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September 10, 2019

RESOLUTION NO. 2019-57S

RESOLUTION BY INDIVIDUAL SUPERVISORS IN SUPPORT OF 2019 ASSEMBLY BILL 33 AND 2019 SENATE BILL 39 RELATING TO THE EXPUNGEMENT OF CRIMINAL AND CIVIL CONVICTION AND NON-CONVICTION RECORDS

To the Honorable Members of the Racine County Board of Supervisors:

WHEREAS, Wisconsin law allows a conviction to be removed from an offender's circuit court case record under certain circumstances through a process known as expungement; and

WHEREAS, under current law related to adult criminal court records, a person under the age of 25 at the time he or she commits an offense eligible for expungement, the court may order, at the time of sentencing, that the person's court record be expunged upon successful completion of the sentencing the court determines the person will benefit and not be harmed by expungement; and

WHEREAS, if a court orders expungement, upon successful completion of the sentence, the clerk of court must do all of the following pursuant to Wisconsin Supreme Court Rule 72.06: (1) remove any paper index and nonfinancial court record and place them in the case file; (2) electronically remove any automated nonfinancial record except the case number; (3) seal the entire case file; and (4) destroy expunged court records in accordance with the court's retention schedule; and

WHEREAS, 2019 Assembly Bill 33 ("AB 33") and 2019 Senate Bill 39 ("SB 39") eliminate the condition that a person must have been under the age of 25 years old at the time he or she committed an offense to be eligible for expungement; and

WHEREAS, AB 33 and SB 39 also provide that a record of a conviction for a violation of chs. 341 to 348 Stats. – offenses primarily consisting of traffic violations – is not eligible for expungement; and

WHEREAS, AB 33 and SB 39 also create a new process for a person to seek expungement of his or her criminal court record in the county of conviction if at least one year has passed since the person successfully completed his or her sentence and there are no criminal charges pending against the person; and

WHEREAS, AB 33 and SB 39 provide that a person has successfully completed the sentence if the person has completed any period of incarceration, parole, or extended supervision to which he or she was sentenced; the person has paid all fines, costs, fees, surcharges, and restitution assessed and has completed any court-ordered community service; the person has not been convicted of a subsequent crime; and, if probation was imposed, the probation has not been revoked; and

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4 **WHEREAS**, AB 33 and SB 39 provide a process for notification to be made to
5 the victim of a petition for expungement; and

6 **WHEREAS**, AB 33 and SB 39 has a delayed effective date of approximately one
7 year and first applies to any conviction for which sentencing has occurred, but for which
8 the record has not been ordered expunged on the effective date; and

9 **WHEREAS**, the Racine County Board of Supervisors recognizes that passage of
10 AB 33 and SB 39 is likely to have a positive economic impact in Racine County by
11 allowing people to move beyond their criminal record and assist in meeting area
12 workforce demands.

13 **NOW THEREFORE BE IT RESOLVED** that the Racine County Board of
14 Supervisors supports 2019 Assembly Bill 33 and 2019 Senate Bill 39 relating to the
15 expungement of criminal and civil conviction and non-conviction records and urges the
16 Wisconsin legislature to pass, and urges Governor Tony Evers to sign, these bills; and

17 **BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that
18 the Racine County Clerk shall send copies of this resolution to Governor Evers, all
19 Wisconsin legislators, and the Clerks of the counties of Wisconsin.
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21 Respectfully submitted,

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23 1st Reading 9-10-19
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25 2nd Reading 12-3-19
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INDIVIDUAL SPONSORS

27 **BOARD ACTION**

28 Adopted yes
29 For _____
30 Against _____
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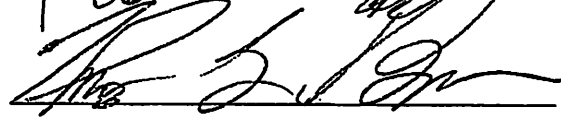
33 **VOTE REQUIRED:** Majority
34 Prepared by Corporation Counsel

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37 Don Trottier

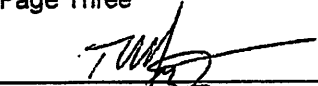
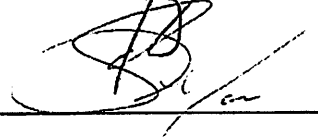
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39 Fabi Maldonado

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42 Janet Bernberg
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Melissa Kaprelian-Becker

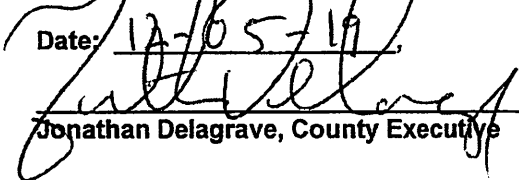



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2 Page Three

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25 The foregoing legislation adopted by the County Board of Supervisors of
26 Racine County, Wisconsin, is hereby:

27 Approved:
28 Vetoed:

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30 Date: 12-05-19
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32 _____
33 Jonathan Delagrave, County Executive
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37 **INFORMATIONAL ONLY**

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39 **WHEREAS, 2019 SB 39 has been successfully voted out of committee.**

Russell A. Clark, County Board Chairman

Wendy M. Christensen, County Clerk

**RACINE COUNTY BOARD
EVENING SESSION**

December 3, 2019

The meeting of The Racine County Board of Supervisors was called to order at 7:15 p.m. with Chairman Clark presiding.

All Supervisors were present except for Supervisors Grove and Shakoor, II, who were excused.

Chairman Clark requested a moment of silent prayer.

All those who were present stood for the Pledge of the Allegiance to the Flag of the United States of America.

Steve Ohs, Director of the Lakeshores Library System gave a presentation on the state of libraries in Racine County.

Supervisor Kaprelian-Becker left the meeting at 7:25 p.m.

The following people spoke during the Public Comments Period:

1. Irene Biales – Redistricting
2. Susan Sheldon – Redistricting
3. Joel Jacobsen – Redistricting
4. Leslie Maj – Impact of KR on wildlife

Ordinance No. 2019-93 and Resolution Nos. 2019-94, 2019-95, 2019-96, 2019-97 and 2019-98 were given first reading.

Chairman Clark referred Resolution No. 2019-98 to Government Services Committee.

Supervisor Osterman requested first and second reading for Resolution Nos. 2019-94 and 2019-95. No objections were heard.

Supervisor Cooke requested first reading for Resolution No. 2019-99. No objections were heard.

The meeting was turned over to Vice Chairman Cooke for referral of Communications:

Insert 1 (Communications)

The County Executive presented Report No. 2019-35 Making An Appointment To The Golf Course Improvement Committee – REFERRED TO PUBLIC WORKS, PARKS AND FACILITIES COMMITTEE

The County Executive presented Report No. 2019-36 Making An Appointment To The Racine County Human Services Board – REFERRED TO HEALTH AND HUMAN DEVELOPMENT COMMITTEE

The County Executive presented Report No. 2019-37 Making A Reappointment To The Lakeshores Library System Board Of Trustees – REFERRED TO GOVERNMENT SERVICES COMMITTEE

The County Executive presented Report No. 2019-38 Making A Reappointment To The Veterans Service Commission – REFERRED TO HEALTH AND HUMAN DEVELOPMENT COMMITTEE

The Resolutions and Ordinances requested for SECOND READING by MAJORITY vote were before the Board:

Supervisor Bernberg asked to substitute Resolution 2019-57S (title and language changes added Senate Bill 39). No objections to the substitution.

Insert 2 (Resolution No. 2019-57S)

Insert 3 (Ordinance No. 2019-87)

Insert 4 (Ordinance No. 2019-88)

Insert 5 (Resolution No. 2019-92)

Supervisor Kramer moved for adoption. Seconded and carried by voice vote.

The Resolutions requested for SECOND READING by 2/3 MAJORITY vote were before the Board:

Insert 6 (Resolution No. 2019-89) LEGAL

Insert 7 (Resolution No. 2019-90) LEGAL

Insert 8 (Resolution No. 2019-91) LEGAL

Supervisor Cooke moved for adoption. Seconded. A roll call vote was taken with the following result: 17 Votes, 17 Ayes, 0 Noes. Supervisors Grove, Shakoore, II and Kaprelian-Becker were absent.

The Resolutions requested for SECOND READING by 2/3 MAJORITY this EVENING were before the Board:

Supervisor Miller advised the Board that the members of the Finance Committee needed to approve the Fiscal Notes for Resolution Nos. 2019-94 and 2019-95. Supervisor Dawson moved for approval. Seconded and carried by voice vote.

Insert 9 (Resolution No. 2019-94) LEGAL
Insert 10 (Resolution No. 2019-95) LEGAL

Supervisor Miller moved for adoption. Seconded. A roll call vote was taken with the following result: 17 Votes, 17 Ayes, 0 Noes. Supervisors Grove, Shakoor, II and Kaprelian-Becker were absent.

Supervisor Miller moved to adjourn at 8:10 p.m. Seconded and carried by voice vote.

Prepared by Racine County Clerk's Office
Wendy M. Christensen, County Clerk