

Assembly Hearing Slip

(Please print plainly)

Date: 4-13-99

Bill No. AB 238

Or  
Subject \_\_\_\_\_

(Name) Sen. Gary Drevicki

(Street Address or Route Number) \_\_\_\_\_

(City & Zip Code) 30th Senate District  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4/14/99

Bill No. AB 238

Or  
Subject \_\_\_\_\_

(Name) Dennis J. Doherty

(Street Address or Route Number) \_\_\_\_\_

(City & Zip Code) State Rep  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: APR 14, 1999

Bill No. AB 238

Or  
Subject \_\_\_\_\_

(Name) CAPT. BOB YOUNG

(Street Address or Route Number) \_\_\_\_\_

(City & Zip Code) STATE PATROL  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

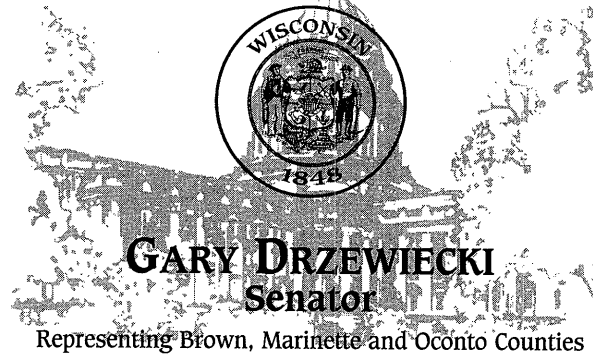
Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

# Wisconsin State Senate

PLEASE REPLY TO:  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-5670

E-MAIL:  
Sen.Drzewiecki@legis.state.wi.us  
TOLL-FREE LEGISLATIVE HOTLINE:  
1-800-362-9472



June 9, 1999

Dear Highway Safety Committee Members:

I am writing to you today to ask for your support for Assembly Bill 238 as amended by Assembly Substitute Amendment 1 that will be voted on today in your committee. I believe it is another necessary step in combating drunken driving in the state of Wisconsin.

As you well know, drunken driving remains a significant problem in Wisconsin. In 1997, the last year tabulated for drunken driving statistics, 309 individuals lost their lives in Wisconsin due to drunken driving and another 6,797 individuals were injured.

Assembly Bill 238 tackles one loophole that is currently being used in our drunken driving laws. It has come to our attention that a tactic being used by drunk drivers involved in automobile accidents is to begin drinking alcohol again after the accident, and continue drinking until law enforcement arrives.

When confronted by law enforcement officials, they indicate that the accident "shook them up" and, therefore, they began drinking after the accident to calm their nerves. In fact, some individuals have even left the accident and gone to a nearby tavern before returning to the scene. This tactic has been used successfully to avoid being convicted of charges of OWI causing injury, great bodily harm or death.

Assembly Bill 238 as amended would create a new penalty for consuming alcohol within three hours after the operation of a motor vehicle that resulted in injury, great bodily harm or death to another person or damage to property.

If Assembly Bill 238 passes as amended, drunken drivers who cause accidents can still claim they only drank after the accident, however this will subject them to a penalty of \$1000 and imprisonment for up to 90 days. In addition, they still can be charged with drunken driving, if experts prove that their blood alcohol content indicated that they were, in fact, drunk at the time of the accident.

I believe that this legislation will deter drunken drivers from attempting to drink after an accident in order to tamper with evidence and evade drunken driving charges. Assembly

Bill 238 is sound public policy for the state of Wisconsin and another weapon for law enforcement to use against drunk driving.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary", written in a cursive style.

**GARY F. DRZEWIECKI**

State Senator

30<sup>th</sup> Senate District

1947 c 180 s 1; 1987 c 383 s 5; 1989 c 290 art 6 s 1; 1989 c 321 s 9; 1991 c 319 s 16; 1993 c 351 s 27,28; 1994 c 399 s 1

**169.10 STATISTICAL INFORMATION.**

The department of public safety shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

**HIST:** (2720-174) 1937 c 464 s 24; 1971 c 491 s 12

*Attn: Louise*

**169.11 CRIMINAL NEGLIGENCE.**

The commissioner of public safety shall revoke the driver's license of any person convicted of the crime of criminal negligence in the operation of a vehicle resulting in the death of a human being.

**HIST:** (2720-175) 1937 c 464 s 25; 1963 c 753 art 2 s 1; 1969 c 1129 art 1 s 15,18; 1981 c 363 s 26

169.12 Repealed, 1957 c 297 s 2

**DWI-RELATED PROVISIONS**

**169.121 DRIVERS UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.**

**Subdivision 1. Crime.** It is a crime for any person to drive, operate, or be in physical control of any motor vehicle within this state or upon the ice of any boundary water of this state:

- (a) when the person is under the influence of alcohol;
- (b) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (c) when the person is under the influence of a combination of any two or more of the elements named in clauses (a), (b), and (E);
- (d) when the person's alcohol concentration is 0.10 or more;
- (e) when the person's alcohol concentration as measured within two hours of the time of driving is 0.10 or more; or
- (f) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle.

**Subd. 1a. Refusal to submit to testing; crime.** It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 169.123.

**Subd. 1b. Arrest.** A peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was

*Mexine Soto  
DWT  
(drinking after arrest)*

*885.235*