



WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO

2009 Assembly Bill 283

Assembly  
Amendment 1

*Memo published:* June 18, 2009

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Assembly Amendment 1 to 2009 Assembly Bill 283, relating to various changes in the laws relating to operating a motor vehicle while intoxicated (OWI), does the following:

**VEHICLES THAT MUST BE EQUIPPED WITH IGNITION INTERLOCK DEVICE (IID)**

*Assembly Bill 283* provides that, under the circumstances set forth in the bill (improper refusal, first offense OWI with an alcohol concentration of 0.15 or more, second or subsequent OWI offenses), the court must order the violator's operating privilege be restricted to operating vehicles equipped with an IID and must order that *each motor vehicle in the person's household operated by the person* be equipped with an IID.

The *amendment* provides that the court must order that each motor vehicle *for which the person's name appears on the vehicle's certificate of title or registration* be equipped with an IID. The amendment substitutes that language for "in the person's household operated by the person."

**INTERLOCK SURCHARGE: DISTRIBUTION OF \$50 SURCHARGE**

*Assembly Bill 283* requires a person subject to an IID order to pay to the court an interlock surcharge of \$50. The court must then transmit the surcharge to the county treasurer for the county in which the order is entered, with the treasurer then retaining \$40 of the surcharge for the county and making payment of the remaining \$10 to the Department of Transportation (DOT).

The *amendment* requires the court to transmit the \$50 interlock surcharge to DOT. DOT must then pay \$40 of each surcharge payment it receives *to the sheriff of the county where the fee was collected*.

**PROBATION PERIOD: ERROR CORRECTED**

*Assembly Bill 283* permits a court to place a person who commits certain OWI violations on probation under s. 973.09 (1) (d), Stats. Current law prohibits probation for these OWI violators.

The *bill*, in SECTION 67, *inadvertently amends* s. 973.09 (2) (a) 1. d., Stats., which currently specifies that the original term of probation for listed misdemeanors, including “a misdemeanor under s. 346.63 (OWI) to which s. 973.09 (1) (d) applies” is not less than six months *nor more than two years*. The bill deletes the reference to OWI misdemeanors in that provision. This would mean that s. 973.09 (2) (a) 1r., Stats., would apply to OWI misdemeanors, a provision that limits the original term of probation to *not more than one year*. This would mean, for example, that a person convicted of a fourth offense misdemeanor OWI (which can be either a misdemeanor or a felony under the bill, depending on the circumstances) would be limited to not more than one year probation instead of the current not more than two years.

The *amendment* deletes SECTION 67 from the bill.

**Legislative History**

In an executive session on June 18, 2009, the Assembly Committee on Public Safety introduced Assembly Amendment 1 on a unanimous vote. The committee adopted Assembly Amendment 1 and recommended passage of the bill, as amended, both on votes of Ayes, 7; Noes, 0; and Absent, 1.

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