

2005 DRAFTING REQUEST

Senate Amendment (SA-SB530)

Received: 02/14/2006

Received By: agary

Wanted: Today

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Mike Wagner (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Drunk Driving - penalties

Extra Copies: PJH

Submit via email: YES

Requester's email: Sen.Roessler@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Winnebago County pilot project changes

Instructions:

See Attached

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>
/?	agary 02/14/2006	kfollett 02/14/2006		_____			
/1	phurley 02/20/2006	wjackson 02/21/2006	rschluet 02/14/2006	_____	mbarman 02/14/2006	mbarman 02/14/2006	
/2	phurley 02/28/2006	jdye 02/28/2006	rschluet 02/22/2006	_____	sbasford 02/22/2006	sbasford 02/22/2006	
/3			pgreensl	_____	mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			02/28/2006 _____		02/28/2006	02/28/2006	

FE Sent For:

<END>

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/1	phurley 02/20/2006	wjackson 02/21/2006	rschluet 02/14/2006	_____	mbarman 02/14/2006	mbarman 02/14/2006	
/2		13 2/28 jld	rschluet 02/22/2006	_____	sbasford 02/22/2006	sbasford 02/22/2006	

2/28 ps *2/28 ps*

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/?	agary 02/14/2006	kfollett 02/14/2006		_____			
/1		/2 Wlj 2/21	rschluet 02/14/2006	_____	mbarman 02/14/2006	mbarman 02/14/2006	

FE Sent For:

Handwritten signature and initials
2226
<END>

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Extra Copies: **PJH**

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

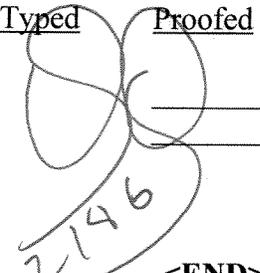
Winnebago County pilot project changes

Instructions:

See Attached

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/?	agary	1/15/06 2/14/06					
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<END>

FE Sent For:

Gary, Aaron

From: Sklansky, Ron
Sent: Monday, February 13, 2006 5:07 PM
To: Gary, Aaron
Cc: Wagner, Mike
Subject: FW: Amendment to SB 530

Attachments: 05a23241.pdf

Aaron:

Item 1. of the attached amendment should read:

1. Page 2, line 17: delete "less than 2" and substitute "not more than 7".

Could you prepare another amendment for tomorrow's Judiciary exec with a new LRB number? Thanks.

Ron

From: Roessler, Carol
Sent: Monday, February 13, 2006 4:34 PM
To: Sen.Risser; Sen.Grothman; Sen.Zien; Sen.Taylor
Cc: Sklansky, Ron; Deschane, Brian
Subject: Amendment to SB 530

Senate Bill 530 is on the Executive Schedule for tomorrow's meeting of Judiciary, Corrections, and Privacy. I will be offering the attached amendment; however, in the interest of time, I am sending you the current unedited draft by LRB. Subsequently, this amendment affects the concerns raised by the Department of Transportation and the Department of Corrections.

Sincerely,

CAROL ROESSLER



05a23241.pdf (13 KB)

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: ARG) (Date: 21/14/06)



Please transfer the drafting file for

2003 LRB _____ to the drafting file

for 2005 LRB _____

The final version of the 2003 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--- OR ---

Please copy the drafting file for

2005 LRB a 2324 / 1 (include the version) and place it in the

drafting file for 2005 LRB a 2330

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

now

a 2330/1
LRBa 2324/1
ARG:wlj:fg
stays
CMNR

**SENATE AMENDMENT ,
TO 2005 SENATE BILL 530**

delete "less than 2" and substitute

*change
component 2*

At the locations indicated, amend the bill as follows:

1. Page 2, line 17: after "days" insert "*7* ~~more~~ *7* more than ~~5~~ *7* days".

2. Page 3, line 16: delete "7" and substitute "10".

3. Page 5, line 23: after that line insert:

"SECTION 10m. 346.65 (8) of the statutes is created to read:

346.65 (8) There shall be a pilot project in Winnebago County providing for alternative penalties under this section, which penalties shall be as specified in subs. (2) (bm) and (cm), (2j) (bm) and (cm), and (3r)."

4. Page 6, line 5: after that line insert:

"SECTION 11m. 973.11 (1) (intro.) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or no contest to one or more misdemeanors for which either mandatory periods of

1 imprisonment are not required or the person is sentenced under s. 346.65 (2) (bm)
2 or (cm), if the chief judge of the judicial administrative district has approved a
3 volunteers in probation program established in the applicable county, and if the court
4 decides that volunteer supervision under the program will likely benefit the person
5 and the community and subject to the limitations under sub. (3), the court may
6 withhold sentence or judgment of conviction and order that the person be placed with
7 that volunteers in probation program. A person's participation in the program may
8 not be used to conceal, withhold, or mask information regarding the judgment of
9 conviction if the conviction is required to be included in a record kept under s. 343.23
10 (2) (a). Except as provided in sub. (3), the order shall provide any conditions that the
11 court determines are reasonable and appropriate and may include, but need not be
12 limited to, one or more of the following:".

13 (END)

and
PSH

**SENATE AMENDMENT ,
TO 2005 SENATE BILL 530**

Page 4, line 8: delete "2" and substitute
"5, nor more than 7".
Page 5, line 1: delete "7" and substitute "10".

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 17: delete "~~less than 2~~" and substitute "5, nor more than 7".

3 **2.** Page 3, line 16: delete "7" and substitute "10".

4 **3.** Page 5, line 23: after that line insert:

5 "SECTION 10m. 346.65 (8) of the statutes is created to read:

6 346.65 (8) There shall be a pilot project in Winnebago County providing for
7 alternative penalties under this section, which penalties shall be as specified in subs.
8 (2) (bm) and (cm), (2j) (bm) and (cm), and (3r).".

9 **4.** Page 6, line 5: after that line insert:

10 "SECTION 11m. 973.11 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
11 Act 33, is amended to read:

12 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
13 no contest to one or more misdemeanors for which either mandatory periods of

5, nor

- NO, keep
is

*Keep
in*

1 imprisonment are not required or the person is sentenced under s. 346.65 (2) (bm)
2 or (cm), if the chief judge of the judicial administrative district has approved a
3 volunteers in probation program established in the applicable county, and if the court
4 decides that volunteer supervision under the program will likely benefit the person
5 and the community and subject to the limitations under sub. (3), the court may
6 withhold sentence or judgment of conviction and order that the person be placed with
7 that volunteers in probation program. A person's participation in the program may
8 not be used to conceal, withhold, or mask information regarding the judgment of
9 conviction if the conviction is required to be included in a record kept under s. 343.23
10 (2) (a). Except as provided in sub. (3), the order shall provide any conditions that the
11 court determines are reasonable and appropriate and may include, but need not be
12 limited to, one or more of the following:".

13 (END)

*Page 5, line 24. Delete the material beginning
with that line and ending with page 6, line 5.*

and PJI stays

2

2-17-06

SENATE AMENDMENT,
TO 2005 SENATE BILL 530

Page 4, line 80 delete $\checkmark 2 \checkmark$ and substitute $\checkmark 50 \checkmark$
= nor more than 7 $\checkmark 0 \checkmark$
Page 5, line 10 delete $\checkmark 7 \checkmark$ and substitute $\checkmark 10 \checkmark$
Page 5, line 150 delete $\checkmark 60 \checkmark$ and substitute $\checkmark 30 \checkmark$

SUN

1 At the locations indicated, amend the bill as follows:

2 \checkmark 1. Page 2, line 17: delete ~~less than 2~~ and substitute "more than 7".

50 nor

3 \checkmark 2. Page 3, line 16: delete "7" and substitute "10".

4 3. Page 5, line 23: after that line insert:

5 "SECTION 10m. 346.65 (8) of the statutes is created to read:

6 346.65 (8) There shall be a pilot project in Winnebago County providing for
7 alternative penalties under this section, which penalties shall be as specified in subs.
8 (2) (bm) and (cm), (2j) (bm) and (cm), and (3r)."

9 4. Page 6, line 5: after that line insert:

10 "SECTION 11m. 973.11 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
11 Act 33, is amended to read:

12 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
13 no contest to one or more misdemeanors for which either mandatory periods of

Page 5, line 240 Delete the material beginning ^{with} _{or} that
= line and ending ^{with} _{or} page 6, line 50

1 imprisonment are not required or the person is sentenced under s. 346.65 (2) (bm)
2 or (cm), if the chief judge of the judicial administrative district has approved a
3 volunteers in probation program established in the applicable county, and if the court
4 decides that volunteer supervision under the program will likely benefit the person
5 and the community and subject to the limitations under sub. (3), the court may
6 withhold sentence or judgment of conviction and order that the person be placed with
7 that volunteers in probation program. A person's participation in the program may
8 not be used to conceal, withhold, or mask information regarding the judgment of
9 conviction if the conviction is required to be included in a record kept under s. 343.23
10 (2) (a). Except as provided in sub. (3), the order shall provide any conditions that the
11 court determines are reasonable and appropriate and may include, but need not be
12 limited to, one or more of the following:"

13 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2330/2
ARG&PJH:wlj:rs

3

**SENATE AMENDMENT ,
TO 2005 SENATE BILL 530**

*Today
2-28-06*

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 17: delete "2" and substitute "5 nor more than 7".
- 3 **2.** Page 3, line 16: delete "7" and substitute "10".
- 4 **3.** Page 4, line 8: delete "2" and substitute "5 nor more than 7".
- 5 **4.** Page 5, line 1: delete "7" and substitute "10".
- 6 **5.** Page 5, line 15: delete "60" and substitute "30".
- 7 **6.** Page 5, line 23: after that line insert:
- 8 "SECTION 10m. 346.65 (8) of the statutes is created to read:
- 9 346.65 (8) There shall be a pilot project in Winnebago County providing for
- 10 alternative penalties under this section, which penalties shall be as specified in subs.
- 11 (2) (bm) and (cm), (2j) (bm) and (cm), and (3r).".

1 **7.** Page 5, line 24: delete the material beginning with that line and ending with
2 page 6, line 5.

3 **8.** Page 6, line 5: after that line insert:

4 “**SECTION 11m.** 973.11 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
5 Act 33, is amended to read:

6 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
7 no contest to one or more misdemeanors for which either mandatory periods of
8 imprisonment are not required or the person is sentenced under s. 346.65 (2) (bm)
9 or (cm), if the chief judge of the judicial administrative district has approved a
10 volunteers in probation program established in the applicable county, and if the court
11 decides that volunteer supervision under the program will likely benefit the person
12 and the community and subject to the limitations under sub. (3), the court may
13 withhold sentence or judgment of conviction and order that the person be placed with
14 that volunteers in probation program. A person’s participation in the program may
15 not be used to conceal, withhold, or mask information regarding the judgment of
16 conviction if the conviction is required to be included in a record kept under s. 343.23
17 (2) (a). Except as provided in sub. (3), the order shall provide any conditions that the
18 court determines are reasonable and appropriate and may include, but need not be
19 limited to, one or more of the following:”

20 (2j) (bm) or (cm), or (3r) (END) ✓

Hurley, Peggy

From: Wagner, Mike
Sent: Tuesday, February 28, 2006 10:50 AM
To: Hurley, Peggy
Subject: FW: Amendment to SB 530

Peggy,

What are your thoughts...I think they should be added for consistency...

From: Dyck, Jon
Sent: Tuesday, February 28, 2006 10:36 AM
To: Wagner, Mike
Subject: RE: Amendment to SB 530

Thanks for sending this along. One comment about this amendment: On page 2, the amendment of s. 973.11 (1) (intro) adds eligibility for persons sentenced "under s. 346.65 (2) (bm) or (cm)" (see lines 8 and 9). However, the pilot program in Winnebago County also includes people sentenced under s. 346.65 (2j) (bm) and (cm) and 346.65 (3r) (see page 1, line 11 of the amendment for the full list). Unless there is some reason not to include those other subsections, I think they should also be added to the language under s. 973.11.

Let me know if you plan to make that change (and send me a copy if you do). For now I'll proceed on the assumption that a "/6" to this draft will include those changes.

Jon

From: Wagner, Mike
Sent: Tuesday, February 28, 2006 10:00 AM
To: Dyck, Jon
Subject: Amendment to SB 530

<< File: 05a23302.pdf >>
Once again, my apologies for not sending this right away...

Mike Wagner
Office of Sen. Carol Roessler
608-266-5300