

2005 DRAFTING REQUEST

Bill

Received: **02/14/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - penalties**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Drunken driving surcharge

Instructions:

redraft 03-1786

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 02/15/2005	jdyer 02/16/2005		_____			Local
/1			rschluet 02/16/2005	_____	lemery 02/16/2005	lnorthro 03/11/2005	

FE Sent For:

<END>

↳ At Intro.

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/?	phurley	1 2/16 jld	2/16	5/16			

FE Sent For:

<END>

2095/1
keep

2003 ASSEMBLY BILL 164

2-15-05

LPS
PWF
please

March 13, 2003 - Introduced by Representatives STASKUNAS, BERCEAU, GIELOW, WASSERMAN and VAN AKKEREN, cosponsored by Senators LEIBHAM, CARPENTER and STEPP. Referred to Committee on Highway Safety.

Regen

1 AN ACT to amend 346.655 (1), 346.655 (2) (a) and 346.655 (2) (b); and to create
2 346.655 (2) (am) of the statutes; relating to: a surcharge for convictions related
3 to operating a vehicle while intoxicated.

Analysis by the Legislative Reference Bureau

Under current law, as changed by the 2001 budget act, a person who is convicted of certain violations relating to operating a vehicle while intoxicated must pay a driver improvement surcharge of \$355 in addition to any applicable forfeiture or fine, assessments, and costs. The driver improvement surcharge is distributed between the municipality or county where the conviction occurs and the state.

This bill increases the driver improvement surcharge to \$455. Under the bill, \$100 of that amount is given to the law enforcement agency that arrested the person who is convicted of the violation relating to operating a vehicle while intoxicated. The bill requires the law enforcement agency to use the money to purchase and maintain law enforcement equipment that will be used to prevent alcohol-related and other drug-related criminal activity. The remaining \$355 is distributed, as under current law, between the municipality or county where the conviction occurs and the state.

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

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

ASSEMBLY BILL 164

SECTION 1

SECTION 1. 346.655 (1) of the statutes is amended to read:

346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge in an amount of \$355 \$455 in addition to the fine or forfeiture, penalty assessment, jail assessment, crime laboratories and drug law enforcement assessment, and, if required by s. 349.04, truck driver education assessment.

SECTION 2. 346.655 (2) (a) of the statutes is amended to read:

346.655 (2) (a) Except as provided in (b), the clerk of circuit court shall collect and transmit \$355 of the amount paid by each person under sub. (1) to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make payment of 38.5% of the amount \$355 to the state treasurer as provided in s. 59.25 (3) (f) 2.

SECTION 3. 346.655 (2) (am) of the statutes is created to read:

346.655 (2) (am) The clerk of circuit court or the municipal court shall collect and transmit \$100 of the amount paid by each person under sub. (1) to the law enforcement agency that arrested the person for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle. The law enforcement agency shall use any amounts received under this paragraph to purchase and maintain law enforcement equipment that will assist in the prevention of alcohol-related and other drug-related violations.

SECTION 4. 346.655 (2) (b) of the statutes is amended to read:

Insert A

par.

delete

plain -> secretary of administration

ASSEMBLY BILL 164

1 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
2 transmit \$355 of the amount paid by each person to the treasurer of the county, city,
3 town, or village, and that treasurer shall make payment of 38.5% of the amount \$355
4 to the ~~state treasurer~~ *secretary of administration ← plain* as provided in s. 66.0114 (1) (bm). The treasurer of the city,
5 town, or village shall transmit the remaining 61.5% of the amount \$355 to the
6 treasurer of the county.

7

(END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2095/?ins
PJH:.....

1 INSERT A:

2 **SECTION 1.** 346.655 (1) of the statutes is amended to read:

3 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
4 (1) or (5), except for a first violation of s. 346.63 (1) (b), if the person who committed
5 the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at
6 the time of the violation, or a local ordinance in conformity therewith, or s. 346.63
7 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
8 impose a driver improvement surcharge under ch. 814 in an amount of ~~\$355~~ \$455 in
9 addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under
10 ch. 814.

History: 1981 c. 20; 1981 c. 314; 1983 a. 27 s. 2202 (20); 1985 a. 29, 337; 1987 a. 3, 27, 399; 1989 a. 31, 105; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 109; 1999 a. 150 s. 672; 2001 a. 16, 104; 2003 a. 30, 33, 139, 326.

Northrop, Lori

From: Ramirez, Adrienne
Sent: Friday, March 11, 2005 12:42 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2095/1 Topic: Drunken driving surcharge

It has been requested by <Ramirez, Adrienne> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2095/1 Topic: Drunken driving surcharge