

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/2000

BILL NO. SB 125

OR
SUBJECT _____

REP. JEFF SMOE

(NAME)

2nd Assembly District

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00

BILL NO. SB 125

OR
SUBJECT _____

(NAME)

Senator Gary Dreweickel

(Street Address or Route Number)

(City and Zip Code)

30th Senek District

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00

BILL NO. SB 125

OR
SUBJECT _____

(NAME)

T.R. Sheffgen

(Street Address or Route Number)

(City and Zip Code)

Madison 53704
WI Wholesale Beer Distribution

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. SB125

SUBJECT _____

(NAME) BRANDEN SCHLZ
(Street Address or Route Number) 2601 CROSSROADS DR #185

(City and Zip Code) MADISON 53718

(Representing) WISCONSIN GROCERS ASSN

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-2000

BILL NO. SB125

SUBJECT _____

(NAME) Scott Steyer
(Street Address or Route Number) P.O. Box 170

(City and Zip Code) Madison, WI

(Representing) Tavern League

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. SB 125

SUBJECT _____

(NAME) ERIC JENSEN
(Street Address or Route Number) 330 E. CALLESIDE ST.

(City and Zip Code) MADISON 53715

(Representing) State Medical Society

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. SB 125

or
SUBJECT _____

MICHAEL R. VAUGHAN

(NAME)

P.O. BOX 2038

(Street Address or Route Number)

MADISON, WI 53701

(City and Zip Code)

ANAEOSER-BIBCH COMPANIES,

(Representing)

INC,

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information
only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00
BILL NO. SB-125
OR
SUBJECT _____

Dennis Hughes & John Sobolik
(NAME)
4802 Sheboygan Ave.
(Street Address or Route Number)
Madison, WI 53707
(City and Zip Code)
Wisconsin DOT
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00
BILL NO. SB 125
OR
SUBJECT _____

SOE HACKBORTH
(NAME)
PO Box 7912 Russel
(Street Address or Route Number)
MADISON 53707
(City and Zip Code)
STATE PAROL
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00
BILL NO. SB-125
OR
SUBJECT _____

Julie Clark
(NAME)
4802 Sheboygan Ave
(Street Address or Route Number)
Madison, WI 53702
(City and Zip Code)
DOT - DMV
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

To Answer questions

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/2000

BILL NO. AB 221

OR

SUBJECT SB 125

Derinda Floyd

(NAME)

200 E WELLS ST

(Street Address or Route Number)

MILWAUKEE 53202

(City and Zip Code)

City of Milwaukee

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00

BILL NO. AB 221

OR

SUBJECT SB 125

DRUNK DRIVING

JOHN SOBOTKA

(NAME)

DOT

(Street Address or Route Number)

4802 Sheboygan Ave

(City and Zip Code)

MADISON - DOT

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00

BILL NO. AB-221 SB-125

OR

SUBJECT _____

Aldo Mariastano

(NAME)

17435 D Emily Ave

(Street Address or Route Number)

BROOKFIELD WI 53045

(City and Zip Code)

WOLF DISTRIBUTORS Co.

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00

BILL NO. AB2221 / SB125
OR

SUBJECT _____

Kathleen Kilgore

(NAME)

8801 Fish Hatchery Rd.

(Street Address or Route Number)

MADISON, WI 53713

(City and Zip Code)

WI RESTAURANT ASSN.

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information
only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

State of Wisconsin



GARY R. GEORGE
SENATOR

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk
Senate Committee on Judiciary and Consumer Affairs

RE: Paper Ballot on Bills That Have Previously Received a Public Hearing in the Senate Committee on Judiciary and Consumer Affairs and on Which There Appears to be a Consensus In Favor

DATE: March 10, 2000

Attached please find paper ballots as well as proposed substitute amendments to two bills that have previously received a public hearing in the Senate Committee on Judiciary and Consumer Affairs. Included are: SB 125 (OWI Legislation) and SB 213 (Causing a Child to Mutilate Himself or Herself).

A Legislative Council memorandum describing the substitute amendment to SB 125 will be delivered to your office on Monday morning.

The substitute amendment to SB 213 was drafted to address concerns raised about the way the offense is defined and the penalty structure was set up in the original bill. The author of the bill has reviewed the substitute amendment to SB 213 and approves of the changes.

Note: Please return the paper ballots by noon Monday, March 13, 2000.



STATE BAR of WISCONSIN

5302 Eastpark Blvd.
P.O. Box 7158
Madison, WI 53707-7158

LEGISLATIVE POSITION

To: Members of the Senate Committee on Judiciary and Consumer Affairs
From: Ralph Kalal, State Bar of Wisconsin Criminal Law Section
Date: February 1, 2000
Re: SB125/AB221—Drinking and Driving Bills

The State Bar of Wisconsin Criminal Law Section both opposes and supports parts of SB125 and AB221.

The Criminal Law Section supports efforts relating to repealing mandatory forfeiture of motor vehicles.

It also strongly supports the efforts being made to implement the Safe Rider Program.

The Criminal Law Section opposes the provisions as currently written regarding Ignition Interlock Devices, mandatory minimums for repeat offenders, underage violations, and increased penalties for higher BAC levels.

Specifically, the language in the substitute amendment to AB221 raised concerns in several areas.

1. Ignition Interlock Devices (IID)—Section 7

- If IID programs are to be piloted across the state, there should be language requiring uniformity of instruments and instrument certification to ensure that the devices being used are of a high quality and that results compared across the state will be consistent and accurate.
- If there is to be voluntary participation in the IID pilot programs, language should require courts to take participation in such programs as a factor in sentencing.

2. Work Release Privileges—Section 12

The Substitute Amendment to AB221 permits the department to refuse work release privileges to a person who fails to comply with a driver safety plan. This proposal raises at least four questions:

- Who within the DOC is entitled to make this determination—the local facility or DOC in Madison? Why is the Department making the determination instead of the local sheriff?

- What criteria will be used to determine “a failure to comply?”
- When would a person be allowed to be re-released on Huber—when the appointment is rescheduled, attended, or never?
- Are there any hearing rights that would be available to the accused when such a decision is made? Is the hearing to precede the loss of privileges?

3. Enforcement Issues Raising Constitutional Concerns—Section 17

- There are questions on how to enforce a .02 BAC, since the margin of error in many tests given is +/- .02. How would this be enforced accurately given the current limitations on technology? For example, there is evidence that infrared spectroscopy tests are not sensitive at levels of .02 and can give false results.
- Constitutionally, there are equal protection issues that will arise when the state presumes that a person has committed an element of an offense and an alcohol concentration lower than another person based on recidivism. The enforcement of the BAC should be uniform for every violation.
- There are 13th Amendment issues raised regarding forfeiture.

The Criminal Law Section hopes the Committee will take the deficiencies in the bills into consideration when deliberating on them.

If you would like more information about the Criminal Law Section’s position on Drinking and Driving Legislation, feel free to contact Cory Mason at the State Bar of Wisconsin at 1-800/444-9404 x6128 or email him at cmason@wisbar.org. You can also contact Atty. Ralph Kalal at 608/255-9295 or Atty. Christopher Mutschler at 920/921-9299.



Date: February 1, 2000

To: Members of the Senate Committee on Judiciary and Consumer Affairs
Senate Gary George, Chairman

From: Kathleen Kilgore, Government Relations Specialist
Wisconsin Restaurant Association

Re: Support of AB221 and SB125

The Wisconsin Restaurant Association represents over 7,000 foodservice outlets in the state of Wisconsin, approximately half of which have alcohol beverage licenses. WRA has long been on record as supporting efforts to curb drunk driving and underage drinking. We believe that Assembly Bill 221 and Senate Bill 125 take a major step forward in fighting these two problems.

Our membership is committed to reducing underage drinking and drunk driving. WRA has historically taken part in efforts to mitigate these problems. For example, we supported legislation that required all applicants for a bartender's license to take a responsible server course. In fact, we helped develop the course that is taught. We have developed designated driver programs to get our customers home safely and participate in ID checking programs that help to identify fake, altered and borrowed IDs.

WRA disagrees with the theory that lowering the legal blood alcohol concentration will somehow solve these problems. Instead, we believe that the best way to reduce the number of underage drinkers and drunk drivers is to create tougher penalties for those that violate the law, sometimes repeatedly. Assembly Bill 221 and Senate Bill 125 do just that by offering grants for safe-ride programs, increasing penalties for underage drinking and drunk driving, and by dramatically raising the penalties for repeat offenders of the law.

We believe these bills give law enforcement and the state's District Attorneys the tools they need to curb the problems of underage drinking and drunk driving. We urge your support of this important legislation.

Conviction	Fine or Forfeiture	Jail	Suspension or Revocation	Occupational License	Assessment	Points
OWI, First ^a	\$150 - \$300 (plus \$340 surcharge)		6 - 9 month suspension	Immediately	YES	6
OWI, Second ^b (Within 5 years) ^b	\$300 - \$1,000 (plus \$340 surcharge)	5 days to 6 months	12 - 18 month revocation	After 60 days ^{c,e}	YES	6
OWI, Third ^c (Within 10 years) ^b	\$600 - \$2,000 (plus \$340 surcharge)	30 days to one year	2 - 3 year revocation Vehicle must be immobilized or equipped with IID or may be seized	After 90 days ^{c,e}	YES	6
OWI, Fourth ^c (Within 10 years) ^b	\$600 - \$2,000 (plus \$340 surcharge)	60 days to 1 year	2 - 3 year revocation Vehicle seized if owned by offender	After 90 days ^{c,e}	YES	6
OWI, Fifth or more ^d (Within 10 years) ^b	\$600 - \$2,000 (plus \$340 surcharge)	6 months to 1 year	5 years as an HTO Vehicle seized if owned by offender	After 90 days ^{c,e}	YES	6
Causing Injury While OWI ^e	\$300 - \$2,000 (plus \$340 surcharge)	30 days to 1 year	1 - 2 year revocation	After 60 days	YES	6
Causing Great Bodily Harm While OWI ^e	Up to \$10,000 (plus \$340 surcharge)	Up to 5 years imprisonment	2 year revocation	After 120 days	YES	0
Homicide While OWI ^e	Up to \$10,000 (plus \$340 surcharge)	Up to 10 years imprisonment	5 year revocation	After 120 days	YES	0
Chemical Test Refusal (First) ^b			1 year revocation	After 30 days	YES	0
Chemical Test Refusal (Second) ^b (Within 5 years) ^b			2 year revocation	After 90 days ^e	YES	0
Chemical Test Refusal (Third) ^b (Within 10 years) ^b			3 year revocation	After 120 days ^e	YES	0
Administrative Suspension for Prohibited Alcohol Concentration			6 month suspension	Immediately	NO	0
Absolute Sobriety (if under legal drinking age - 21)	\$92.30 (Forfeiture and costs) ^b		3 month suspension	Immediately	NO	0
Open Container (Driver)	\$203 (Forfeiture and costs) ^b					
Open Container (Passenger)	\$141.50 (Forfeiture and costs) ^b					

A. Fines, forfeitures, jail and revocation/suspension penalties are doubled for someone convicted of OWI when a person under 16 years of age was present in the vehicle, see 1995 WIS ACT 425.
 B. The 5 year and 10 year periods are measured from the date of refusal or violation that resulted in conviction, 196.65(2).
 C. Absolute sobriety is a mandatory condition for an occupational license for persons with 2 or more suspensions, revocations or convictions as counted under 303.307(1), 343.10(8)(b)(i).
 D. All occupational licenses, 136.30(2)(b), 136.30(2)(c), 136.30(2)(d), 136.30(2)(e), 136.30(2)(f), 136.30(2)(g), 136.30(2)(h), 136.30(2)(i), 136.30(2)(j), 136.30(2)(k), 136.30(2)(l), 136.30(2)(m), 136.30(2)(n), 136.30(2)(o), 136.30(2)(p), 136.30(2)(q), 136.30(2)(r), 136.30(2)(s), 136.30(2)(t), 136.30(2)(u), 136.30(2)(v), 136.30(2)(w), 136.30(2)(x), 136.30(2)(y), 136.30(2)(z), 136.30(2)(aa), 136.30(2)(ab), 136.30(2)(ac), 136.30(2)(ad), 136.30(2)(ae), 136.30(2)(af), 136.30(2)(ag), 136.30(2)(ah), 136.30(2)(ai), 136.30(2)(aj), 136.30(2)(ak), 136.30(2)(al), 136.30(2)(am), 136.30(2)(an), 136.30(2)(ao), 136.30(2)(ap), 136.30(2)(aq), 136.30(2)(ar), 136.30(2)(as), 136.30(2)(at), 136.30(2)(au), 136.30(2)(av), 136.30(2)(aw), 136.30(2)(ax), 136.30(2)(ay), 136.30(2)(az), 136.30(2)(ba), 136.30(2)(bb), 136.30(2)(bc), 136.30(2)(bd), 136.30(2)(be), 136.30(2)(bf), 136.30(2)(bg), 136.30(2)(bh), 136.30(2)(bi), 136.30(2)(bj), 136.30(2)(bk), 136.30(2)(bl), 136.30(2)(bm), 136.30(2)(bn), 136.30(2)(bo), 136.30(2)(bp), 136.30(2)(bq), 136.30(2)(br), 136.30(2)(bs), 136.30(2)(bt), 136.30(2)(bu), 136.30(2)(bv), 136.30(2)(bw), 136.30(2)(bx), 136.30(2)(by), 136.30(2)(bz), 136.30(2)(ca), 136.30(2)(cb), 136.30(2)(cc), 136.30(2)(cd), 136.30(2)(ce), 136.30(2)(cf), 136.30(2)(cg), 136.30(2)(ch), 136.30(2)(ci), 136.30(2)(cj), 136.30(2)(ck), 136.30(2)(cl), 136.30(2)(cm), 136.30(2)(cn), 136.30(2)(co), 136.30(2)(cp), 136.30(2)(cq), 136.30(2)(cr), 136.30(2)(cs), 136.30(2)(ct), 136.30(2)(cu), 136.30(2)(cv), 136.30(2)(cw), 136.30(2)(cx), 136.30(2)(cy), 136.30(2)(cz), 136.30(2)(da), 136.30(2)(db), 136.30(2)(dc), 136.30(2)(dd), 136.30(2)(de), 136.30(2)(df), 136.30(2)(dg), 136.30(2)(dh), 136.30(2)(di), 136.30(2)(dj), 136.30(2)(dk), 136.30(2)(dl), 136.30(2)(dm), 136.30(2)(dn), 136.30(2)(do), 136.30(2)(dp), 136.30(2)(dq), 136.30(2)(dr), 136.30(2)(ds), 136.30(2)(dt), 136.30(2)(du), 136.30(2)(dv), 136.30(2)(dw), 136.30(2)(dx), 136.30(2)(dy), 136.30(2)(dz), 136.30(2)(ea), 136.30(2)(eb), 136.30(2)(ec), 136.30(2)(ed), 136.30(2)(ee), 136.30(2)(ef), 136.30(2)(eg), 136.30(2)(eh), 136.30(2)(ei), 136.30(2)(ej), 136.30(2)(ek), 136.30(2)(el), 136.30(2)(em), 136.30(2)(en), 136.30(2)(eo), 136.30(2)(ep), 136.30(2)(eq), 136.30(2)(er), 136.30(2)(es), 136.30(2)(et), 136.30(2)(eu), 136.30(2)(ev), 136.30(2)(ew), 136.30(2)(ex), 136.30(2)(ey), 136.30(2)(ez), 136.30(2)(fa), 136.30(2)(fb), 136.30(2)(fc), 136.30(2)(fd), 136.30(2)(fe), 136.30(2)(ff), 136.30(2)(fg), 136.30(2)(fh), 136.30(2)(fi), 136.30(2)(fj), 136.30(2)(fk), 136.30(2)(fl), 136.30(2)(fm), 136.30(2)(fn), 136.30(2)(fo), 136.30(2)(fp), 136.30(2)(fq), 136.30(2)(fr), 136.30(2)(fs), 136.30(2)(ft), 136.30(2)(fu), 136.30(2)(fv), 136.30(2)(fw), 136.30(2)(fx), 136.30(2)(fy), 136.30(2)(fz), 136.30(2)(ga), 136.30(2)(gb), 136.30(2)(gc), 136.30(2)(gd), 136.30(2)(ge), 136.30(2)(gf), 136.30(2)(gg), 136.30(2)(gh), 136.30(2)(gi), 136.30(2)(gj), 136.30(2)(gk), 136.30(2)(gl), 136.30(2)(gm), 136.30(2)(gn), 136.30(2)(go), 136.30(2)(gp), 136.30(2)(gq), 136.30(2)(gr), 136.30(2)(gs), 136.30(2)(gt), 136.30(2)(gu), 136.30(2)(gv), 136.30(2)(gw), 136.30(2)(gx), 136.30(2)(gy), 136.30(2)(gz), 136.30(2)(ha), 136.30(2)(hb), 136.30(2)(hc), 136.30(2)(hd), 136.30(2)(he), 136.30(2)(hf), 136.30(2)(hg), 136.30(2)(hh), 136.30(2)(hi), 136.30(2)(hj), 136.30(2)(hk), 136.30(2)(hl), 136.30(2)(hm), 136.30(2)(hn), 136.30(2)(ho), 136.30(2)(hp), 136.30(2)(hq), 136.30(2)(hr), 136.30(2)(hs), 136.30(2)(ht), 136.30(2)(hu), 136.30(2)(hv), 136.30(2)(hw), 136.30(2)(hx), 136.30(2)(hy), 136.30(2)(hz), 136.30(2)(ia), 136.30(2)(ib), 136.30(2)(ic), 136.30(2)(id), 136.30(2)(ie), 136.30(2)(if), 136.30(2)(ig), 136.30(2)(ih), 136.30(2)(ij), 136.30(2)(ik), 136.30(2)(il), 136.30(2)(im), 136.30(2)(in), 136.30(2)(io), 136.30(2)(ip), 136.30(2)(iq), 136.30(2)(ir), 136.30(2)(is), 136.30(2)(it), 136.30(2)(iu), 136.30(2)(iv), 136.30(2)(iw), 136.30(2)(ix), 136.30(2)(iy), 136.30(2)(iz), 136.30(2)(ja), 136.30(2)(jb), 136.30(2)(jc), 136.30(2)(jd), 136.30(2)(je), 136.30(2)(jf), 136.30(2)(jg), 136.30(2)(jh), 136.30(2)(ji), 136.30(2)(jj), 136.30(2)(jk), 136.30(2)(jl), 136.30(2)(jm), 136.30(2)(jn), 136.30(2)(jo), 136.30(2)(jp), 136.30(2)(jq), 136.30(2)(jr), 136.30(2)(js), 136.30(2)(jt), 136.30(2)(ju), 136.30(2)(jv), 136.30(2)(jw), 136.30(2)(jx), 136.30(2)(jy), 136.30(2)(jz), 136.30(2)(ka), 136.30(2)(kb), 136.30(2)(kc), 136.30(2)(kd), 136.30(2)(ke), 136.30(2)(kf), 136.30(2)(kg), 136.30(2)(kh), 136.30(2)(ki), 136.30(2)(kj), 136.30(2)(kl), 136.30(2)(km), 136.30(2)(kn), 136.30(2)(ko), 136.30(2)(kp), 136.30(2)(kq), 136.30(2)(kr), 136.30(2)(ks), 136.30(2)(kt), 136.30(2)(ku), 136.30(2)(kv), 136.30(2)(kw), 136.30(2)(kx), 136.30(2)(ky), 136.30(2)(kz), 136.30(2)(la), 136.30(2)(lb), 136.30(2)(lc), 136.30(2)(ld), 136.30(2)(le), 136.30(2)(lf), 136.30(2)(lg), 136.30(2)(lh), 136.30(2)(li), 136.30(2)(lj), 136.30(2)(lk), 136.30(2)(lm), 136.30(2)(ln), 136.30(2)(lo), 136.30(2)(lp), 136.30(2)(lq), 136.30(2)(lr), 136.30(2)(ls), 136.30(2)(lt), 136.30(2)(lu), 136.30(2)(lv), 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**DEALING WITH SUBSTANCE ABUSE:
Assessment and Driver Safety Plan**

Under the law, if you're convicted of OWI, refuse testing or cause injury or death through OWI, you must be referred to an approved assessment center. You may also get a voluntary assessment any time after your arrest at these centers.

In the assessment process, the extent of your alcohol or other drug use/abuse is determined, and a driver safety plan developed. The plan could include one or more of the following: completion of a traffic safety course designed to help you change drinking/drugged driving behavior; outpatient counseling; inpatient treatment for up to 30 days. You are required to comply with the recommended driver safety plan. You pay the fees for the assessment and treatment/education program. Persons found unable to pay for treatment services may be eligible for financial assistance.

If you do not comply, your driving privilege will be suspended until you do.

**TOUGHER LAWS FOR REPEAT
OFFENDERS**

If you have two or more prior offenses, and you are arrested for OWI, the prohibited alcohol concentration will be .08.

If you are arrested and then convicted of your second OWI offense:

- You must complete an assessment and be in compliance with your driver safety plan to be eligible for an occupational license.
- Your occupational license will have absolute sobriety as a mandatory condition.

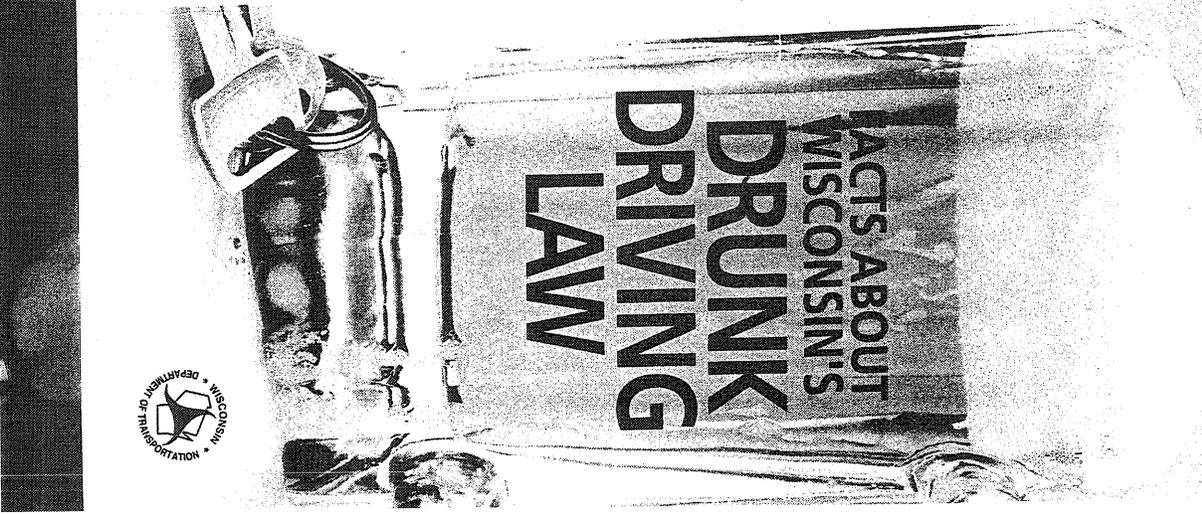
If you are arrested and then convicted of your third OWI offense (in addition to the above):

- Judges may order seizure of your vehicle. If the vehicle is not seized, judges must either order installation of an ignition interlock device or vehicle immobilization unless it results in undue hardship.

If you are arrested and then convicted of a fourth or subsequent OWI offense (in addition to the above):

- Judges must order seizure of your vehicle unless special circumstances apply.

NEED MORE INFORMATION?
 Wisconsin Department of Transportation
 Office of Transportation Safety
 P.O. Box 71397
 Madison, WI 53707
 (608) 266-9402



THERE IS NO SUCH THING AS JUST GETTING A TICKET FOR DRUNK DRIVING

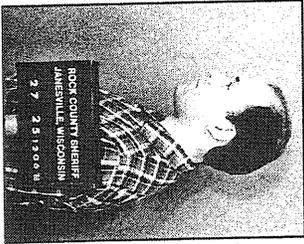
You're arrested. Handcuffed. Booked. Fingerprinted. Put in jail. And that's only the beginning of your problems.

You lose your driver's license. You must appear in court. It's time consuming, and it's embarrassing.

You need money. A lot of it. For attorney fees, fines or forfeitures, court costs, assessment, driver safety plan, license reinstatement... and watch your insurance premiums jump with a drunk driving conviction.

It's a serious change... and an unpleasant experience that will haunt you for a long time.

This leaflet presents the facts. Please consider them carefully. And tell a friend. You'll be doing us all a favor.



WHAT IS OWI?

The common term is "drunk driving," but this law also refers to impairment from other drugs.

Legally it's "operating while under the influence of alcohol or controlled substances or a combination thereof."

An alcohol concentration (AC) of .10* is evidence of intoxication. So is less than .10* with corroborating evidence of impairment from the arresting officer. So is driving under the influence of drugs alone... or a combination of drugs.

WHO GETS ARRESTED FOR OWI?

Nobody's "typical." There are drunk drivers from all age groups, all walks of life, all income levels. Not just problem drinkers but any person who drinks, or uses other drugs, and drives impaired.

For 73 percent of the approximately 35,000 people convicted of OWI annually, it's their first conviction.

About 21 out of 100 drivers convicted for OWI are between the ages of 14 and 24... they represent only 15 percent of the driving population. In the 14-24 age group, 84% are male. In the 25 and older age group, 81 percent of those convicted are male, and 19 percent are female.

HOW DOES THE OFFICER KNOW?

About one in five drivers arrested for OWI is involved in a crash.

The rest are easy to spot. They either drive the wrong way on a one-way street, weave, cross the center line, cut or swing wide at corners, drive too fast or too slow, drive without lights or with a light dome light.

AFTER THE INITIAL STOP

The officer will ask you to perform Standardized Field Sobriety Tests which include the one-leg stand, walk and turn, and horizontal gaze nystagmus. These tests are scientifically validated and help the officer determine whether there is "probable cause" for an OWI arrest.

YOU WILL LOSE YOUR LICENSE - IT'S GUARANTEED

• **Test Over .10*** on the Intoxilizer, and you are guaranteed a six month suspension. The officer takes your driver's license "on the spot" and gives you a receipt that serves as a license for 30 days. This is the Administrative Suspension Law. It's certain, and it's fair.

• Your state is no longer wiped clean after five years. Now the DOT will keep your OWI record for 10 years so that judges can use this information in sentencing.

AN OFFER YOU CAN'T REFUSE

• **Refuse the test for intoxication**, and you'll lose your license for one year. You may appeal this revocation process within 10 days to the courts.

If no grounds are established, you'll lose your license for one year, and you must wait at least 30 days after revocation to be eligible for an occupational license.

WHAT ABOUT "OCCUPATIONAL" LICENSES?

If you need to drive to and from work, an occupational license may be issued. (Please see chart on the back.)

Occupational licenses are not blanket authority to drive wherever and wherever you please. They carry restrictions as to hours of the day, and even prescribed routes.

Moreover, to receive an occupational license, you're required to furnish proof of financial responsibility. That means insurance. You must ask your insurance agent to file a form with the Division of Motor Vehicles proving that you have insurance.

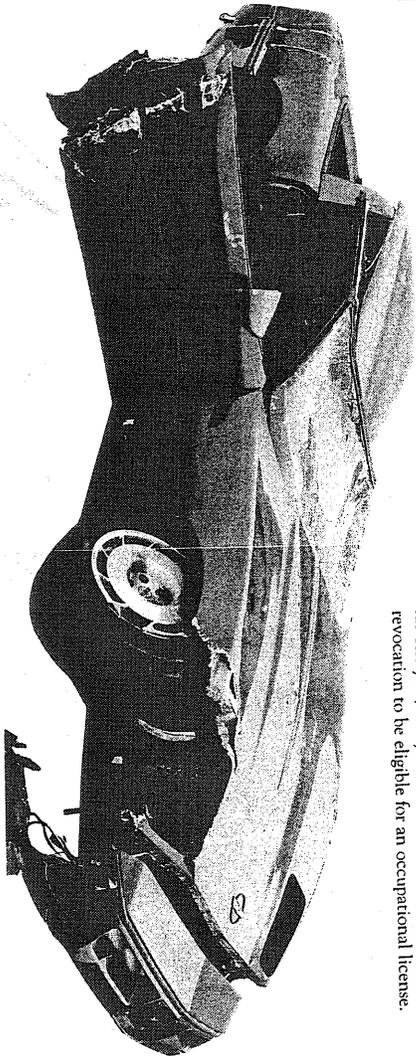
HOW TO REINSTATE YOUR LICENSE

All drunk/drugged driving offenses result in driver license revocations, except the first OWI which is a suspension.

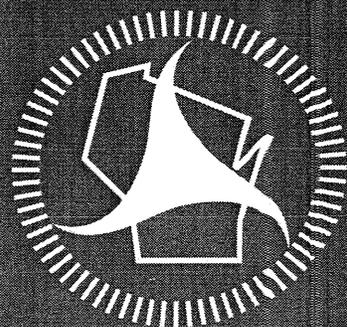
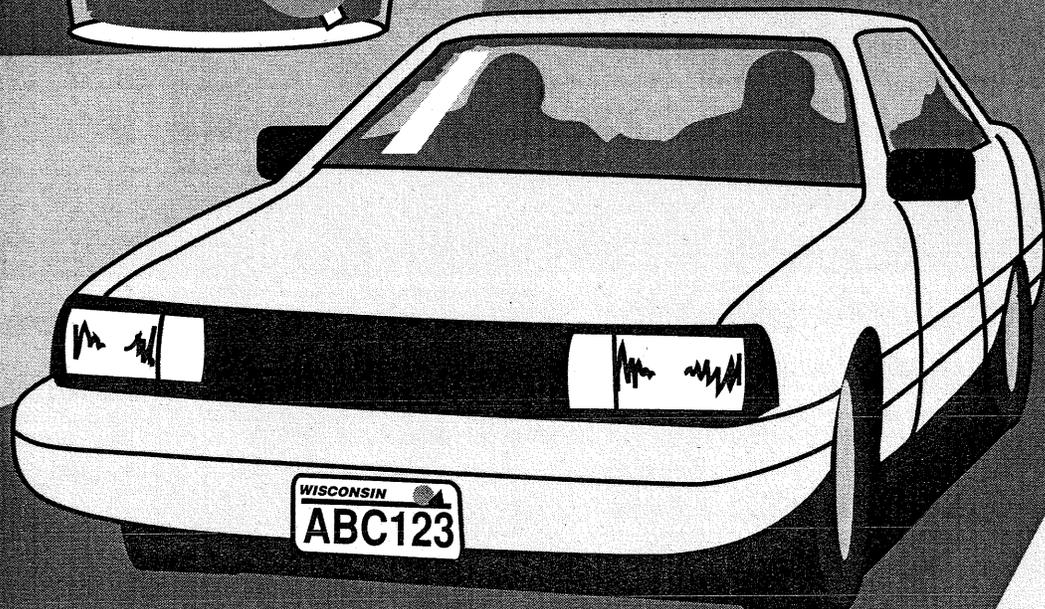
To reinstate your license after suspension, you must pay a \$50 fee. After revocation you not only pay the \$50 fee, but must also furnish proof of financial responsibility for three years. Proof of identity is also required.

If convicted of driving with a revoked or suspended license, you can face a stiff fine, jail term and an additional period of revocation.

*.08 AC if 2, or more prior OWI convictions



1998 WISCONSIN ALCOHOL TRAFFIC FACTS BOOK





Wisconsin Department of Transportation

BUREAU OF TRANSPORTATION SAFETY
4802 Sheboygan Avenue
P.O. Box 7936
Madison, WI 53707-7936

Telephone: (608) 266-0402
FAX: (608) 267-0441

November, 1999

Dear Traffic Safety Partners:

The Wisconsin Department of Transportation, Bureau of Transportation Safety is pleased to provide you with a copy of the 1998 Wisconsin Alcohol Traffic Facts Book. Please note that the title of this book reflects the year for which the most recent data was compiled.

This book provides statewide traffic-related alcohol information. The emphasis on traffic crashes, arrests, convictions and driver safety plan data presents a variety of alcohol-related data that will serve as a resource for safety, health and social service professionals.

We want to thank the Wisconsin Departments of Health and Family Services, Public Instruction, Natural Resources, Revenue, the Office of Justice Assistance, the University of Wisconsin Law School Resource Center on Impaired Driving, the WisDOT Division of Motor Vehicles, and the Distilled Spirits Council of the United States for their contributions to the content of this book.

To obtain additional copies of this book or for more information, please write to: Wisconsin Department of Transportation, Bureau of Transportation Safety, P.O. Box 7936, Madison, WI 53707-7936, or via Fax at (608)267-0441, or call (608)266-0402, or via email at dtim@dot.state.wi.us.

Sincerely,

A handwritten signature in cursive script that reads "John H. Evans".

John H. Evans, Director
Bureau of Transportation Safety

KEY FACTS AND FIGURES

- In 1998, 282 people were killed and 6,850 people were injured in 8,475 alcohol-related motor vehicle crashes in Wisconsin. Alcohol-related crashes accounted for 6.7% of all crashes in the state, 40% of all motor vehicle fatalities, and 11% of all motor vehicle injuries. Since 1988, alcohol-related fatalities have declined 28% (from 391), alcohol-related injuries have declined 33% (from 10,170), and alcohol-related crashes have declined 39% (from 13,847).
- On average, one person was killed or injured in an alcohol-related crash in Wisconsin every 74 minutes during 1998. In 1988, on average, one person was killed or injured in an alcohol-related crash in Wisconsin every 50 minutes.
- During 1998, 37,708 people were arrested for Operating While Intoxicated (OWI) in Wisconsin, including 596 persons who were under 18. This compares to 34,363 OWI arrests in 1988.
- Of the 8,444 drinking drivers involved in crashes in 1998, 1,086 (13%) were under age 21 and 7,347 were age 21 or older. Since 1988, the number of drinking drivers in crashes has declined 42% (from 14,441). In 1988, 2,135 (15%) of the 14,441 drinking drivers in crashes were under age 21. The minimum drinking age was raised from 18 to 19 in July, 1984, and from 19 to 21 in September, 1986.
- In 1998, 140 drivers killed in crashes had an alcohol concentration (AC) of 0.10% or higher; 15 were under age 21 and 125 were age 21 or older. These 140 drivers represent 35% of all drivers that were killed and tested for alcohol concentration. The 15 drivers under age 21 represent 20% of all drivers under age 21 that were killed and tested for alcohol concentration. In 1988, 47% of all drivers killed and tested for alcohol concentration had an AC of 0.10% or higher.
- Of 30,263 drivers convicted of OWI (Operating While Intoxicated) in Wisconsin in 1998, 2,570 (8%) were under age 21 at the time of violation and 27,693 were age 21 or older.
- Of the 35,622 OWI citations adjudicated in Wisconsin during 1998, 92% of the drivers were found guilty. This total included 4,884 cases where the driver refused the alcohol test; 93.6% of the people who refused the alcohol test were found guilty of OWI.
- The median time between OWI violation and conviction in 1998 was 54 days.
- The median alcohol concentration (AC) test result for 1998 OWI citations was 0.17%.
- In 1997, 5% of the Behavioral Risk Factor Survey respondents (age 18 and older) reported that they drove after drinking too much during the past month. In the 1999 Youth Risk Behavior Survey, 13.5% of 10th graders and 28.3% of 12th graders responded that they drove after drinking in the past 30 days.

KEY FACTS AND FIGURES

- A snapshot of the WisDOT-DMV-Driver Record File taken January 1, 1999 showed that:
 - 111,426 drivers had 1 OWI conviction
 - 10,852 drivers had 2 OWI convictions
 - 12,114 drivers had 3 OWI convictions
 - 3,238 drivers had 4 OWI convictions
 - 952 drivers had 5 OWI convictions
 - 299 drivers had 6 OWI convictions
 - 88 drivers had 7 OWI convictions
 - 25 drivers had 8 OWI convictions
 - 9 drivers had 9 OWI convictions
 - 4 drivers had 10 OWI convictions
 - 1 driver had 11 OWI convictions.
- A “typical” OWI offender is a 36 year old male. Of the 111,426 drivers with one OWI conviction in the driver history profile, 80% were male and 51% were between the ages of 25 and 39. Of the 27,582 repeat offenders, 86% were male and 57% were between the ages of 25 and 39.

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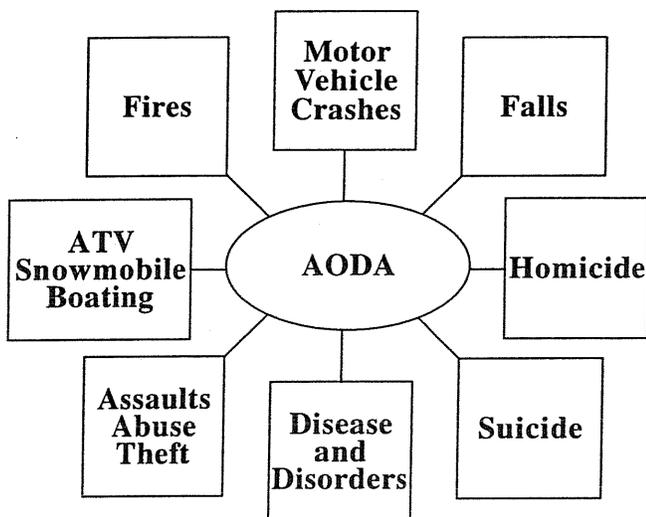
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SECTION 1: MAGNITUDE OF THE PROBLEM

The use and abuse of alcoholic beverages increase the likelihood of virtually all types of injury, even among young teenagers. About one-third of fatally injured drivers and substantial proportions of adult passengers and pedestrians killed in motor vehicle crashes—as well as in falls, drownings, fires, assaults, and suicides—have alcohol concentrations of 0.10 percent or higher. In both highway and non-highway events, the more severe the event, the higher the percentage in which alcohol plays a role. In Wisconsin, alcohol contributed to 40% of all fatal crashes in 1998. Identifying particular groups of people likely to drive under the influence of alcohol and other drugs by specific highway location is especially important for effective prevention efforts.

Section One will provide an overview of problems associated with alcohol. The intent is to present the big picture and then focus on traffic safety problems including motor vehicle crashes.

PROBLEMS ASSOCIATED WITH ALCOHOL AND OTHER DRUG ABUSE



ALCOHOL-RELATED DEATHS IN WISCONSIN

In Wisconsin, various agencies collect data on deaths attributable to alcohol and drug abuse. Motor vehicle deaths are collected by the Department of Transportation. Boating and snowmobile deaths are maintained by the Department of Natural Resources. Alcohol disease deaths, drug-related deaths, as well as all other death information derived from Wisconsin death certificates, are maintained by the Department of Health and Family Services.

All of the categories above count deaths that were alcohol-related. The Alcohol category and Other Drugs category include diseases, accidental overdose and suicide.

ALCOHOL-RELATED DEATHS IN WISCONSIN

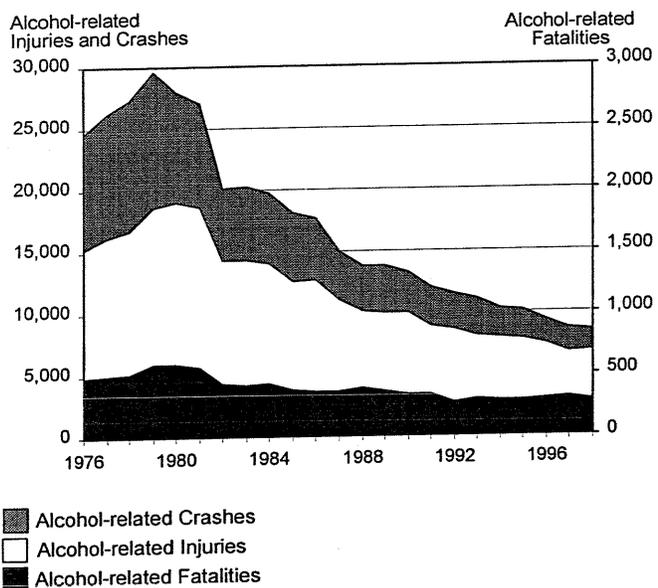
Year	Motor Vehicle	Boating/ Snowmobile	Alcohol Diseases	Other Drugs
1983	417	17	305	65
1984	428	16	294	89
1985	373	12	344	75
1986	371	15	300	88
1987	368	12	305	85
1988	391	22	298	106
1989	366	21	337	92
1990	335	23	303	83
1991	333	20	264	100
1992	268	25	283	98
1993	297	22	306	102
1994	278	21	672*	209*
1995	282	17	687*	216*
1996	295	33	667*	197*
1997	309	23	659*	225*
1998	282	17	NA	NA

*Note: The DHFS-Center for Health Statistics changed their reporting to allow more contributing causes for deaths.

NA = Not available

SOURCE: DOT-DMV Accident Database, DHFS-Center for Health Statistics, DNR-Bureau of Law Enforcement

WISCONSIN ALCOHOL-RELATED INJURIES AND FATALITIES FROM MOTOR VEHICLE CRASHES 23-YEAR SUMMARY



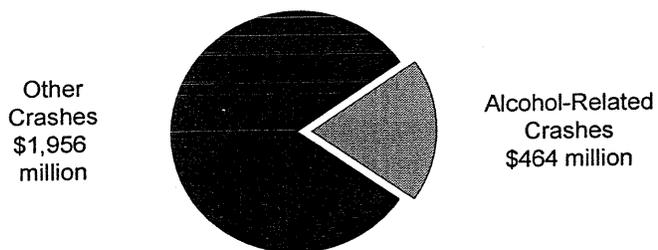
SOURCE: DOT-DMV Accident Database

Year	ALCOHOL-RELATED		
	Crashes	Fatalities	Injuries
1976	24,548	485	15,319
1977	26,200	505	16,258
1978	27,354	510	16,760
1979	29,647	593	18,681
1980	28,025	592	19,112
1981	26,978	573	18,648
1982	20,089	426	14,283
1983	20,216	417	14,282
1984	19,748	428	14,054
1985	18,077	373	12,616
1986	17,673	371	12,766
1987	14,994	368	11,120
1988	13,847	391	10,170
1989	13,803	366	10,048
1990	13,309	335	10,035
1991	12,034	333	8,899
1992	11,516	268	8,686
1993	11,052	297	8,093
1994	10,279	278	8,039
1995	10,170	282	7,890
1996	9,338	295	7,496
1997	8,627	309	6,797
1998	8,475	282	6,850

Alcohol-Related Crash: The investigating officer perceived that a driver, pedestrian or bicyclist involved in the crash had been drinking alcohol prior to the crash.

ALCOHOL-RELATED CRASH COSTS

1998 ECONOMIC LOSS FROM MOTOR VEHICLE CRASHES



SOURCE: DOT

Note: The method used for calculating economic loss differs from that used in prior Wisconsin Alcohol Traffic Facts books where a single cost figure was used for all nonfatal injuries, regardless of severity.

According to WisDOT estimates, alcohol-related crashes cost Wisconsin about \$464 million in 1998. This represents about 19% of the estimated total economic loss in Wisconsin due to motor vehicle crashes. Economic loss is determined using national cost estimates obtained each year from the National Safety Council. Figures used to calculate the 1998 economic loss are the 1997 National Safety Council estimates plus 2.5% to account for inflation:

- Fatality: \$1,004,500
- Incapacitating injury: \$43,900
- Nonincapacitating injury: \$14,800
- Possible injury: \$8,400
- Property damage: \$6,600

In 1996, alcohol was cited as a contributing factor in 25% of motor vehicle crashes that resulted in hospitalization in Wisconsin. During that year, alcohol-related crashes accounted for almost \$21 million in hospital charges alone. This figure does not include the physician charges for hospital care or any medical care that occurred after the patient left the hospital.

SOURCE: UW-Center for Health Systems Research and Analysis

ALCOHOL-RELATED FATALITIES INVOLVING RECREATIONAL EQUIPMENT

BOATING

Year	Alcohol-Related Fatalities	Total Fatalities	%Alcohol-Related	Registered Vehicles
1990	6	19	32%	496,613
1991	11	23	48%	501,917
1992	9	23	39%	512,234
1993	9	19	47%	515,342
1994	4	21	19%	526,973
1995	5	15	33%	534,828
1996	9	19	47%	540,835
1997	10	29	34%	543,034
1998	5	15	33%	559,321

SNOWMOBILES

Year	Alcohol-Related Fatalities	Total Fatalities	%Alcohol-Related	Registered Vehicles
1982	7	9	78%	129,293
1983	3	8	38%	151,402
1984	6	11	55%	168,080
1985	6	23	26%	164,907
1986	7	10	70%	155,203
1987	7	7	100%	159,451
1988	9	15	60%	147,120
1989	13	17	76%	158,044
1990	17	23	74%	150,576
1991	9	15	60%	149,508
1992	16	22	73%	163,196
1993	13	21	62%	180,208
1994	17	30	57%	182,124
1995	12	22	54%	193,184
1996	24	34	70%	202,216
1997	13	21	61%	208,200
1998	12	20	60%	214,611

ALL-TERRAIN VEHICLES (ATV)

Year	Alcohol-Related Fatalities	Total Fatalities	%Alcohol-Related	Registered Vehicles
1990	8	14	57%	41,626
1991	3	6	50%	42,283
1992	3	8	38%	50,382
1993	1	7	14%	56,597
1994	3	7	43%	62,460
1995	7	9	78%	70,928
1996	2	5	40%	79,245
1997	1	4	25%	89,580
1998	1	6	17%	97,420

SOURCE: DNR-Bureau of Law Enforcement

DEPARTMENT OF NATURAL RESOURCES (DNR) ALCOHOL-RELATED CITATIONS 1989-1998

Year	Boating	Snowmobile	ATV	TOTAL
1989	216	26	18	260
1990	261	125	18	404
1991	337	119	21	477
1992	238	171	23	432
1993	281	251	39	571
1994	288	77	33	398
1995	262	182	49	493
1996	321	173	40	534
1997	323	70	35	428
1998	254	73	32	359

BOATING 1986-1998

Operate a motorboat while under the influence of an intoxicant, operate a motorboat with AC of 0.10% or greater	2,910
Refuse test, intoxicated motorboat operation	172
Cause injury by intoxicated operation of a motorboat	43
Intoxicated water-skiing	3
Total	3,128

Totals

SNOWMOBILE 1986-1998

Operate a snowmobile while intoxicated	665
Operate a snowmobile with alcohol concentration above 0.10%	518
Refuse to take intoxicated snowmobile test	57
Absolute sobriety for persons under age 19	18
Cause injury by intoxicated operation of snowmobile	9
Total	1,267

Totals

ALL-TERRAIN VEHICLES (ATV) 1986-1998

Operate an ATV while intoxicated	177
Operate an ATV with alcohol concentration above 0.10%	112
Absolute sobriety for persons under age 19	9
Refuse to take intoxicated ATV test	14
Total	312

Totals

Counting: Citations

SOURCE: DNR-Bureau of Law Enforcement

BOATING OWI AND RELATED PENALTIES

Conviction	Fine or Forfeiture	Jail	Assessment	Mandatory Boater Education
OWI 30.681(1)	1st: \$150-\$449 2nd: \$300-\$1,000 3rd: \$600-\$2,000 4th: \$600-\$2,000 5th: \$600-\$2,000 [30.80(6)(a)1-5]	2nd: 5 days to 6 mo 3rd: 30 days to 1 yr 4th: 60 days to 1 yr 5th: 6 months to 1 yr	Yes Yes Yes Yes Yes [30.80(6)(d)]	Yes Yes Yes Yes Yes [30.80(6)(e)]
Causing Injury While OWI 30.681(2)	\$300-\$2,000 [30.80(6)(b)]	30 days to 1 yr	Yes	Yes
Chemical Test Refusal 30.684(5)	1st: \$150-\$449 2nd: \$300-\$1,000 3rd: \$600-\$2,000 [30.80(6)(a)1-5]	2nd: 5 days to 3 mo 3rd: 30 days to 1 yr	Yes Yes Yes	Yes Yes Yes
Absolute Sobriety (If under age 21) 30.681(1)(bn)	\$50 [30.80(6)(a)6]	No	No	No

SNOWMOBILE OWI AND RELATED PENALTIES

Conviction	Fine or Forfeiture	Jail	Assessment	Mandatory Snow mobile Education
OWI 350.101(1)	1st: \$400-\$762.50 2nd: \$300-\$1,000 3rd: \$600-\$2,000 [350.11(3)(a)1-3]	2nd: 5 days to 6 mo 3rd: 30 days to 1 yr	Yes Yes Yes [350.11(3)4(d)]	No No No
Causing Injury While OWI 350.101(2)	\$300-\$2,000 [350.11(3)(b)]	30 days to 1 yr	Yes	No
Chemical Test Refusal 350.104(5)	1st: \$400-\$762.50 2nd: \$300-\$1,000 3rd: \$600-\$2,000 [350.11(3)(a)1-3]	2nd: 5 days to 3 mo 3rd: 30 days to 1 yr	Yes Yes Yes	No No No
Absolute Sobriety (If under age 19) 350.101(1)(c)	\$0-\$147.50 [350.11(3)4]	No	No	No

ALL-TERRAIN VEHICLE OWI AND RELATED PENALTIES

Conviction	Fine or Forfeiture	Jail	Assessment	Mandatory All-terrain Education
OWI 23.33(4c)(a)	1st: \$150-\$455 2nd: \$300-\$1,000 3rd: \$600-\$2,000 [23.33(13)(b)1-3]	2nd: 5 days to 6 mo 3rd: 30 days to 1 yr	Yes Yes Yes [23.33(13)4(e)]	No No No
Causing Injury While OWI 23.33(4c)(b)1	\$300-\$2,000 [23.33(13)(c)]	30 days to 1 yr	Yes	No
Chemical Test Refusal 23.33(4p)(e)	1st: \$150-\$455 2nd: \$300-\$1,000 3rd: \$600-\$2,000 [23.33(13)(b)1-3]	2nd: 5 days to 3 mo 3rd: 30 days to 1 yr	Yes Yes Yes	No No No
Absolute Sobriety (If under age 19) 23.33(4c)(a)3	\$0-\$147.50 [23.33(13)(b)4]	No	No	No

BOATING, SNOWMOBILE AND ALL-TERRAIN VEHICLE

Conviction	Fine or Forfeiture	Jail	Assessment	Mandatory Education
Causing Great Bodily Harm by OWI 940.25	Up to \$10,000 [939.50(3)(e)]	Up to 2 years	Yes	Boat: Yes Snow: No ATV: No
Homicide While OWI 940.09	Up to \$10,000 [939.50(3)(c)]	Up to 10 years	Yes	Boat: Yes Snow: No ATV: No

OWI=Operating while intoxicated (also may be called "OUI")

SOURCE: DNR-Bureau of Law Enforcement

SECTION 2: ALCOHOL CONSUMPTION

Each year, the Centers for Disease Control and Prevention (CDC), in cooperation with the states, conducts a survey of health-risking behavior. Part of the Behavioral Risk Factor Survey (BRFS) measures alcohol consumption and drinking and driving.

The results of the BRFS are shown on page six and are collected by the Center for Health Statistics, Division of Health. In 1997, 5% of the 2,245 survey respondents reported that they had driven after drinking too much during the past month.

In 1989 and 1991, the Department of Public Instruction (DPI) contracted with the SEARCH Institute in Minneapolis to survey a stratified random sample of Wisconsin public school students about alcohol. In 1991, forty percent (40%) of the 1,479 12th grade survey respondents reported that they had driven a vehicle after drinking in the previous 12 months, and 62% had been in a vehicle driven by

someone who had been drinking alcohol in the previous 12 months.

In 1993, a different instrument [the CDC's Youth Risk Behavior Survey (YRBS)] was used to survey students about alcohol and other youth risk behaviors. This instrument questioned students about their experience in the past 30 days rather than in the past 12 months. In 1993, 24.7% of the 12th grade survey respondents reported they had driven a vehicle after drinking in the previous 30 days, and 40.6% reported that they had been in a vehicle driven by someone who had been drinking in the past 30 days. In the most recent survey (1999), 28.3% of the 12th grade survey respondents reported that they had driven a vehicle after drinking in the previous 30 days, and 39.5% reported that they had been in a vehicle driven by someone who had been drinking in the past 30 days.

DPI SURVEY AND YOUTH RISK BEHAVIOR SURVEY DATA

Year	10th Grade Students	12th Grade Students	Have Driven After Drinking (In Last 12 Months)		Have Been in Vehicle Driven by Someone Who Had Been Drinking (In Last 12 Months)	
	(n)	(n)	10th Graders	12th Graders	10th Graders	12th Graders
1989	1,516	1,701	17%	46%	62%	70%
1991	1,365	1,479	15%	40%	58%	62%

Year	10th Grade Students	12th Grade Students	Have Driven After Drinking (In Last 30 Days)		Have Been in Vehicle Driven by Someone Who Had Been Drinking (In Last 30 Days)	
	(n)	(n)	10th Graders	12th Graders	10th Graders	12th Graders
1993	845	600	9.9%	24.7%	40.3%	40.6%
	859	613				
1997	291	226	11.8%	23.9%	35.7%	37.3%
	296	227				
1999	376	250	13.5%	28.3%	36.5%	39.5%
	380	250				

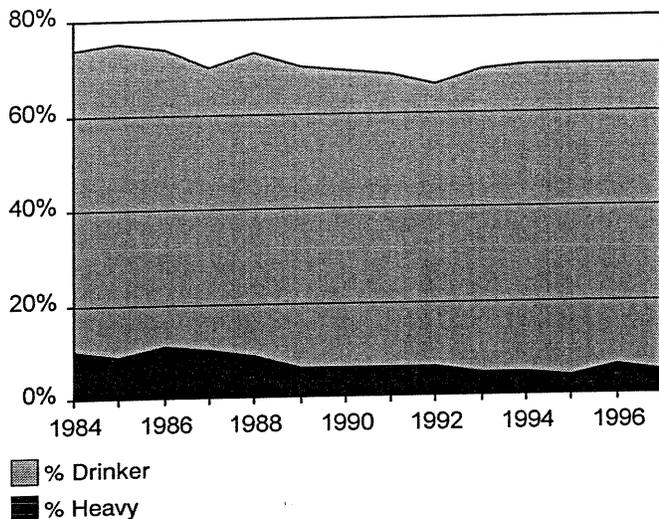
(n) = Number of students surveyed

SOURCE: Wisconsin Department of Public Instruction

Note: The 1995 survey did not yield generalizable data.

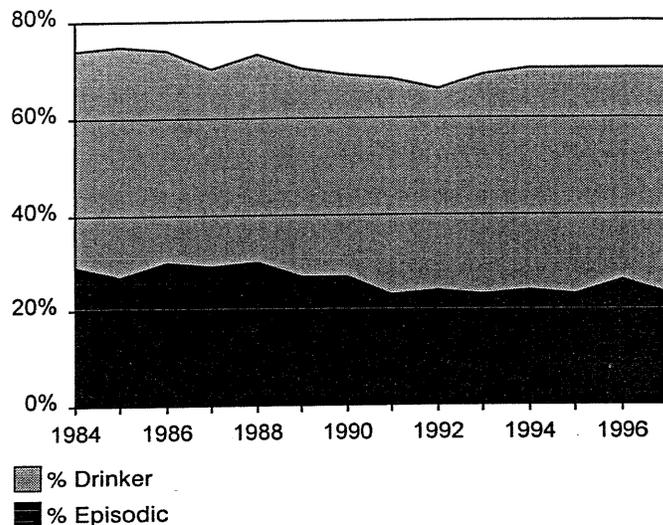
WISCONSIN ALCOHOL CONSUMPTION PATTERNS

ALCOHOL CONSUMPTION PATTERNS FOR PERSONS AGE 18 & OLDER 1984-1997



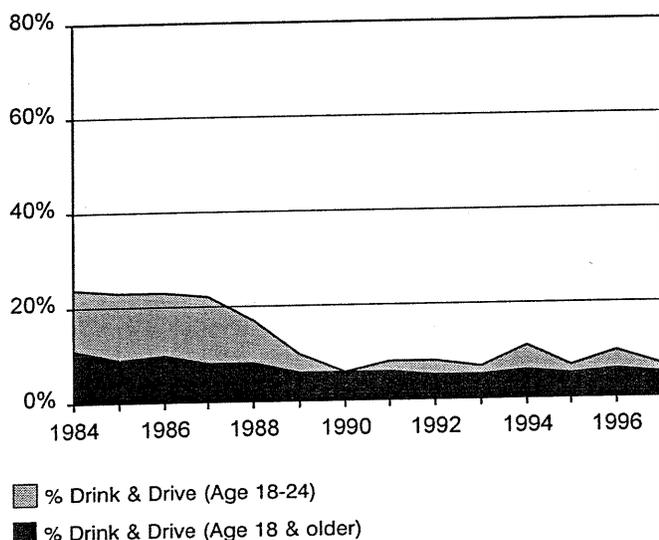
DRINKER: Respondents who consumed any alcoholic beverage in the past month.
HEAVY: Respondents who reported consumption of an average of 60 or more alcohol drinks in the past month. Note: The wording for this question was changed in 1994.
SOURCE: DHFS Behavioral Risk Factor Survey (BRFS)

ALCOHOL CONSUMPTION PATTERNS FOR PERSONS AGE 18 & OLDER 1984-1997



DRINKER: Respondents who consumed any alcoholic beverage in the past month.
EPISODIC: Respondents who reported having five or more alcohol drinks on an occasion, one or more times in the past month.
SOURCE: DHFS Behavioral Risk Factor Survey (BRFS)

DRINKING DRIVERS BY AGE 1984-1997



DRINKING DRIVER: Respondents who reported driving after having too much to drink during the past month.
SOURCE: DHFS Behavioral Risk Factor Survey (BRFS)

ALCOHOL CONSUMPTION PATTERNS OF WISCONSIN ADULTS (AGE 18 & OLDER) 1984-1997

Percent who reported that, in the past month, they:

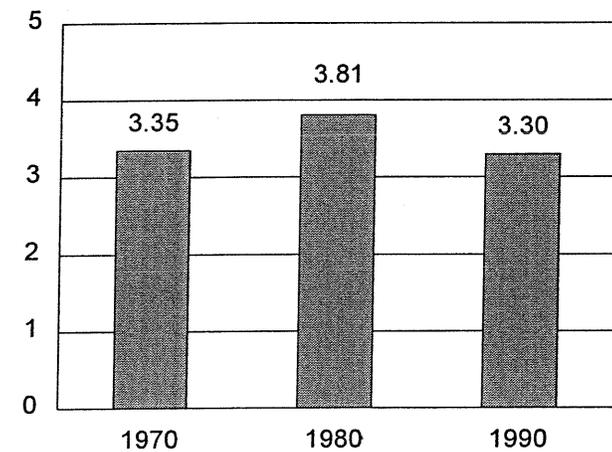
Year	Consumed Alcohol (Drinker)	Consumed 60+ Drinks (Heavy)	Consumed 5+ Drinks on One Occasion (Episodic)	Drink & Drive (Age 18+)	Drink & Drive (Age 18-24)	Number of Cases
1984	74	10	29	11	24	658
1985	75	9	27	9	23	965
1986	74	11	30	10	23	1,268
1987	70	10	29	8	22	1,341
1988	73	9	30	8	17	1,272
1989	70	6	27	6	10	1,276
1990	69	6	27	6	6	1,260
1991	68	6	23	6	8	1,282
1992	66	6	24	5	8	1,528
1993	69	5	23	5	7	1,567
1994	70	5*	24	6	11	1,562
1995	70	4	23	5	7	2,210
1996	70	6	26	6	10	2,231
1997	70	5	23	5	7	2,245

Note: All percentages are based on weighted sample data from telephone interviews conducted with persons age 18 and older.
 *The wording for the "Heavy Drinker" question was changed in 1994.
SOURCE: Wisconsin Behavioral Risk Factor Surveys (BRFS), Center for Health Statistics, Division of Health, DHFS

WISCONSIN ALCOHOL CONSUMPTION

Trends in adult (age 18 and older) per capita alcohol consumption show an increase from 1970 to 1980 and then a decline by 1990. Figures at the 10-year marks are most accurate due to the use of actual census data and not population projections. Overall consumption has been declining since 1984 after increases during the decade of the 70s. Compared to other states, Wisconsin ranks third highest in the nation in per capita beer consumption, fifth in distilled spirits consumption, and 26th in wine consumption.

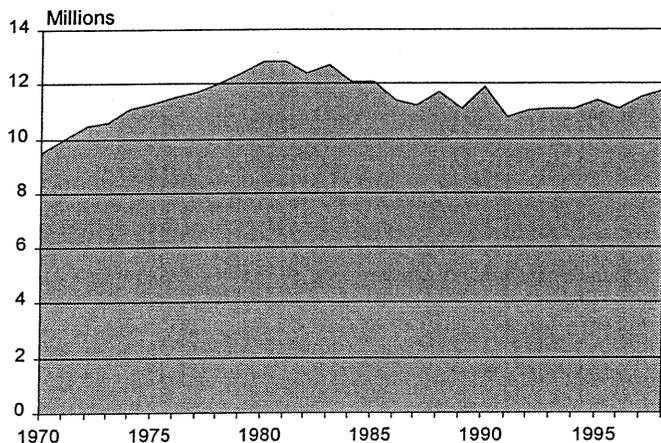
ADULT PER CAPITA ABSOLUTE ALCOHOL CONSUMPTION IN WISCONSIN



■ Gallons

SOURCE: Dept. of Revenue, U.S. Bureau of the Census

TOTAL GALLONS OF ABSOLUTE ALCOHOL CONSUMPTION IN WISCONSIN



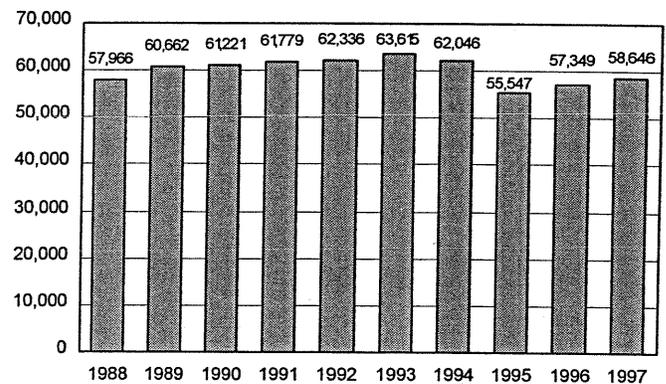
■ Gallons (in millions)

SOURCE: Dept. of Revenue

ALCOHOL AND OTHER DRUG ABUSE CLIENTS TREATED WITH PUBLIC FUNDS

During the 1970s, there was a four-fold increase in the number of persons treated for alcohol and other drug abuse in Wisconsin publicly-supported treatment programs. The number of clients treated doubled between 1980 and 1990. The figures below depict the number of clients receiving any service in Wisconsin publicly-supported alcohol and other drug abuse treatment programs and the expenditures for the treatments by year.

ALCOHOL AND OTHER DRUG ABUSE CLIENTS RECEIVING ANY SERVICE WITH PUBLIC FUNDS IN WISCONSIN

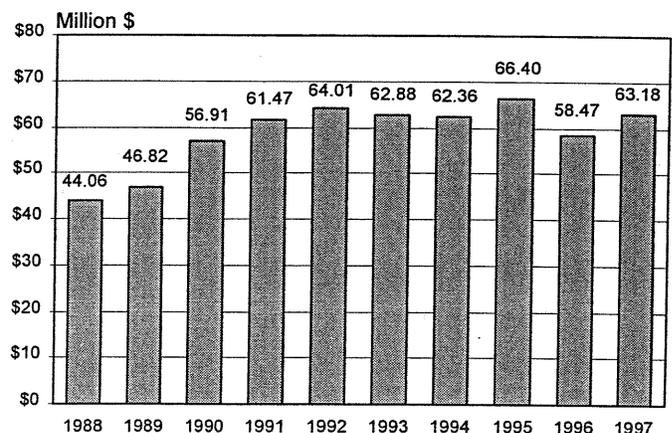


■ Number of Clients

SOURCE: Dept. of Health and Family Services

NOTE: The decline in clients from 1994 to 1995 is a result of a purging of old records from the database.

EXPENDITURES OF PUBLIC FUNDS FOR ALCOHOL AND OTHER DRUG ABUSE TREATMENT IN WISCONSIN



■ Expenditures (in millions)

SOURCE: Dept. of Health and Family Services

LIQUOR LICENSES BY COUNTY

County	Total Licenses	Population	Square Miles	# of Residents per Sq. Mile	# of Residents per Liquor License	# of Residents per Liquor License per 100 Sq. Miles
ADAMS	95	17,826	648	28	188	29
ASHLAND	117	16,785	1,048	16	143	14
BARRON	142	42,695	865	49	301	35
BAYFIELD	145	14,603	1,462	10	101	7
BROWN	574	218,149	524	416	380	73
BUFFALO	85	13,818	699	20	163	23
BURNETT	98	13,999	818	17	143	17
CALUMET	118	38,760	326	119	328	101
CHIPPEWA	219	54,761	1,017	54	250	25
CLARK	140	32,625	1,218	27	233	19
COLUMBIA	211	49,266	771	64	233	30
CRAWFORD	82	16,656	566	29	203	36
DANE	893	407,584	1,205	338	456	38
DODGE	297	83,348	887	94	281	32
DOOR	224	26,537	492	54	118	24
DOUGLAS	217	42,291	1,305	32	195	15
DUNN	91	38,309	853	45	421	49
EAU CLAIRE	235	90,691	638	142	386	60
FLORENCE	49	5,057	486	10	103	21
FOND DU LAC	297	96,151	725	133	324	45
FOREST	84	9,302	1,011	9	111	11
GRANT	198	49,796	1,144	44	251	22
GREEN	95	31,983	583	55	337	58
GREEN LAKE	85	19,576	357	55	230	65
IOWA	101	21,913	760	29	217	29
IRON	119	6,329	751	8	53	7
JACKSON	91	18,304	998	18	201	20
JEFFERSON	249	73,340	562	130	295	52
JUNEAU	135	23,425	774	30	174	22
KENOSHA	359	141,474	273	518	394	144
KEWAUNEE	101	19,904	343	58	197	57
LA CROSSE	344	105,299	457	230	306	67
LAFAYETTE	64	16,252	634	26	254	40
LANGLADE	136	20,593	873	24	151	17
LINCOLN	155	28,865	886	33	186	21
MANITOWOC	310	84,434	594	142	272	46
MARATHON	378	125,491	1,559	80	332	21
MARINETTE	238	42,523	1,395	30	179	13
MARQUETTE	78	13,734	454	30	176	39
MENOMINEE	16	4,293	359	12	268	75
MILWAUKEE	2,094	957,058	241	3,971	457	190
MONROE	133	38,758	904	43	291	32
OCONTO	201	33,089	1,002	33	165	16
ONEIDA	282	34,439	1,130	30	122	11
OUTAGAMIE	407	155,953	642	243	383	60
OZAUKEE	181	80,098	235	341	443	188
PEPIN	39	7,213	231	31	185	80
PIERCE	111	34,547	576	60	311	54
POLK	152	37,046	919	40	244	27
PORTAGE	229	66,913	810	83	292	36
PRICE	110	16,269	1,256	13	148	12
RACINE	471	187,330	334	561	398	119
RICHLAND	52	17,794	585	30	342	58
ROCK	293	149,784	724	207	511	71
RUSK	88	15,322	913	17	174	19
ST. CROIX	152	57,113	723	79	376	52
SAUK	257	52,334	838	62	204	24
SAWYER	206	15,517	1,255	12	75	6
SHAWANO	212	38,730	897	43	183	20
SHEBOYGAN	332	111,427	515	216	336	65
TAYLOR	100	19,481	975	20	195	20
TREMPEALEAU	140	26,314	736	36	188	26
VERNON	89	26,492	808	33	298	37
VILAS	251	19,435	867	22	77	9
WALWORTH	290	84,414	556	152	291	52
WASHBURN	94	14,819	815	18	158	19
WASHINGTON	293	112,326	431	261	383	89
WAUKESHA	639	345,440	554	624	541	98
WAUPACA	201	49,751	754	66	248	33
WAUSHARA	99	20,928	628	33	211	34
WINNEBAGO	387	153,937	449	343	398	89
WOOD	222	77,538	801	97	349	44
STATE TOTAL	16,472	5,234,350	54,424			
COUNTY AVG	229	72,699	756	96	318	42

TOTAL LICENSES: Number of licenses issued for sale of any type of alcohol (includes pharmacies & wholesalers). Some establishments may have more than one license.

#OF RESIDENTS PER LIQUOR LICENSE: For example, in Adams County there is one liquor license per 188 residents.

#OF RESIDENTS PER LIQUOR LICENSE PER 100 SQ MILES: For example, in Adams County for an average 100 square mile area, there is one liquor license per 29 residents. The lower the number, the more liquor licenses there are per person in that area.

NOTE: Population figures are taken from Department of Administration estimates for January 1, 1998.

SOURCE: Department of Revenue, Department of Administration-Demographic Services

SECTION 3: LEGAL SANCTIONS

- Date** **Historical Overview - Wisconsin Drinking Driving Law**
- 1849** Chapter 33, section 3, Laws of 1849, prohibited the employment of any person to drive a coach or vehicle who is addicted to drunkenness, or to the excessive use of intoxicating liquors. A similar statute, sec. 364.64, Stats., still exists in Wisconsin law.
- 1911** Chapter 600, Laws of 1911, published July 15, 1911, prohibits operating, riding or driving a motor vehicle while intoxicated. This appears to be the first reference in Wisconsin Statutes to the actual offense of drunk driving. Also note that riding was included as a part of the offense in 1911. The penalty for first offense was a fine of not less than \$10 nor more than \$50. The penalty for second and subsequent offenses was a fine of not less than \$25 nor more than \$100, or imprisonment for 60 days, or both. See Chapter 73a, s.1636-49 and 54, 1911 Wisconsin Statutes pp. 1092-93.
- 1921** Chapter 761 section. 1636-49, 1921 Wisconsin Statutes, p.1254, used the same language, "no intoxicated person shall operate, ride, or drive any automobile...". The penalty section in 1921, section 1636-54, p. 1259, had been changed to read: "Any person who shall operate, ride, or drive any automobile...upon or along any public highway of this state, while intoxicated, shall be punished by a fine of not more than \$100 or by imprisonment in the county jail for not more than six months, or by such fine and imprisonment." There was no statutory reference to second and subsequent offenses.
- 1923** By 1923, the drunk driving provisions were included in the "Law of the Road," which had been recodified in Chapter 85, Wisconsin Statutes. By 1923, the provision making riding while intoxicated illegal had been eliminated. Section 85.08, 1923 Wisconsin Statutes, p. 957, read as follows: "[A]nd no intoxicated person shall operate any automobile...". Section 85.22, 1923 Wisconsin Statutes, p. 962, provided for the following penalty: "Any person who violates...85.08 shall be fined not less than \$10 nor more than \$100, and for a second or subsequent violation thereof in any year shall be fined not less than \$50 nor more than \$500 or imprisoned not exceeding sixty days, or both."
- 1933** By 1933, the drunk driving provisions had been moved to sec. 85.13, 1933 Wisconsin Statutes, p. 1047. Sec. 85.13, Stats., read as follows: "It shall be unlawful for any person who is a habitual user of narcotic drugs, or who is subject to epilepsy, or any person under the influence of an intoxicating liquor or narcotic drug, to operate any vehicle upon any highway." Note that the prohibition was once again any vehicle. Section 85.91(3), 1933 Wisconsin Statutes, p. 1061, provided for the following penalty. Any person violating s. 85.13 "...shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in addition to any other penalty provided by law, by a fine not to exceed \$100 or by imprisonment...for not more than six months, or by both such fine and imprisonment. The operator's license of such person may also be revoked or suspended for a period not to exceed one year; and for the second or each subsequent conviction within one year thereafter the person shall be punished by a fine not to exceed \$200, or by such imprisonment not to exceed one year, or both...and in addition thereto by suspension or revocation of the operator's license for not to exceed one year." This is the first reference in the law to suspension/revocation of the drivers license as a penalty for drunk driving.
- 1949** On July 28, 1949, Chapter 534, Laws of 1948-49 amended sec. 85.13 and introduced into Wisconsin law the concept of chemical analysis of breath, blood, urine and saliva as evidence of drunk driving. This new law indicated that blood taken within two hours of arrest which contained (.15) fifteen-hundredths of one percent or more by weight of alcohol in blood could be admitted as prima facie evidence of intoxication, but there also needed to be corroborating evidence.

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- 1957** Chapter 260, Laws of 1957, recodified the Motor Vehicle statutes. This law changed the statutory cite for drunk driving from s. 85.13 to s. 346.63(1), Stats. This statutory cite is where the drunk driving offense is still located in 1996. By 1957, the chemical test sections had moved to s. 325.235. Penalties in 1957 remained the same as they were in 1953. See s. 346.65(2), 1957 Wisconsin Statutes.
- 1969** Chapter 383, Laws of 1969, created Wisconsin's Implied Consent Law. Under the law, persons who operate motor vehicles on highways are deemed to have given their consent to submit to a chemical test upon request by a police officer.
- 1973** Chapter 102, Laws of 1973, changed the prima facie blood alcohol concentration from .15 to .10, but continued the requirement for the need of corroborating evidence. By 1973, the penalty for first offense no longer included the option of jail.
- 1981** Chapter 20, Laws of 1981, restructured Wisconsin's OWI law. This law created the offense of intoxication as a matter of law if the person has an alcohol concentration in excess of .1 or more; corroborating evidence is no longer required. It eliminated the ability of prosecutors to plea bargain OWI offenses to lesser offenses. It required alcohol assessment as a condition of sentence for every person convicted of OWI, and it established a surcharge fund for the purpose of helping to underwrite assessment and treatment.
- 1983** Chapter 74, Laws of 1983, created an Absolute Sobriety provision for persons under the legal drinking age. In this same legislation the legal drinking age was changed to age 19. When the legal drinking age was changed to 21 in 1985, the absolute sobriety provision was left at age 19. See sec. 346.63(2m), Stats.
- 1985** Wisconsin Act 337 raised the drinking age to 21 effective September 1, 1986 and made other changes in statutory rules associated with underage drinking.
- 1987** Chapter 3, Laws of 1987, created immediate (30 days after the violation) license suspension for six months (Administrative Suspension) for any person with an alcohol concentration of .1 or greater. This law became effective on January 1, 1988.
- 1989** Chapter 105, Laws of 1989, created new OWI statutory provisions for commercial vehicle operators. This law created an absolute sobriety provision for commercial motor vehicle operators, and reduced the alcohol concentration level to .04 for persons operating commercial motor vehicles. These provisions became effective on January 1, 1991.
- 1992** Chapter 277, Laws of 1991, created new penalties and treatment opportunities for OWI repeat offenders. This law included possible seizure of vehicles, increased penalty for Homicide by Intoxicated Use, an alcohol concentration of .08 for persons with two or more offenses, and easier access to treatment. The provisions of this law became effective on January 1, 1993.
- 1996** Act 127 amended and expanded the OWI laws to include offenses taking place on rental property and in employee parking lots. The law does not pertain to private parking areas on farms or single-family residences.

SOURCE: Office of General Counsel

OWI AND RELATED ALCOHOL PENALTIES

Conviction	Fine or Forfeiture	Jail	Suspension or Revocation	Occupational License	Assessment	Points
OWI, First [346.63(1)(a)(b)] (Per se AC .10)	\$150-\$300 ⁷ [346.65(2)(a)] (plus \$340 surcharge) [346.65(5)]		6-9 month suspension ⁷ [343.30(1q)(b)2]	Immediately [343.30(1q)(b)2]	YES	6
OWI, Second (Within 10 years) ¹ (Per se AC .10)	\$300-\$1,000 ⁷ (plus \$340 surcharge) [346.65(2)(b)]	5 days to 6 months ⁷ [346.65(2)(b)]	12-18 month revocation ⁷ [343.30(1q)(b)3]	After 60 days ² and ³ [343.30(1q)(b)3]	YES	6
OWI, Third (Within lifetime) ¹ (Per se AC .08)	\$600-\$2,000 ⁷ (plus \$340 surcharge) [346.65(2)(c)]	30 days to 1 year ⁷ [346.65(2)(c)]	2-3 year revocation ⁷ [343.30(1q)(b)4] Vehicle must be immobilized or equipped with IID or may be seized [346.65(6)(a)1]	After 90 days ² and ³ [343.30(1q)(b)4]	YES	6
OWI, Fourth (Within lifetime) ¹ (Per se AC .08)	\$600-\$2,000 ⁷ (plus \$340 surcharge) [346.65(2)(d)]	60 days to 1 year ⁷ [346.65(2)(d)]	2-3 year revocation ⁷ [343.30(1q)(b)4] Vehicle seized if owned by offender [346.65(6)(a)2]	After 90 days ² and ³ [343.30(1q)(b)4]	YES	6
OWI, Fifth or more (Within lifetime) ¹ (Per se AC .08)	\$600-\$2,000 ⁷ (plus \$340 surcharge) [346.65(2)(e)]	6 months to 5 years ⁷ imprisonment [346.65(2)(e)]	2-3 year revocation ⁷ [343.30(1q)(b)4] Vehicle seized if owned by offender [346.65(6)(a)2]	After 90 days ² and ³ [343.30(1q)(b)4]	YES	6
Causing Injury While OWI [346.63(2)(a)]	\$300-\$2,000 ⁷ (plus \$340 surcharge) [346.65(3)]	30 days to 1 year ⁷ [346.65(3)]	1-2 year revocation ⁷ [343.31(3)(e)]	After 60 days [343.31(3m)(b)]	YES	6
Causing Great Bodily Harm by OWI ^{4,8} [940.25(1)]	Up to \$10,000 ⁷ (plus \$340 surcharge) [939.50(3)(d)]	Up to 5 years ⁷ imprisonment [939.50(3)(d)]	2 year revocation ⁷ [343.31(3)(f)]	After 120 days [343.31(3m)(a)]	YES	0
Homicide While OWI ^{4,8} [940.09(1)]	Up to \$10,000 ⁷ (plus \$340 surcharge) [939.50(3)(b)]	Up to 40 years ⁷ imprisonment [939.50(3)(b)]	5 year revocation ⁷ [343.31(3)(e)]	After 120 days [343.31(3m)(a)]	YES	0
Chemical Test Refusal (First) [343.305(10)(b)2]			1 year revocation ⁷ [(343.305(10)(b)2)]	After 30 days [(343.305(10)(b)2)]	YES	0
Chemical Test Refusal (Second) (Within 10 years) [343.305(10)(b)3]			2 year revocation ⁷ [343.305(10)(b)3]	After 90 days ³ [343.305(10)(b)3]	YES	0
Chemical Test Refusal (Third) (Within lifetime) [343.305(10)(b)4]			3 year revocation ⁷ [343.305(10)(b)4]	After 120 days ³ [343.305(10)(b)4]	YES	0
Administrative Suspension for Prohibited Alcohol Concentration [343.305(7)]			6 month suspension [343.305(7)(a)]	Immediately [343.305(8)(d)]	NO	0
Absolute Sobriety (If under age 21) [346.63(2m)]	\$98.30 (Forfeiture and costs) ⁵ [346.65(2q)]		3 month suspension ⁶ [343.30(1p)]	Immediately [346.63(2m)]	NO	0
Open Container (Driver)	\$209.00 (Forfeiture and costs) ⁵ [346.935] [346.95(2m)]					
Open Container (Passenger)	\$147.50 (Forfeiture and costs) ⁵ [346.935] [346.95(2m)]					

¹The 10-year and lifetime periods are measured from the date of refusal or violation that resulted in conviction [346.65(2c)]. Offenses occurring prior to 1/1/89 may not be counted. [1997 Wis. Act 237 - s. 9348(2f)].

²Absolute sobriety is mandatory for an occupational license for persons with two or more suspensions, revocations or convictions. [343.307(1), 343.10(5)(a)(2)]

³Persons with 2 or more suspensions, revocations or convictions counted under 343.307(1), must complete assessment and be in compliance with a driver safety plan to be eligible for an occupational license. [343.30(1q)(b)3, 343.10(2)(c)]

⁴If repeat offender, court may immobilize, equip with an ignition interlock device (IID) or seize vehicle. [940.09(1d), 940.25(1d)]

⁵This represents the deposit for these offenses as set forth in the Uniform State Traffic Deposit Schedule, 1999 edition.

⁶Absolute sobriety refusal results in a six month revocation and cannot be counted as priors. [343.305(10)(cm)]

⁷Fines, forfeitures, jail and revocation/suspension penalties are doubled for a person convicted of OWI when a person under 16 years of age was in the vehicle at the time of the offense.

[346.65(2)(f) and (2)(d), 343.30(1q)(b)4m, 343.305(10)(b)4m]

⁸1997 Wis Act 295, created new offenses of causing death or great bodily harm to unborn children by OWI and doubles the penalties if an unborn child is in the vehicle at the time the driver committed the offense of causing death or great bodily harm by OWI.

UNDERAGE ALCOHOL OFFENSES AND RELATED PENALTIES

Conviction	Fine or forfeiture	Driver License Suspension or Revocation	Supervised Work Program	Court Ordered Stay ¹	Assessment ¹
Absolute Sobriety "Not a Drop" Law (If under age 21) 346.63 (2m)	\$98.30* Forfeiture and costs 346.65(2q)	90 day license suspension 343.30(1p)	No	No	No
Underage Alcohol (Procure) (age 17-20) 125.07(4)(a)1 or local ordinance	1st: \$250-\$500 2nd: \$300-\$500 3rd: \$500-\$750 4th & subsequent: \$750-\$1,000 125.07(4)(bs)	Court may order: 1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. revocation ³ 343.30(6)(b)	Yes-Court option as an alternative 125.07(4)(bs)	Yes-Court option as an alternative 125.07(4)(e)2	Optional 125.07(4)(e)2a
Underage Alcohol (Consuming) (age 17-20) 125.07(4)(b) or local ordinance	1st: \$100-\$200 2nd: \$200-\$300 3rd: \$300-\$500 4th & subsequent: \$500-\$1,000 125.07(4)(c)	Court may order: 1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. revocation ³ 343.30(6)(b)	Yes-Court option as an alternative 125.07(4)(c)	Yes-Court option as an alternative 125.07(4)(e)2	Optional 125.07(4)(e)2a
Juvenile Alcohol (Procure) (under 17) 125.07(4)(a) or local ordinance	1st: \$250-\$500 2nd: \$300-\$500 3rd & subsequent: \$500 938.344(2b)(a)-(c)	Court may order: 1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. revocation ³ 343.30(6)(b)	Yes-Court option as an alternative 938.344(2b)	Yes-Court option as an alternative 938.344(2g)(a)	Optional 938.344(2g)(a)1
Juvenile Alcohol (Consuming) (under 17) 125.07(4)(b) or local ordinance	1st: \$0-\$50 2nd: \$0-\$100 3rd & subsequent: \$0-\$500 938.344(2)(a)-(c)	Court may order: 1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. revocation ³ 343.30(6)(b)	Yes-Court option as an alternative 938.344(2)	Yes-Court option as an alternative 938.344(2g)(a)	Optional 938.344(2g)(a)1
Underage ID ² (age 17-20) 125.07(4)(a)4	1st: \$250-\$500 2nd: \$300-\$500 3rd: \$500-\$750 4th & subsequent: \$750-\$1,000 125.07(4)(bs)	Court may order: 1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. revocation ³ 343.30(6)(b)	Yes-Court option as an alternative 125.07(4)(bs)	Yes-Court option as an alternative 125.07(4)(e)2	Optional 125.07(4)(e)2a
Juvenile ID ² (under 17) 125.07(4)(a)4	1st: \$250-\$500 2nd: \$300-\$500 3rd & subsequent: \$500 938.344(2b)(a)-(c)	Court may order: 1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. revocation ³ 343.30(6)(b)	Yes-Court option as an alternative 938.344(2b)	Yes-Court option as an alternative 938.344(2g)(a)	Optional 938.344(2g)(a)1
Intoxicants In Vehicle (Underage Persons) 346.93	Not less than \$20 nor more than \$400 346.95(2)	Not Applicable	No	No	No

* This represents the deposit for this offense as set forth in the Uniform State Traffic Deposit Schedule, 1999 edition. If there was a passenger under 16 years of age in the vehicle, the forfeiture and costs are \$110.60 and the license suspension period is 6 months.

¹Court may stay enforcement of the sentence if the defendant agrees, and in turn, the court may require assessment and participation in a court-approved alcohol abuse education program or enrollment in a treatment program.

²False representation of age is also a violation under 125.085(3)(b). For persons under age 17 convicted of this offense, the penalties are set forth at 938.344(2d).

³Effective 1-1-2000, the court may no longer revoke the driver's license for this offense, but they may suspend.

ADDITIONAL COMMENTS

Occupational License Persons suspended or revoked for underage drinking violations other than Absolute Sobriety are eligible for occupational licenses 15 days after the suspension or revocation begins. See 343.10(4), Stats. Persons suspended for violating the Absolute Sobriety or "Not a Drop" law are eligible for occupational licenses immediately.

OWI Underage persons are also subject to the provisions of Wisconsin's operating/driving motor vehicles while intoxicated laws. These laws include impairment/intoxication resulting from the use of illegal, over the counter or prescription drugs or combinations of drugs or alcohol. It is illegal in Wisconsin to operate snowmobiles, all-terrain vehicles, motor boats, aircraft and other motor vehicles while under the influence of alcohol or drugs or a combination of alcohol or drugs.

Underage Alcohol Conviction Records Confidential The Department of Transportation may not disclose information concerning a suspension, revocation or restriction as a result of an underage alcohol conviction to any person other than a court, district attorney, municipal prosecuting attorney, law enforcement agency, the underage individual or his/her parents or legal guardian. See 343.30(5), Stats.

SOURCE: WisDOT

[As of 10/18/99]

COMMERCIAL DRIVER LICENSE ALCOHOL AND OTHER DRUG OFFENSES AND RELATED PENALTIES

Violation in CMV	Points	Effect on CDL	Effect on Class D/M License	CDL OCC	Class D/M OCC (Wait)	Penalties
OWI (AC 0.10 or higher) 1st Offense	6	1 yr Disq 3 Yrs Disq if "H"	6-9 month suspension ¹	No	Yes* (Immediately)	\$150-\$300 ^{1**}
OWI 2nd Offense (Within 10 years)	6	Lifetime Disq	1 year- 18 month revocation ¹	No	Yes* (60 Days)	\$300-\$1,000 ^{1**} 5 days-6 mo jail
OWI (AC 0.08 or higher) 3rd Offense (Within lifetime)	6	Lifetime Disq	2-3 year revocation ¹	No	Yes* (90 Days)	\$600-\$2,000 ^{1**} 30 days-1 yr jail
Causing Injury While OWI	6	1 yr Disq 3 yr Disq if "H" (lifetime for 2nd offense)	1-2 year revocation ¹	No	Yes* (60 Days)	\$300-\$2,000 ^{1**} 30 days-1 yr jail
Causing Great Bodily Harm by OWI	0	1 yr Disq 3 yr Disq if "H" (lifetime for 2nd offense)	2 year revocation ¹	No	Yes* (120 Days)	up to \$10,000 ^{1**} up to 5 yrs prison
Homicide While OWI	0	1 yr Disq 3 yr Disq if "H" (lifetime for 2nd offense)	5 year revocation ¹	No	Yes* (120 Days)	up to \$10,000 ^{1**} up to 40 yrs prison
.04%-.09% AC 1st Offense	0	1 Yr Disq 3 Yr Disq if "H"	None	No		\$150-\$300 ^{1**}
.04%-.09% AC 2nd Offense	0	Lifetime Disq	None	No		\$300-\$1,000 ^{1**} 5 days-6 mo jail
.04%-.09% AC Causing Injury	6	1 yr Disq 3 yr Disq if "H" (lifetime for 2nd offense)	1 year revocation	No	Yes* (15 days)	\$300-\$2,000 ^{1**} 30 days-1 yr jail
.04-.09% AC Causing Great Bodily Harm	0	1 yr Disq 3 yr Disq if "H" (lifetime for 2nd offense)	2 year revocation	No	Yes* (120 days)	up to \$10,000 ^{1**} up to 5 yrs prison
.04%-.09% AC Causing Death	0	1 yr Disq 3 yr Disq if "H" (lifetime for 2nd offense)	5 year revocation	No	Yes* (120 days)	up to \$10,000 ^{1**} up to 40 yrs prison
Chemical Test Refusal 1st Offense	0	1 Yr Disq 3 Yr Disq if "H"	1 year revocation ¹	No	Yes* (30 Days)	\$0
Chemical Test Refusal 2nd Offense (Within 10 years)	0	Lifetime Disq	2 year revocation ¹	No	Yes* (90 Days)	\$0
Chemical Test Refusal 3rd Offense (Within lifetime)	0	Lifetime Disq	3 year revocation ¹	No	Yes* (120 Days)	\$0
Using a CMV to make, dispense, or distribute drugs illegally	0	Lifetime Disq	1 year revocation	No	Yes* (15 days)	varies depending upon crime
Any measurable alcohol concentration	0	24 Hr	None	NA	NA	\$10
Possession of alcohol	3	Out of Service				
Consumption of alcohol within 4 hours	0					

¹ Fines, forfeitures, jail and revocation/suspension penalties are doubled for a person convicted of OWI when a person under 16 years of age was in the vehicle at the time of the offense. [346.65(2)(f) and (2)(d), 343.30(1q)(b)4m, 343.305(10)(b)4m]

* If driver meets all requirements

** plus \$340 surcharge

NOTE: Similar convictions in other jurisdictions may cause loss of CDL.

CMV=Commercial Motor Vehicle

OWI= Operating While Intoxicated

Disq= Disqualified (cannot drive CMV or get CDL-OCC)

OCC= Occupational license

SOURCE: DOT-DMV Bureau of Driver Services

CDL=Commercial Driver License

AC=Alcohol Concentration

"H"=If hauling hazardous materials at time of offense

NA=Not Applicable

[As of 10/18/99]

CASE LAW UPDATE

I. Probable Cause

State v. Secrist, 218 Wis. 2d 508, 582 N.W.2d 37 (Ct. App. 1998), (reversed).

On an issue of first impression in Wisconsin, the court of appeals held that the odor from a vehicle alone does not give an officer reasonable grounds to conclude the sole occupant of the vehicle is the person who smoked the marijuana. However, on review, the Wisconsin Supreme Court reversed (*oral argument October 8, 1998*), concluding that if "a trained and experienced officer identifies an unmistakable odor of a controlled substance and is able to link that odor to a specific person or persons, the odor of the controlled substance will provide probable cause to arrest." *State v. Secrist*, 224 Wis. 2d 201, 589 N.W.2d 387 (1999).

County of Jefferson v. Renz, 222 Wis. 2d 424, 588 N.W.2d 267 (Ct. App. 1998) (*oral argument September 9, 1999*).

In this fact-specific case, the court of appeals concluded that an officer must have probable cause to arrest a person for OWI before requesting a preliminary breath test (PBT). In contrast, the trial court had held the probable cause standard required by the statute governing administration of a PBT was a lesser standard than the probable cause required to arrest for OWI. The issue before the supreme court asks, "Is the probable cause required for a preliminary breath test (PBT) under Wis. Stat. § 343.303, the same probable cause as that required to arrest for violation of the OWI statute, Wis. Stat. § 346.63(1)(a)?"

II. Vehicle Seizure

State v. Konrath, 218 Wis. 2d 290, 577 N.W.2d 601 (1998).

The Wisconsin Supreme Court held that the vehicle seizure action taken against the defendant pursuant to his fifth offense OWI was constitutional. In reaching this decision, the supreme court concluded there was a nexus between Konrath's vehicle and the OWI offense he committed; that the seizure of Konrath's vehicle was an in rem civil forfeiture; and that Konrath was given adequate notice and sufficient opportunity to be heard prior to the vehicle seizure.

III. Traffic Stops

State v. Amos, 220 Wis. 2d 793, 584 N.W.2d 170 (Ct. App. 1998).

Police officers who knew that drugs were being sold from cars in the parking lots of a particular neighborhood and that apartment managers requested enforcement of the trespassing ordinances to reduce the level of drug activity, were justified in stopping the defendant to investigate possible trespassing and drug activity. The court reasoned that it is the "totality of the circumstances" with which the officers are confronted that must be evaluated to determine whether there was a reasonable suspicion to stop.

State v. Gruen, 218 Wis. 2d 581, 582 N.W.2d 728 (Ct. App. 1998), *petition for review denied*.

The brief questioning of defendant by a Wauwatosa officer, called to the scene by a Milwaukee officer who discovered a vehicle stuck in a snow bank, was that of an officer acting in an investigatory stage. The court concluded that the Wauwatosa officer's brief questioning of the defendant, following the questioning by the Milwaukee officer, did not convert the *Terry* stop into a custodial interrogation requiring *Miranda* warnings.

IV. Search and Seizure

Knowles v. Iowa, 119 S.Ct. 484 (1998).

A police officer who stops a motorist to issue a traffic citation cannot automatically search the motorist's vehicle as a valid "search incident to arrest" exception to the Fourth Amendment's warrant requirement. The U.S. Supreme Court concluded that the two historical rationales for a warrantless search did not exist in *Knowles*; namely, (1) the need to disarm the suspect to take him into custody; and (2) the need to preserve evidence for later use at trial.

State v. Stankus, 220 Wis. 2d 232, 582 N.W.2d 468 (Ct. App. 1998), *petition for review denied*.

Given the totality of the circumstances, the court concluded that defendant voluntarily consented to a search of his car. Further, the court reasoned that the police chief's presence at the passenger side of the car while the sergeant stood at the driver's side and requested permission to search did not create a coercive atmosphere affecting the driver's ability to freely consent to a search.

SOURCE: U.W. Law School Resource Center on Impaired Driving

SECTION 4: ALCOHOL ARRESTS

STATEWIDE ARRESTS FOR OWI AND LIQUOR LAW VIOLATIONS ADULTS AND JUVENILES 1976-1998

Year	OWI			Liquor Law Violations		
	Adults	Juveniles	Total	Adults	Juveniles	Total
1976	18,152	407	18,559	3,663	10,018	13,681
1977	20,091	486	20,577	4,173	9,750	13,923
1978	26,564	651	27,215	5,058	9,812	14,870
1979	29,097	854	29,951	5,277	10,608	15,885
1980	31,059	857	31,916	7,731	11,711	19,442
1981	31,885	863	32,748	8,828	11,976	20,804
1982	29,081	708	29,789	8,342	11,865	20,207
1983	32,120	636	32,756	10,185	11,909	22,094
1984	37,078	690	37,768	8,962	11,403	20,365
1985	37,712	751	38,463	11,767	12,202	23,969
1986	39,491	837	40,328	13,310	14,076	27,386
1987	36,318	787	37,105	18,930	13,654	32,584
1988	33,729	634	34,363	26,201	12,786	38,987
1989	33,618	546	34,164	29,830	12,367	42,197
1990	35,277	549	35,826	29,937	12,723	42,660
1991	35,888	497	36,385	27,305	11,843	39,148
1992	35,070	396	35,466	24,178	9,904	34,082
1993	35,080	388	35,468	23,017	9,998	33,015
1994	34,572	454	35,026	24,576	10,768	35,344
1995	35,005	411	35,416	25,267	11,244	36,511
1996	37,146	516	37,662	28,747	13,690	42,437
1997	36,894	543	37,437	29,136	13,747	42,883
1998	37,112	596	37,708	33,233	15,114	48,347

COUNTING: Arrests

	OWI			Liquor Law Violations		
	Adults	Juveniles	Total	Adults	Juveniles	Total
1991 Data						
Male	30,305	407	30,712	20,803	7,726	28,529
Female	5,583	90	5,673	6,502	4,117	10,619
1992 Data						
Male	29,075	324	29,399	18,301	6,450	24,751
Female	5,995	72	6,067	5,877	3,454	9,331
1993 Data						
Male	29,180	317	29,497	17,307	6,474	23,781
Female	5,900	71	5,971	5,710	3,524	9,234
1994 Data						
Male	28,740	348	29,088	18,459	6,860	25,319
Female	5,832	106	5,938	6,117	3,908	10,025
1995 Data						
Male	28,857	346	29,203	18,730	7,287	26,017
Female	6,148	65	6,213	6,537	3,957	10,494
1996 Data						
Male	30,483	395	30,878	21,215	8,862	30,077
Female	6,663	121	6,784	7,532	4,828	12,360
1997 Data						
Male	30,993	420	31,413	21,639	8,721	30,360
Female	6,901	123	7,024	7,497	5,026	12,523
1998 Data						
Male	29,647	467	30,114	24,591	9,661	34,252
Female	7,465	129	7,594	8,642	5,453	14,095

OWI: Operating a motor vehicle While Intoxicated

LIQUOR LAW VIOLATIONS: Everything other than OWI such as Furnishing Alcohol to Minors, Drinking in Public, and all Underage Drinking Violations such as "Not a Drop", consumption and possession.

Adult: Anyone 18 years old or older.

Juvenile: Anyone under the age of 18 years.

NOTE: Compiled from monthly submissions of Uniform Crime Reporting (UCR) program data from Wisconsin law enforcement agencies.

SOURCE: Office of Justice Assistance

While OWI arrests for both adults and juveniles increased dramatically in the early 1980s, adult OWI arrests leveled off and juvenile arrests generally decreased in the late 1980s and early 1990s. Both adult and juvenile OWI arrests were up in 1998. The number of liquor law violations jumped considerably between 1976 and 1990. The number decreased in the early 1990s but has increased every year since 1993. Adult liquor law arrests increased 38% between 1987 and 1988 alone. Eighteen to 20 year-olds accounted for more than 56% of the adult liquor law arrests in 1998.

STATEWIDE ADULT ARRESTS FOR OWI AND LIQUOR LAW VIOLATIONS BY COUNTY 1991-1998

County	1991 OWI	1992 OWI	1993 OWI	1994 OWI	1995 OWI	1996 OWI	1997 OWI	1998 OWI	1991 Liquor Law	1992 Liquor Law	1993 Liquor Law	1994 Liquor Law	1995 Liquor Law	1996 Liquor Law	1997 Liquor Law	1998 Liquor Law
ADAMS	106	127	140	124	92	73	94	108	37	49	58	31	7	0	0	0
ASHLAND	119	114	124	112	126	132	125	106	118	139	106	127	113	124	125	109
BARRON	160	174	179	189	168	203	146	155	63	74	76	43	41	112	49	57
BAYFIELD	91	88	122	101	106	83	100	105	37	27	54	38	60	42	55	61
BROWN	1,106	1,168	1,222	881	1,124	1,429	1,485	1,508	1,505	1,076	1,283	1,196	1,142	1,706	1,671	1,713
BUFFALO	129	168	150	132	90	96	97	58	53	163	106	61	72	41	53	82
BURNETT	34	37	41	36	83	108	140	150	0	1	0	0	3	2	9	23
CALUMET	158	144	104	106	111	91	80	82	187	174	124	115	120	111	126	126
CHIPPEWA	320	289	338	364	310	246	287	272	185	157	200	148	147	148	177	146
CLARK	85	73	139	152	124	162	175	225	53	74	36	28	47	92	102	122
COLUMBIA	480	487	456	517	452	494	449	495	291	234	287	247	371	330	496	507
CRAWFORD	93	65	51	68	51	54	53	39	55	41	48	59	75	87	60	40
DANE	2,713	2,763	2,873	2,353	2,604	2,601	2,288	2,439	807	806	893	780	1,274	1,752	1,853	2,568
DODGE	445	340	306	203	253	493	453	475	234	294	246	225	161	282	287	420
DOOR	160	176	206	192	214	204	210	179	175	170	124	91	108	131	86	132
DOUGLAS	388	365	223	288	262	268	288	283	596	330	238	231	270	175	203	353
DUNN	160	158	205	220	238	234	256	284	568	446	407	493	498	510	536	614
EAU CLAIRE	605	578	566	562	528	626	784	737	1,236	1,218	950	1,273	1,116	1,176	1,357	1,356
FLORENCE	31	55	40	26	34	22	29	25	0	5	0	0	0	1	0	0
FOND DU LAC	582	632	658	573	789	1,055	1,042	1,057	1,047	1,078	839	821	644	724	806	865
FOREST	84	64	67	82	83	89	115	156	29	19	27	18	23	23	35	28
GRANT	251	310	334	287	226	260	290	372	418	367	295	405	526	548	489	441
GREEN	165	185	180	184	187	203	198	211	133	191	174	210	177	183	203	284
GREEN LAKE	131	169	178	216	142	152	157	192	122	107	136	137	77	112	120	114
IOWA	88	97	96	88	93	165	149	183	41	18	40	32	13	29	43	91
IRON	37	35	47	50	67	51	49	48	96	72	61	103	138	85	82	70
JACKSON	96	66	84	125	137	143	157	140	80	26	31	47	50	84	71	65
JEFFERSON	583	487	540	387	862	796	706	701	551	379	357	202	392	524	550	534
JUNEAU	145	131	166	149	110	258	204	140	35	28	57	55	52	52	43	61
KENOSHA	668	662	588	698	669	632	767	680	617	481	514	479	522	509	760	900
KEWAUNEE	79	84	77	101	105	154	160	212	108	90	108	107	59	96	100	113
LA CROSSE	571	746	688	830	703	623	512	504	1,234	974	730	822	915	1,190	1,441	1,367
LAFAYETTE	43	56	56	51	36	21	28	32	78	77	29	47	48	42	99	127
LANGLADE	101	58	96	136	115	134	41	11	174	104	114	115	104	92	31	3
LINCOLN	104	114	157	178	176	146	169	250	97	70	82	64	100	109	100	180
MANITOWOC	778	758	811	873	980	1,001	1,028	1,076	657	627	549	592	652	818	716	914
MARATHON	753	714	716	614	494	801	853	764	246	137	162	257	207	683	590	526
MARINETTE	315	334	468	386	321	272	338	352	179	131	113	118	100	116	97	157
MARQUETTE	45	47	54	45	76	60	77	143	7	5	2	3	2	0	0	0
MENOMINEE	206	188	146	172	75	205	195	146	21	184	126	125	59	135	124	125
MILWAUKEE	6,747	5,595	5,789	5,478	4,987	5,521	4,720	4,816	4,023	3,922	3,585	3,938	3,613	3,979	2,901	3,474
MONROE	302	249	180	251	223	435	287	229	82	54	87	130	157	162	152	190
OCONTO	155	96	95	112	142	158	162	157	42	43	35	55	28	60	73	52
ONEIDA	135	188	192	263	333	308	357	367	165	172	218	233	185	224	194	245
OUTAGAMIE	765	730	722	1,102	1,107	1,232	1,146	1,246	1,113	879	851	1,009	997	1,309	1,318	1,680
OZAUKEE	489	391	414	433	437	477	449	444	273	193	251	238	181	178	227	278
PEPIN	34	37	28	31	39	65	77	42	47	16	13	9	9	30	25	27
PIERCE	278	301	296	318	225	218	221	255	327	677	605	449	332	384	299	500
POLK	271	360	467	503	544	416	348	355	15	64	39	31	23	93	67	132
PORTAGE	400	365	360	407	384	354	362	482	355	222	346	339	446	548	455	544
PRICE	60	64	70	63	68	84	126	111	96	65	59	67	63	79	57	67
RACINE	810	893	761	817	731	839	884	924	508	340	247	260	304	409	390	529
RICHLAND	90	69	51	58	54	45	73	125	15	7	16	15	31	16	42	72
ROCK	1,010	988	830	788	741	839	1,011	1,009	793	583	618	780	711	654	745	871
RUSK	56	67	84	115	123	84	80	84	13	27	49	79	82	70	65	86
ST. CROIX	217	433	235	217	293	279	291	279	665	594	433	829	858	430	731	824
SAUK	331	263	254	366	232	275	272	360	392	346	274	429	289	276	269	277
SAWYER	172	182	218	229	320	241	216	186	7	11	95	62	54	52	47	32
SHAWANO	364	388	399	479	344	439	585	636	100	187	100	178	195	293	266	204
SHEBOYGAN	627	566	565	614	621	681	850	822	582	400	476	465	618	759	861	823
TAYLOR	77	90	50	97	120	144	117	109	171	103	90	139	101	91	119	56
TREMPEALEAU	187	141	212	143	190	169	194	127	10	16	31	7	14	43	59	90
VERNON	88	111	105	109	116	142	101	122	61	31	51	57	37	54	43	47
VILAS	382	424	412	365	352	273	207	277	19	28	30	11	11	6	7	57
WALWORTH	837	889	813	814	988	968	1,047	1,002	1,811	1,685	1,398	1,334	1,558	1,688	1,785	2,294
WASHBURN	58	75	96	104	82	61	73	83	33	21	25	23	21	13	9	16
WASHINGTON	449	398	386	569	537	587	742	625	505	448	441	418	573	541	670	710
WAUKESHA	1,941	2,151	1,939	2,049	2,632	2,501	2,250	2,205	1,360	1,080	1,463	1,449	1,645	1,475	1,429	1,484
WAUPACA	299	302	246	345	354	443	413	249	167	66	94	104	88	115	130	121
WAUSHARA	88	83	85	75	89	55	39	84	9	1	4	2	0	1	0	0
WINNEBAGO	934	985	1,013	1,160	1,046	1,110	1,164	1,204	916	930	826	934	1,181	1,294	1,601	1,503
WOOD	678	627	523	442	370	339	417	490	460	324	385	338	377	445	388	555
STATE PATROL	3,349	3,263	3,498	2,805	2,773	2,524	2,839	2,516	0	0	0	280	0	0	0	0
TOTAL	35,888	35,070	35,080	34,572	35,005	37,146	36,894	37,112	27,305	24,178	23,017	24,576	25,267	28,747	29,136	33,233

COUNTING: Number of Arrests NOTE: An adult is defined as anyone 18 years old or older. OWI: Operating a motor vehicle While Intoxicated
LIQUOR LAW VIOLATIONS: Everything other than OWI such as Furnishing Alcohol to Minors, Drinking in Public, and all Underage Drinking Violations such as "Not a Drop", consumption and possession. Totals may not match the sum of county totals due to rounding estimations. State Patrol OWI arrests cannot be tracked to a specific county. SOURCE: Office of Justice Assistance, Crime and Arrests in Wisconsin Reports 1991-1998, Table 7

STATEWIDE JUVENILE ARRESTS FOR OWI AND LIQUOR LAW VIOLATIONS BY COUNTY 1991-1998

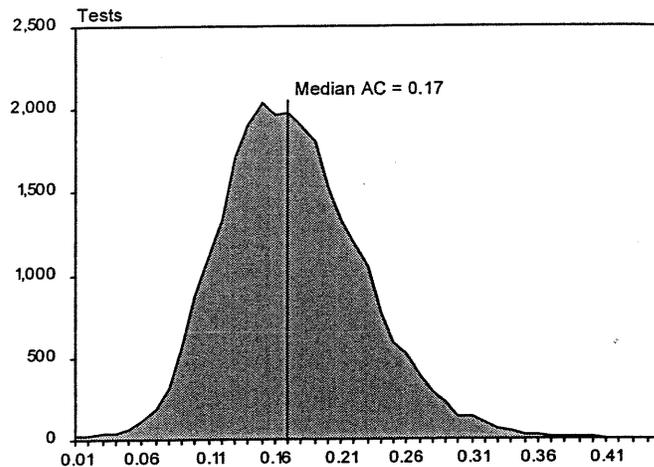
County	1991	1992	1993	1994	1995	1996	1997	1998	1991	1992	1993	1994	1995	1996	1997	1998
	OWI	Liquor Law	Liquor Law	Liquor Law	Liquor Law	Liquor Law	Liquor Law	Liquor Law	Liquor Law							
ADAMS	1	3	2	3	1	1	3	0	47	42	46	10	8	0	0	0
ASHLAND	3	2	5	2	2	2	1	3	57	93	88	92	96	69	112	146
BARRON	1	5	1	1	1	0	2	4	58	43	78	40	35	54	43	72
BAYFIELD	4	1	0	2	1	1	2	3	22	26	40	41	32	38	41	41
BROWN	3	6	19	9	10	28	24	28	705	492	527	561	572	898	763	714
BUFFALO	4	2	1	2	3	2	4	0	37	51	43	32	17	28	24	43
BURNETT	0	0	0	0	0	0	0	2	13	8	8	2	17	10	7	34
CALUMET	2	1	1	1	2	5	0	0	87	90	62	67	80	76	74	53
CHIPPEWA	10	9	12	4	4	13	8	9	93	107	115	87	111	134	111	115
CLARK	3	2	2	3	0	6	2	12	64	40	13	29	31	41	44	82
COLUMBIA	11	2	9	15	14	5	5	5	109	124	127	165	215	187	263	337
CRAWFORD	0	0	0	0	0	1	0	0	37	42	28	22	20	31	30	20
DANE	18	13	14	23	12	23	30	28	331	357	341	342	441	870	866	998
DODGE	6	9	1	1	4	12	19	7	189	211	167	185	158	239	245	300
DOOR	5	8	2	3	4	6	4	3	135	92	131	120	132	110	54	77
DOUGLAS	3	3	2	1	0	0	3	3	156	155	140	132	139	171	191	191
DUNN	3	3	1	5	3	2	3	2	80	47	39	116	135	114	79	163
EAU CLAIRE	10	2	4	4	8	20	15	26	170	219	381	361	334	418	404	387
FLORENCE	0	0	0	0	2	1	1	1	2	0	0	0	1	0	1	0
FOND DU LAC	6	9	9	10	8	20	16	19	425	433	324	309	320	504	566	451
FOREST	1	0	0	0	1	1	0	0	16	15	29	44	27	56	36	31
GRANT	2	6	3	10	3	1	4	8	71	157	87	107	79	146	153	183
GREEN	9	4	4	7	4	3	3	2	66	111	103	119	79	90	133	123
GREEN LAKE	1	1	6	2	1	2	6	5	82	47	76	97	82	87	70	97
IOWA	1	3	1	0	1	1	0	2	18	23	35	27	28	18	30	32
IRON	0	0	0	1	0	3	1	0	79	60	42	66	67	29	57	51
JACKSON	2	4	1	3	7	4	4	4	75	23	20	21	32	31	44	52
JEFFERSON	15	8	9	7	14	20	16	12	266	169	157	78	219	338	328	301
JUNEAU	1	1	4	8	3	5	3	2	44	43	61	67	58	65	38	55
KENOSHA	11	9	4	4	3	4	6	6	186	140	113	163	139	216	303	340
KEWAUNEE	11	2	2	3	7	10	4	7	133	73	89	93	59	63	44	61
LA CROSSE	4	4	4	10	12	8	6	16	414	297	314	364	303	506	457	405
LAFAYETTE	0	2	0	0	0	0	0	0	44	40	25	35	25	42	46	70
LANGLADE	4	1	6	1	3	2	1	0	106	61	73	102	119	73	18	4
LINCOLN	3	1	0	0	1	0	2	9	120	131	107	82	121	75	93	164
MANITOWOC	29	20	7	7	8	25	24	32	355	296	230	247	324	381	399	547
MARATHON	7	7	1	1	8	11	11	12	283	213	174	349	293	415	392	273
MARINETTE	13	9	3	8	3	5	7	9	99	108	63	54	74	72	73	128
MARQUETTE	0	0	1	2	2	1	0	1	8	6	1	1	0	0	0	0
MENOMINEE	3	1	6	7	5	3	3	6	33	0	51	35	30	90	120	101
MILWAUKEE	51	35	38	44	35	52	45	53	1,585	916	959	823	898	1,054	1,019	1,343
MONROE	3	4	3	1	2	3	5	5	70	29	36	111	134	160	155	115
OCONTO	1	0	0	0	1	1	2	3	7	9	22	38	3	68	68	104
ONEIDA	1	1	2	1	2	4	0	5	88	81	107	147	157	132	127	108
OUTAGAMIE	10	7	1	14	15	13	18	15	445	361	422	432	507	700	661	768
OZAUKEE	5	4	9	12	1	1	3	6	145	125	147	148	95	132	154	187
PEPIN	1	0	3	1	0	0	0	0	38	53	44	51	13	16	23	9
PIERCE	5	5	2	2	4	4	4	4	62	163	172	74	54	45	63	98
POLK	0	10	7	0	1	2	5	5	20	85	69	77	78	130	111	119
PORTAGE	7	12	2	9	8	8	14	22	164	76	112	178	165	152	216	201
PRICE	1	0	1	2	2	0	2	1	28	26	23	48	25	20	35	55
RACINE	8	16	10	6	12	7	17	11	214	299	200	195	212	232	284	315
RICHLAND	1	2	1	1	1	1	2	3	14	13	24	13	17	20	33	50
ROCK	12	11	9	11	14	17	31	13	401	386	432	414	368	452	471	501
RUSK	0	0	1	2	4	4	0	2	12	13	40	33	52	72	43	35
ST. CROIX	2	2	2	14	6	3	7	4	195	164	144	192	219	155	261	221
SAUK	8	4	3	0	3	2	6	3	244	197	241	279	166	165	171	157
SAWYER	0	1	9	3	4	3	4	1	19	50	90	58	35	52	68	57
SHAWANO	7	5	6	7	7	2	13	9	66	96	59	79	95	149	162	167
SHEBOYGAN	23	25	18	18	11	23	31	26	352	280	285	277	367	430	450	431
TAYLOR	5	6	5	4	7	8	2	4	96	51	65	43	91	68	56	52
TREMPEALEAU	6	3	4	2	1	5	4	4	3	18	7	6	8	12	26	37
VERNON	2	1	1	3	6	0	0	3	71	63	32	68	43	46	46	39
VILAS	8	5	1	2	3	1	3	2	54	38	22	39	54	37	11	47
WALWORTH	12	16	7	10	9	4	10	10	474	385	347	373	462	445	394	501
WASHBURN	3	0	1	2	0	0	0	0	29	26	18	16	23	21	11	17
WASHINGTON	12	2	13	8	12	5	11	15	313	219	250	294	319	353	361	318
WAUKESHA	39	25	33	25	30	32	17	23	631	535	575	746	801	808	609	811
WAUPACA	6	3	3	2	4	4	7	8	107	56	72	109	104	101	85	127
WAUSHARA	3	2	1	1	2	2	0	1	34	33	27	22	20	14	5	35
WINNEBAGO	6	3	5	35	5	15	7	14	412	284	262	367	419	470	594	617
WOOD	7	5	3	3	6	4	5	3	133	89	145	154	188	194	222	237
STATE PATROL	32	18	37	39	28	29	26	30	0	0	0	0	0	0	0	0
TOTAL	497	396	388	454	411	516	543	596	11,841	9,904	9,998	10,768	11,244	13,690	13,747	15,114

COUNTING: Number of Arrests NOTE: A juvenile is defined as anyone under the age of 18 years. OWI: Operating a motor vehicle While Intoxicated
 LIQUOR LAW VIOLATIONS: Everything other than OWI such as Furnishing Alcohol to Minors, Drinking in Public, and all Underage Drinking Violations such as
 "Not a Drop", consumption and possession. Totals may not match the totals shown of statewide arrests due to rounding estimations. Some State Patrol arrests cannot
 be tracked to a specific county. SOURCE: Office of Justice Assistance, Crime and Arrests in Wisconsin Reports 1991-1998, Table 8

1998 OWI TEST RESULTS BY ALCOHOL CONCENTRATION (AC)

AC	Number of People	Percent of Total		
0.00 or unknown	3,188	10.8	MEDIAN AC	0.17
0.01	28	0.1		
0.02	26	0.1		
0.03	38	0.1	Sub-Totals	
0.04	43	0.1	.01-.04	135
0.05	67	0.2		0.5%
0.06	112	0.4		
0.07	187	0.6		
0.08	311	1.0		
0.09	560	1.9	.05-.09	1,237
0.10	874	2.9		4.2%
0.11	1,124	3.8		
0.12	1,330	4.5		
0.13	1,708	5.8		
0.14	1,897	6.4		
0.15	2,043	6.9		
0.16	1,964	6.6		
0.17	1,973	6.7		
0.18	1,902	6.4	.10-.19	16,620
0.19	1,805	6.1		56.1%
0.20	1,525	5.1		
0.21	1,330	4.5		
0.22	1,198	4.0		
0.23	1,046	3.5		
0.24	772	2.6		
0.25	589	2.0		
0.26	521	1.8		
0.27	384	1.3		
0.28	288	1.0	.20-.29	7,878
0.29	225	0.8		26.6%
0.30	133	0.4		
0.31	134	0.5		
0.32	95	0.3		
0.33	60	0.2		
0.34	46	0.2		
0.35	20	0.1		
0.36	28	0.1		
0.37	9	0.0		
0.38	16	0.1		
0.39	12	0.0	.30-.39	553
0.40	8	0.0		1.9%
0.41	4	0.0		
0.42	2	0.0		
0.43	6	0.0		
0.44	2	0.0	.40 & above	25
0.45	3	0.0		0.1%
TOTAL	29,636	100		

1998 OWI TEST RESULTS BY ALCOHOL CONCENTRATION (AC)



■ AC Test Results from Citation File

NOTE: This chart does not include test refusals or the zero or unknown values.
 *The median AC represents the value of the mid-point of the AC test result distribution (i.e. half of the people tested had an AC of .17 or below and the other half had an AC of .17 or above). The median is based on all positive AC test results (.01 or above) since many of the zero values were actually unknown values.

SOURCE: DOT-DMV Citation File

COUNTING: AC Test Results from Citation File

NOTE: Does not include those who refused the test.

*The median AC represents the value of the mid-point of the AC test result distribution (i.e. half of the people tested had an AC of .17 or below and the other half had an AC of .17 or above). The median is based on all positive AC test results (.01 or above) since many of the zero values were actually unknown values.

SOURCE: DOT-DMV Citation File