



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0178/1
PJH:emw&jld

2015 SENATE BILL 683

February 1, 2016 – Introduced by Senator CARPENTER. Referred to Committee on
Judiciary and Public Safety.

1 **AN ACT to amend** 349.02 (2) (a); and **to create** 349.125 of the statutes; **relating**
2 **to:** sobriety checkpoints.

Analysis by the Legislative Reference Bureau

Under current law, with few exceptions, a law enforcement officer may not stop a motor vehicle without reasonable cause to believe that the operator of the motor vehicle has violated a law or ordinance.

This bill allows Milwaukee County, or a city, town, or village within Milwaukee County, to approve a pilot sobriety checkpoint program. When a law enforcement agency conducts a sobriety checkpoint, drivers are briefly stopped without individualized suspicion that they may be intoxicated, and drivers who demonstrate some level of impairment or other signs of drug or alcohol use are detained for additional testing and possible arrest.

The bill requires any approved sobriety checkpoint program to require that drivers are stopped in a neutral, nondiscretionary manner and that the initial stops are conducted in a way that minimizes the disruption of traffic flow and minimizes the amount of time the driver is stopped. The program must also specify that the sobriety checkpoint has fixed beginning and ending times and is publicized before it is conducted. The program must require that, at the sobriety checkpoint, approaching drivers are given adequate warning that a sobriety checkpoint is under way, and that officers clearly identify themselves and explain the purpose of the sobriety checkpoint to each driver they stop. Finally, the program must establish criteria for determining where the checkpoints are conducted and which drivers may be detained beyond the initial stop to undergo testing for intoxication. Under the bill,

SENATE BILL 683

a program may not allow sobriety checkpoints to be conducted more than ten days each year and must end after two years.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 349.02 (2) (a) of the statutes is amended to read:

2 349.02 (2) (a) Notwithstanding sub. (1), a police officer, sheriff, deputy sheriff,
3 traffic officer, or motor vehicle inspector may not stop or inspect a vehicle solely to
4 determine compliance with a statute or ordinance specified under par. (b) unless the
5 police officer, sheriff, deputy sheriff, traffic officer, or motor vehicle inspector has
6 reasonable cause to believe that a violation of a statute or ordinance specified under
7 par. (b) has been committed. This paragraph does not limit the authority of a police
8 officer, sheriff, deputy sheriff, traffic officer, or motor vehicle inspector to make an
9 arrest or issue a citation for a violation of any statute or ordinance specified under
10 par. (b) observed in the course of a stop or inspection made for a lawful purpose. This
11 paragraph does not apply to a traffic officer or motor vehicle inspector in the
12 performance of duties under s. 110.075 (2) or to a police officer, sheriff, deputy sheriff,
13 or traffic officer in the performance of duties under s. 349.125.

14 **SECTION 2.** 349.125 of the statutes is created to read:

15 **349.125 Sobriety checkpoints.** (1) The governing body of Milwaukee
16 County or of a city, town, or village located in Milwaukee County may, by ordinance
17 or resolution, establish a sobriety checkpoint program that is consistent with sub. (2).

18 (2) A sobriety checkpoint program under sub. (1) shall do all of the following:

19 (a) Establish criteria for determining where a sobriety checkpoint will be
20 conducted.

SENATE BILL 683

1 (b) Establish a nondiscretionary system for determining which motor vehicles
2 are stopped at the checkpoint.

3 (c) Minimize the length of time a motor vehicle is stopped.

4 (d) Give public notice that a sobriety checkpoint program will be in effect 5 days
5 before the law enforcement agency conducts the sobriety checkpoint.

6 (e) Give adequate warning to motor vehicle operators approaching the sobriety
7 checkpoint that a sobriety checkpoint is being conducted.

8 (f) Minimize the disruption of regular traffic flow while the sobriety checkpoint
9 is being conducted.

10 (g) Establish criteria for a motor vehicle operator to be detained beyond the
11 initial stop at the sobriety checkpoint for a test under s. 343.305.

12 (h) Establish a fixed period of time for each sobriety checkpoint to be conducted.

13 (i) Require law enforcement officers to do all of the following at a sobriety
14 checkpoint:

15 1. Wear an official uniform that clearly identifies him or her as a law
16 enforcement officer.

17 2. Identify himself or herself as a law enforcement officer to each motor vehicle
18 operator that is stopped at the sobriety checkpoint.

19 3. Explain the purpose of the sobriety checkpoint to each motor vehicle operator
20 that is stopped at the sobriety checkpoint.

21 (j) Allow for conducting a sobriety checkpoint on not more than 10 days per
22 calendar year.

23 **(3)** This section does not apply after the first day of the 24th month beginning
24 after the effective date of this subsection [LRB inserts date].

25 **(END)**