap processor as described in Wis. Stat. § 70.995(2)(x).

41 3. Any transaction while operating as a charitable organization or conducting  
42 a sale the proceeds of which are donated to a charitable organization.

43 4. Any transaction between a buyer of a new article and the person who sold  
44 the article when new which involves either:

45 a. The return of the article; or

46 b. The exchange of the article for a different, new article.

47 5. Any transaction as a purchaser of a secondhand article from a charitable  
48 organization if the secondhand article was a gift to the charitable organization.

49 6. Any transaction as a seller of a secondhand article which the person  
50 bought from a charitable organization if the secondhand article was a gift to the charitable  
51 organization.

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2       H. “Secondhand jewelry dealer” means any person, other than an auctioneer, who  
3 engages in the business of any transaction consisting of purchasing, selling, receiving or  
4 exchanging secondhand jewelry, or coins, or any item made in whole or in part from gold, silver,  
5 platinum or any metal, mineral, or gem customarily regarded as precious or semiprecious except  
6 for the following:

7           1. Any transaction at an occasional garage or yard sale, an estate sale, a gun,  
8 knife, gem or antique show or a convention.

9           2. Any transaction with a licensed secondhand jewelry dealer.

10          3. Any transaction entered into by a person while engaged in a business of  
11 smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the  
12 person has no retail operation open to the public.

13          4. Any transaction between a buyer of new jewelry and the person who sold  
14 the jewelry when new which involves either:

15           a. The return of the jewelry; or

16           b. The exchange of the jewelry for different, new jewelry.

17          5. Any transaction as a purchaser of secondhand jewelry from a charitable  
18 organization if the secondhand jewelry was a gift to the charitable organization.

19          6. Any transaction as a seller of secondhand jewelry which the person bought  
20 from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

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22       SECTION 3. That paragraph 1. of Subsection A. of 9.96.080 of the code be amended to  
23 read:

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25           1. The applicant, including an individual, a partner, a member of a limited  
26 liability company, a manager, a proprietor, or an officer, director, or agent of any corporate  
27 applicant, does not have an arrest or conviction record, subject to Wis. Stats. §§ 111.321,  
28 111.322 and 111.335 including any future amendments, revisions, or modifications.

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30       SECTION 4. That Subsections D. and G. of Section of Section 9.96.090 of the code be  
31 amended to read:

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33       D. Holding period.

34           1. Except as provided in D. 3., any secondhand article purchased or received  
35 by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall be kept on the  
36 premises or other place for safekeeping for not less than 30 days, unless a shorter holding period  
37 is expressly permitted by state law, after the date of purchase or receipt, unless the person known  
38 by the pawnbroker, secondhand jewelry dealer, or secondhand article dealer to be the lawful  
39 owner of the secondhand article redeems it or unless the secondhand article dealer or secondhand  
40 jewelry dealer takes and maintains a as many clear digital photographs of the item(s) as is  
41 reasonably necessary to identify the item(s) including, but not limited to, clear digital  
42 photograph(s) of the items’ serial number in which case the holding period shall be 21 days. If a  
43 pawnbroker, secondhand jewelry dealer or secondhand article dealer takes clear digital  
44 photograph(s) and submits an electronic report that includes an image of all items the holding  
45 period shall be 7 days.

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47       G. Daily reports to sheriff.

48           1. Pawnbrokers and secondhand jewelry dealers must submit every  
49 reportable transaction to the sheriff’s office daily in the following manner. Pawnbrokers and  
50 secondhand jewelry dealers must provide to the sheriff’s office all information required in C. and  
51 other required information, by transferring it from their computer to ~~the APS~~ an electronic record

1 keeping system approved by the sheriff or their designee via modem. All required records must  
2 be transmitted completely and accurately after the close of business each day in accordance with  
3 standards and procedures established by the sheriff's office using procedures that address  
4 security concerns of the pawnbroker and the sheriff's office. The pawnbroker must display a  
5 sign of sufficient size in a conspicuous place on the premises which informs all patrons that all  
6 transactions are reported daily to the department and APS.

7 ~~2.— Billable transaction fees. Pawnbrokers will be charged for each billable~~  
8 ~~transaction reported to the sheriff's office. These fees are intended to pay for the cost of~~  
9 ~~participation in the APS and costs of enforcing this chapter.~~

10 ~~3.2.~~ If a pawnbroker is unable to successfully transfer the required reports by  
11 modem, the pawnbroker must provide the sheriff's office with printed copies of all reportable  
12 transactions by 12:00 noon the next business day.

13 ~~4.3.~~ If the problem is determined to be in the pawnbroker's system and is not  
14 corrected by the close of the first business day following the failure, the pawnbroker must  
15 provide the required reports as detailed in 3., and shall be charged a daily reporting failure fee of  
16 \$10.00 until the error is corrected, or, if the problem is determined to be outside the  
17 pawnbroker's system, the pawnbroker must provide the required reports in 3. and resubmit all  
18 such transactions via modem when the error is corrected.

19 ~~5.4~~ Regardless of the cause or origin of the technical problems that prevented  
20 the pawnbroker from uploading the reportable transactions, upon correction of the problem, the  
21 pawnbroker shall upload every reportable transaction from every business day the problem has  
22 existed.

23 ~~6.5.~~ The provisions of this section notwithstanding, the sheriff's office may,  
24 upon presentation of extenuating circumstances, delay the implementation of the daily reporting  
25 penalty.

26 ~~7.6.~~ G. shall not apply to businesses that did not have 200 reportable  
27 transactions in the past calendar year. However, any such pawnbroker must follow the daily  
28 reporting procedure for each reportable transaction by submitting a written transaction form  
29 approved by the sheriff's office to the department on the business day following the date of the  
30 reportable transaction.

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32 SECTION 5. That Subsection B. of 9.96.140 of the code be amended to read:

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34 B. A ~~billable~~ transaction fee of \$5,000/year billed quarterly ~~of \$1~~ shall be  
35 charged ~~for each billable transaction, and such fees shall be billed~~ to each  
36 pawnbroker ~~monthly~~ billed quarterly and ~~are~~ is due and payable within 30 days of the billing  
37 date. Failure to pay within that time period is a violation of this chapter.

38 ADOPTED:

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Committee on Judiciary and Law Enforcement

KZ/yk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.