



## 2007 ASSEMBLY BILL 608

December 4, 2007 - Introduced by Representatives SOLETSKI, BIES, STASKUNAS, BALLWEG, BERCEAU, GUNDERSON, HAHN, HRAYCHUCK, JESKEWITZ, MOLEPSKE, MUSSER, A. OTT, RICHARDS, SMITH and ZIEGELBAUER, cosponsored by Senators COGGS, ROESSLER, LASSA and KEDZIE. Referred to Committee on Criminal Justice.

1     **AN ACT to amend** 23.33 (1) (i), 30.50 (4e), 85.53 (1) (c), 350.01 (9), 939.22 (42) and  
2             940.225 (5) (ai); and **to create** 340.01 (25d) of the statutes; **relating to:** the  
3             definition of intoxicant.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from operating, or causing injury or death to a person by operating, a vehicle, including an all-terrain vehicle, snowmobile, or boat, while under the influence of an intoxicant. Current law also prohibits a person from operating, or causing injury or death to a person by operating, a firearm or airgun while under the influence of an intoxicant. Current law defines an "intoxicant" as any alcohol beverage, controlled substance, controlled substance analog or other drug, or any combination thereof.

This bill broadens the definition of "intoxicant" to include a substance that is inhaled, ingested, or otherwise consumed in a manner that is contrary to its intended use or labelling, and that is inhaled, ingested, or otherwise consumed to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 23.33 (1) (i) of the statutes is amended to read:

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1           23.33 (1) (i) “Intoxicant” means any alcohol beverage, substance used contrary  
2 to s. 941.316, controlled substance, controlled substance analog or other drug, or any  
3 combination thereof.

4           **SECTION 2.** 30.50 (4e) of the statutes is amended to read:

5           30.50 (4e) “Intoxicant” means any alcohol beverage, substance used contrary  
6 to s. 941.316, controlled substance, controlled substance analog or other drug, or any  
7 combination thereof.

8           **SECTION 3.** 85.53 (1) (c) of the statutes is amended to read:

9           85.53 (1) (c) “Intoxicant” means any alcohol beverage, substance used contrary  
10 to s. 941.316, controlled substance, controlled substance analog or other drug, or any  
11 combination thereof.

12           **SECTION 4.** 340.01 (25d) of the statutes is created to read:

13           340.01 (25d) “Intoxicant” means any alcohol beverage, substance used  
14 contrary to s. 941.316, controlled substance, controlled substance analog or other  
15 drug, or any combination thereof.

16           **SECTION 5.** 350.01 (9) of the statutes is amended to read:

17           350.01 (9) “Intoxicant” means any alcohol beverage, substance used contrary  
18 to s. 941.316, controlled substance, controlled substance analog or other drug, or any  
19 combination thereof.

20           **SECTION 6.** 939.22 (42) of the statutes is amended to read:

21           939.22 (42) “Under the influence of an intoxicant” means that the actor’s ability  
22 to operate a vehicle or handle a firearm or airgun is materially impaired because of  
23 his or her consumption of an alcohol beverage, of a substance used contrary to s.  
24 941.316, of a controlled substance or controlled substance analog under ch. 961, of  
25 any combination of an alcohol beverage, substance used contrary to s. 941.316,

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1 controlled substance and controlled substance analog, or of any other drug, or of an  
2 alcohol beverage and any other drug.

3 **SECTION 7.** 940.225 (5) (ai) of the statutes is amended to read:

4 940.225 (5) (ai) "Intoxicant" means any alcohol beverage, substance used  
5 contrary to s. 941.316, controlled substance, controlled substance analog, or other  
6 drug, or any combination thereof.

7 (END)