



2013 ASSEMBLY BILL 467

October 28, 2013 – Introduced by Representatives J. OTT, RICHARDS, THIESFELDT, KOLSTE, NASS, BROOKS, BERCEAU, ZEPNICK and KERKMAN, cosponsored by Senators COWLES, L. TAYLOR and LEHMAN. Referred to Committee on Judiciary.

1 **AN ACT to amend** 343.301 (2m), 347.413 (1) and 347.50 (1t) of the statutes;
2 **relating to:** court orders regarding the installation of an ignition interlock
3 device.

Analysis by the Legislative Reference Bureau

Under current law, a court is required to order that a person's motor vehicle operating privilege be restricted to operating vehicles that are equipped with an ignition interlock device if a person commits a second or subsequent offense related to operating a vehicle while intoxicated or a first offense while his or her alcohol concentration is 0.15 or greater, refuses to take a test for intoxication, or injures or kills a person while operating a vehicle while intoxicated. Under current law, the operating privilege restriction begins on the date the Department of Transportation issues an operator's license and stays in place for not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. A person who violates the operating privilege restriction by failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device may be fined not less than \$150 nor more than \$600, imprisoned for not more than six months, or both, for the first offense, and may be fined not less than \$300 nor more than \$1,000, or imprisoned for not more than six months, or both, for a second or subsequent offense.

Currently, the court may order that the ignition interlock device be installed immediately upon issuing the order that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device installed.

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Under this bill, when a court orders that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device, the court must order that the device be installed within 3 working days of the order restricting the person's operating privilege. Also under this bill, the operating privilege restriction takes effect immediately upon the issuing of the order restricting the person's operating privilege. The operating privilege restriction remains in place for not less than one year after DOT issues an operator's license nor more than the maximum operating privilege revocation period after DOT issues an operator's license. A violation of the operating privilege restriction is subject to the same penalty provided for failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 343.301 (2m) of the statutes is amended to read:
2 343.301 **(2m)** The court shall restrict the operating privilege under sub. (1g)
3 beginning on the date the order under sub. (1g) is issued and extending for a period
4 of not less than one year after the date the department issues any license granted
5 under this chapter nor more than the maximum operating privilege revocation
6 period permitted for the refusal or violation, beginning on the date the department
7 ~~issues any license granted under this chapter,~~ after the date the department issues
8 any license granted under this chapter except that if the maximum operating
9 privilege revocation period is less than one year, the court shall restrict the operating
10 privilege under sub. (1g) for a period of one year after the date the department issues
11 any license granted under this chapter. The court may shall order the installation
12 of that an ignition interlock device under sub. (1g) immediately upon be installed
13 within 3 working days after issuing an order under sub. (1g).

