



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2188/2
PJH:ah&wlj

2015 ASSEMBLY BILL 445

October 22, 2015 – Introduced by Representatives J. OTT, KOYENGA, HORLACHER, SANFELIPPO, T. LARSON, PETRYK, BERCEAU and CRAIG, cosponsored by Senators DARLING, CARPENTER and NASS. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to amend* 346.65 (2) (am) 5. of the statutes; **relating to:** committing a
2 fifth or sixth offense related to operating a vehicle while intoxicated and
3 providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill imposes a mandatory minimum period of confinement in prison for certain repeat offenders. Under current law, no person may operate a motor vehicle under the influence of an intoxicant, a controlled substance, a controlled substance analog or any combination thereof, under the influence of any substance to a degree that renders him or her incapable of safely driving, with a detectable amount of a restricted controlled substance in his or her blood, or with a prohibited alcohol concentration (OWI offense). Penalties for committing an OWI offense increase with each prior violation. Under current law, a person who commits a fifth or sixth OWI offense is guilty of a Class H felony and may be fined up to \$10,000, imprisoned for up to six years, or both. Under current law, a person who commits a fifth or sixth OWI offense must be fined at least \$600 and imprisoned for at least six months.

Under this bill, the maximum fine and maximum period of imprisonment for a person who commits a fifth or sixth OWI offense are not changed. The bill requires a sentencing court to impose a sentence that orders the person to spend at least 18 months confined in prison.

