

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

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

Members Absent: Sandra McKinney

Others Present: Captain Joel Brettingen, Lieutenant Dave Riewestahl, Danielle Powers, Eric Huse, Zach Madison, Carter Kha, Gabby White

Call to Order

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

Public Comment

No public comment was made.

Approve Minutes from December 06, 2018 Meeting

Supervisor Buchanan moved to approve the minutes from the December 08, 2018 meeting. The minutes were adopted as published in the meeting materials via a 4-0 voice vote.

Q3 2019 HR Metrics

The committee reviewed the metrics included in the meeting materials. A representative from Human Resources will be invited to attend a future meeting. The committee discussed current openings and staff changes in the Sheriff's Department.

TRY Mediation 4th Quarter Fiscal Update

Todd Tollefson was unable to attend the meeting. The committee reviewed the documents distributed with the meeting materials. There was a request to ask for more specific information about the case numbers.

Eau Claire County Sheriff's Office Updates

- a. Jail Population Update
 - a. Lieutenant Riewestahl presented information about jail population trends and fielded questions from the committee. 2018: nearly \$175,000 spent in out of county housing. 2019 YTD: \$10,500 in out of county housing. Secure population: constant fluctuations based on bookings. Current capacity: 81% or 208 inmates.

File No. 18-19/097 Ordinance to Amend Section 9.96.010 B. and Create C of the Code: Purpose; to Amend Section 9.96.020 of the Code: Definitions; to Amend...

The committee briefly discussed the proposed changes. Supervisor Buchanan moved to adopt the ordinance and present to the full County Board. **Approved** via 4-0 voice vote.

Future Meeting Date

The next committee meeting is scheduled for Thursday, April 04, 2019 at 4:00 PM.

Future Agenda Items

- Sheriff's Office
 - Protective Status Legislation
 - ECCJ Population Update
 - Fees and Service Charges for Inmates
 - Status of Jail Healthcare
- Marijuana/THC Forfeiture
- Homelessness/Affordable Transitional Housing

- Weekend Court/Night Court Availability
- 4th Quarter Fiscal Update
- Resolution Relating to Gun Violence

Adjourn

The meeting was adjourned by Chairperson Miller at 4:28 PM.

Respectfully Submitted:

Eric Huse

Eric Huse
Committee Clerk

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 9.96.080
5 A. 1. OF THE CODE: LISCENSE ISSUANCE; TO AMEND SECTION 9.96.090 D. AND G.
6 OF THE CODE: REQUIREMENTS; TO AMENDED SECTION 9.96.140 B. OF THE CODE:
7 FEES -
8

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

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

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 designee
16 to help the sheriff's office better regulate current and future pawnshops to decrease and stabilize
17 costs associated with the regulation of pawnshops, and to increase identification of criminal
18 activities in pawnshops through the timely collection and sharing of transaction information.

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

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

24
25 9.96.020 Definitions. In this chapter:

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

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

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

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

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

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

1 selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting
2 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 pawnbroker
18 secondhand article dealer, or secondhand jewelry dealer in which an article or articles are received
19 through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided,
20 or redeemed, or for which a unique transaction number or identifier is generated by their point-of-
21 sale software, and is reportable except:

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

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

- 6 1. Any transaction at an occasional garage or yard sale, an estate sale, a gun,
7 knife, gem or antique show or a convention.
- 8 2. Any transaction with a licensed secondhand jewelry dealer.
- 9 3. Any transaction entered into by a person while engaged in a business of
10 smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the
11 person has no retail operation open to the public.
- 12 4. Any transaction between a buyer of new jewelry and the person who sold
13 the jewelry when new which involves either:
 - 14 a. The return of the jewelry; or
 - 15 b. The exchange of the jewelry for different, new jewelry.
- 16 5. Any transaction as a purchaser of secondhand jewelry from a charitable
17 organization if the secondhand jewelry was a gift to the charitable organization.
- 18 6. Any transaction as a seller of secondhand jewelry which the person bought
19 from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

20
21 SECTION 3. That paragraph 1. of Subsection A. of 9.96.080 of the code be amended to
22 read:

- 23
24 1. The applicant, including an individual, a partner, a member of a limited
25 liability company, a manager, a proprietor, or an officer, director, or agent of any corporate
26 applicant, does not have an arrest or conviction record, subject to Wis. Stats. §§ 111.321,
27 111.322 and 111.335 including any future amendments, revisions, or modifications.

28
29 SECTION 4. That Subsections D. and G. of Section of Section 9.96.090 of the code be
30 amended to read:

31
32 D. Holding period.

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

44
45 G. Daily reports to sheriff.

- 46 1. Pawnbrokers and secondhand jewelry dealers must submit every reportable
47 transaction to the sheriff’s office daily in the following manner. Pawnbrokers and secondhand
48 jewelry dealers must provide to the sheriff’s office all information required in C. and other required
49 information, by transferring it from their computer to ~~the APS~~ an electronic record keeping system
50 approved by the sheriff or their designee via modem. All required records must be transmitted
51 completely and accurately after the close of business each day in accordance with standards and

1 procedures established by the sheriff's office using procedures that address security concerns of
2 the pawnbroker and the sheriff's office. The pawnbroker must display a sign of sufficient size in
3 a conspicuous place on the premises which informs all patrons that all transactions are reported
4 daily to the department and APS.

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

8 3.2. If a pawnbroker is unable to successfully transfer the required reports by
9 modem, the pawnbroker must provide the sheriff's office with printed copies of all reportable
10 transactions by 12:00 noon the next business day.

11 4.3. If the problem is determined to be in the pawnbroker's system and is not
12 corrected by the close of the first business day following the failure, the pawnbroker must provide
13 the required reports as detailed in 3., and shall be charged a daily reporting failure fee of \$10.00
14 until the error is corrected, or, if the problem is determined to be outside the pawnbroker's system,
15 the pawnbroker must provide the required reports in 3. and resubmit all such transactions via
16 modem when the error is corrected.

17 5.4 Regardless of the cause or origin of the technical problems that prevented
18 the pawnbroker from uploading the reportable transactions, upon correction of the problem, the
19 pawnbroker shall upload every reportable transaction from every business day the problem has
20 existed.

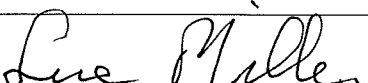
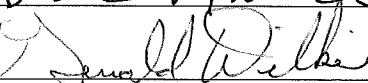
21 6.5. The provisions of this section notwithstanding, the sheriff's office may,
22 upon presentation of extenuating circumstances, delay the implementation of the daily reporting
23 penalty.


24 7.6. G. shall not apply to businesses that did not have 200 reportable transactions
25 in the past calendar year. However, any such pawnbroker must follow the daily reporting
26 procedure for each reportable transaction by submitting a written transaction form approved by the
27 sheriff's office to the department on the business day following the date of the reportable
28 transaction.

29
30 SECTION 5. That Subsection B. of 9.96.140 of the code be amended to read:

31
32 B. A ~~billable~~ transaction fee of \$5,000/year billed quarterly of \$1 shall be charged
33 ~~for each billable transaction, and such fees shall be billed to each pawnbroker monthly billed~~
34 quarterly and are is due and payable within 30 days of the billing date. Failure to pay within that
35 time period is a violation of this chapter.

36 ADOPTED:

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41 _____

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43 
44 _____
45 Steve Pagan
46 Committee on Judiciary and Law Enforcement

47 KZ/yk

48 Dated this 7th day of March, 2018.