

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/06/2010**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Sullivan (608) 266-2512**

By/Representing: **Andrea Gage**

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Sullivan@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Fixing errors in act 100

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**Instructions:**

See email from 1-6-10

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**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>
/?							
/1	phurley 01/07/2010	wjackson 01/07/2010	mduchek 01/07/2010	_____	cduerst 01/07/2010	cduerst 01/26/2010	

FE Sent For:

*None*

<END>

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/?	phurley						
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1/17

1/17

<END>

FE Sent For:

**Hurley, Peggy**

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**From:** Gage, Andrea  
**Sent:** Wednesday, January 06, 2010 4:27 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Act 100

Yes, please draft a bill that makes these changes. Thanks!

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Andrea Gage  
Communications Director  
Office of State Senator Jim Sullivan  
608-266-2512 work  
414-213-3717 cell  
[andrea.gage@legis.wi.gov](mailto:andrea.gage@legis.wi.gov)  
[SenatorSullivan.com](http://SenatorSullivan.com)

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**From:** Hurley, Peggy  
**Sent:** Wednesday, January 06, 2010 4:26 PM  
**To:** Gage, Andrea  
**Subject:** Act 100

Hi Andrea,

A few errors in Act 100 have come to my attention, and I think they do need to be fixed by a new bill before Act 100 takes effect. In section 36 of the Act, the cross-references are in the wrong order. The section should read (my changes are in bold):

For any revocation the department orders under sub. (1) (a), **(am), (ar), or (b)**, if the offense is criminal under **s.** 940.09 and involved the use of a motor vehicle or if the offense is criminal under s. 940.25, or under sub. (3), the department shall extend the revocation period by the number of days to which the court sentences the person to imprisonment in a jail or prison.

In section 65 of the Act, there is an incomplete cross reference. The section should read:

No person may remove, disconnect, tamper with, or otherwise circumvent the operation of an ignition interlock device installed in response to the court order under s. 346.65 (6), 1999 stats., or 343.301 (1), **2007 stats., or 343.301 (1g)**, or fail . . .

Finally, in section 75 of the draft, the word "except" is missing. This changes the meaning of the section to the opposite of what was intended. The section should read:

In a municipal court action, **except** for a financial responsibility violation . . .

I think that's all. I apologize for these errors; they should have been caught at the drafting stage. Please let me know if you have any questions or if you would like me to draft a bill that makes these changes.

Peggy Hurley  
Legislative Reference Bureau  
608 266 8906  
Peggy Hurley  
Legislative Reference Bureau  
608 266 8906

2. s-36 ✓

09 Wis. Act 100, s. 36 - continued

343.31 (4) For any revocation the department orders under sub. (1) (a) if the offense is criminal under 940.09 and involved the use of a motor vehicle, or if the offense is criminal under s. 940.25 (am), (ar), or (b) or under sub. (3) the department shall extend the revocation period by the number of days to which a court sentences the person to imprisonment in a jail or prison.

(1) sub (1)

3. secs 74 & 75 of S. 11:  
except for violations...

1-6-10:  
t/c to Adrienne @ Staskunas  
t/c to Sullivan's office - sent email to  
Andrea Gage  
email sent

347.413(1)

[s. 343.301(1g)]



(1) No person may remove, disconnect, tamper with, or otherwise circumvent the operation of an ignition interlock device installed in response to the court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1) or fail to have the ignition interlock device installed as ordered by the court. This subsection does not apply to the removal of an ignition interlock device upon the expiration of the order requiring the motor vehicle to be so equipped or to necessary repairs to a malfunctioning ignition interlock device by a person authorized by the department.

Note: (Same)

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SB

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**SECTION 75.** 814.65 (1) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

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except for

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814.65 (1) COURT COSTS. In a municipal court action, for a financial responsibility violation under s. 344.62 (2) or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$28 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

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**SECTION 76.** 814.75 (9m) of the statutes is created to read:

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814.75 (9m) The ignition interlock surcharge under s. 343.301 (5).

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**SECTION 77.** 814.76 (7m) of the statutes is created to read:

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814.76 (7m) The ignition interlock surcharge under s. 343.301 (5).

16

**SECTION 78.** 814.78 (7m) of the statutes is created to read:

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814.78 (7m) The ignition interlock surcharge under s. 343.301 (5).

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**SECTION 79.** 814.79 (4r) of the statutes is created to read:

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814.79 (4r) The ignition interlock surcharge under s. 343.301 (5).

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**SECTION 80.** 814.85 (1) (a) of the statutes is amended to read:

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814.85 (1) (a) Except for an action for ~~a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68~~

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2009 BILL

today  
1-7-10

Gen Cat

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AN ACT ...; relating to: ~~making~~ technical changes to 2009 Wisconsin Act 100.

*Analysis by the Legislative Reference Bureau*

2009 Wisconsin Act 100 made several changes to the laws relating to operating a motor vehicle while intoxicated. This bill makes technical changes to that Act.

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

2

SECTION 1. 343.31 (4) of the statutes, as created by 2009 Wisconsin Act 100, is amended to read:

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343.31 (4) For any revocation the department orders under sub. (1) (a), (am), (ar), or (b), if the offense is criminal under s. 940.09 and involved the use of a motor vehicle, or if the offense is criminal under s. 940.25, (am), (ar), or (b) or under sub. (3), the department shall extend the revocation period by the number of days to which a court sentences the person to imprisonment in a jail or prison.

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SECTION 2. 347.413 (1) of the statutes, as affected by 2009 Wisconsin Act 100, is amended to read:

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**Duerst, Christina**

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**From:** Gage, Andrea  
**Sent:** Tuesday, January 26, 2010 10:46 AM  
**To:** LRB.Legal  
**Subject:** Jacket for LRB-4087/1

Could you please send me a jacket today for LRB 4087/1?

Thanks,  
Andrea

---

Andrea Gage  
Communications Director  
Office of State Senator Jim Sullivan  
608-266-2512 work  
414-213-3717 cell  
[andrea.gage@legis.wi.gov](mailto:andrea.gage@legis.wi.gov)  
[SenatorSullivan.com](http://SenatorSullivan.com)