

Memorandum

SUPREME COURT OF WISCONSIN
OFFICE OF COURT OPERATIONS
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To: Clerks of Circuit Court
Juvenile Clerks
From: Marcia Vandercook
Date: updated June 18, 2018
Re: Juvenile offense case types

We are frequently asked what case types should be given to juvenile traffic and other juvenile offenses. The answer depends on the age of the juvenile and the type of offense. Here are some general principles to apply:

- As a general rule, a juvenile is a person who is 17 or younger. For crimes, forfeitures, and ordinance violations, a juvenile is a person who is 16 or younger. See §938.02(1), (10m).
- For most traffic offenses (ch. 341- 349, 351 and conforming ordinances), 16-year-olds are treated as adults because they are old enough to have operators' licenses. This also applies to other driving offenses involving boats, ATVs, and snowmobiles (ch. 23, 30, and 350 and conforming ordinances). See §938.17(1). A violation of absolute sobriety under §346.63(2m) is considered a traffic offense, not an underage drinking offense.
- Not every offense that involves a car or other motor vehicle is a traffic offense. Offenses such as disorderly conduct with a vehicle, squealing tires, display of power, etc, are regular ordinance violations, not traffic. The same is true for parking violations.
- Underage drinking, smoking, and curfew are "status offenses", penalties that apply because the person is too young to engage in a particular activity, not because the law considers the person to be a juvenile. Like any other offense, these are JO cases when the offender is 16 or under; FO otherwise. See §125.07(4), §134.66(2).
- Truancy cases are JO cases when the person is 16 or younger, and FO cases when the person is 17. §118.163(1m), §118.163(4), §938.125(2), §938.342(1g).
- TROs and injunctions under ch. 813 are civil cases. These fall within the jurisdiction of the juvenile court until the respondent is 18. See §48.14(10).
- Age is determined as of the time of charging, not the time of the offense. §938.02; *State v. Annola*, 168 Wis.2d 453 (1992).

Here are two different charts that we hope will help your staff make sense of this:

- JO:
- (1) the offender is 15 or under, and the offense is a traffic forfeiture.
 - (2) the offender is 15 or under, and the offense is a driving offense involving boats, ATVs, or snowmobiles.
 - (3) the offender is 16 or under, and the offense is a non-driving forfeiture, including DNR license violations and disorderly conduct with a car.
 - (4) the offender is 16 or under, and the offense is underage drinking.
 - (5) the offender is 16 or under, and the offense is underage tobacco.
 - (6) the offender is 16 or under, and the offense is truancy.

FO: (1) the offender is 16, and the offense involves driving boats, ATVs, or snowmobiles.
 (2) the offender is 17 or older, and the offense is a non-driving forfeiture.
 (3) the offender is 17- 20, and the offense is underage drinking.
 (4) the offender is 17, and the offense is underage tobacco.
 (5) the offender is 17, and the offense is truancy.

JV: (1) the offender is 15 or under, and the offense is a criminal driving offense.
 (2) the offender is 16 or under, and the offense is a criminal non-driving offense.
 (3) the offender is 16, and the offense is a false statement in title application, forged proof of financial responsibility, duty to render aid in a boating accident (resulting in death or serious injury), or striking an attended vehicle (resulting in death or serious injury).

JJ: (1) the respondent is 17 or under, and the petition is for a restraining order or injunction.

TR: (1) the offender is 16 or older, and the offense is a traffic forfeiture.

CT or CM: (1) the offender is 16 or older, and the offense is a driving misdemeanor.

CM: (1) the offender is 17 or older, and the offense is a non-driving felony.
 (2) original criminal jurisdiction over juveniles is available in limited circumstances.

CF: (1) the offender is 16 or older, and the offense is a driving felony.
 (2) the offender is 17 or older, and the offense is a non-driving felony.
 (3) original criminal jurisdiction over juveniles is available in limited circumstances.

Driving offenses	16 & OLDER	UNDER 16
Traffic forfeitures, ch. 341-349, 351	TR	JO
ATV forfeitures, ch. 23	FO	JO
Boating forfeitures, ch. 30	FO	JO
Snowmobile forfeitures, ch. 350	FO	JO
Misdemeanor traffic	CT or CM	JV
Felony traffic, with exceptions below	CF	JV

Crimes	17 & OLDER	UNDER 17
Boating accidents & reporting, 30.67(1)	CF	JV
Hit & run, 346.67(1)	CF	JV
Fraudulent title, 342.06(2)	CF	JV
Forged proof of insurance, 344.48(1)	CF	JV
Misdemeanor non-driving	CM	JV
Felony non-driving	CF	JV

Forfeitures	17 & OLDER	UNDER 17
Disorderly conduct	FO	JO
Disorderly conduct with motor vehicle	FO	JO
Curfew	FO	JO
Underage drinking (but not drinking and driving)	FO	JO
Underage tobacco	FO	JO
Parking	FO	JO
Other ordinance violations	FO	JO
Truancy	FO	JO