

2013 DRAFTING REQUEST

Bill

Received: 1/9/2013 Received By: phurley
 Wanted: As time permits Same as LRB:
 For: Neal Kedzie (608) 266-2635 By/Representing: Doug
 May Contact: Drafter: phurley
 Subject: Drunk Driving - other Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Kedzie@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

No vehicle purchases while license is suspended for OWI

Instructions:

2011 SB 379

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 1/9/2013	jdyer 1/22/2013	phenry 1/22/2013	_____			
/1	phurley 10/31/2013			_____	lparisi 1/22/2013	sbasford 1/30/2013	Crime
/2		jdyer 10/31/2013	rschluet 10/31/2013	_____	lparisi 10/31/2013	lparisi 10/31/2013	Crime

FE Sent For:

None Needed

<END>

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/1		<i>2/10/31 jld</i>	<i>jd</i>	<i>[Signature]</i>	lparisi 1/22/2013	sbasford 1/30/2013	Crime

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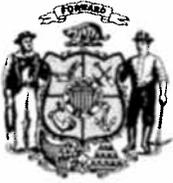
2011 SB 379

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/?	phurley	1/22 jld	1/22 ph				

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-75397
PJH:meers

2013 BILL

2011 SENATE BILL 379

jld
106811
rnr

1-9-13

January 17, 2012 - Introduced by Senators KEDZIE, C. LARSON and HANSEN, cosponsored by Representatives NASS, THIESFELDT, STASKUNAS, CRAIG, ENDSLEY and MARKLEIN. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

Gen

awf

4

1 AN ACT *to create* 343.30 (7) of the statutes; **relating to:** purchasing or leasing
2 a motor vehicle after a violation relating to operating a motor vehicle while
3 intoxicated and providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Under current law, a person who violates state law or a local ordinance prohibiting the operation of a motor vehicle while under the influence of an intoxicant or with a prohibited blood alcohol concentration is subject to having his or her operating privileges suspended or revoked. ✓ The duration of the suspension or revocation generally depends upon how many times the person has violated the state law or local ordinance and ranges from six months to three years. ✓ A person's period of revocation may be doubled for certain violations.

generally ✓

This bill prohibits a person whose operating privileges have been suspended or revoked for a violation relating to operating a motor vehicle while intoxicated from purchasing or leasing a motor vehicle while his or her operating privileges are suspended or revoked. ✓ Under the bill, if a person whose operating privileges have been suspended or revoked has an occupational license, that person may purchase or lease a motor vehicle as long as the occupational license is in effect. A person who purchases or leases a motor vehicle in violation of the prohibition is guilty of a Class I felony ✓ and subject to a fine of up to \$10,000, ✓ imprisonment of up to three years and six months, or both. ✓

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

Rose, Stefanie

From: Wheaton, Doug
Sent: Wednesday, January 30, 2013 10:49 AM
To: LRB.Legal
Subject: Draft Review: LRB -1068/1 Topic: No vehicle purchases while license is suspended for OWI

Please Jacket LRB -1068/1 for the SENATE.

Hurley, Peggy

From: Hurley, Peggy
Sent: Friday, October 11, 2013 9:50 AM
To: Sen.Kedzie
Subject: attn: Doug, re: Selling or leasing a motor vehicle

Hi Doug,

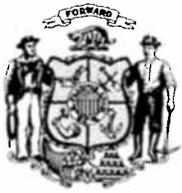
I think it would work to create a new section under the "parties to a crime" statute, s. 939.05:

939.05 (3) of the statutes is created to read:

939.05 (3) This section does not apply to a person who sells or leases a motor vehicle to a person who is prohibited under s. 343.30 (7) from purchasing or leasing a motor vehicle unless the person sells or leases the motor vehicle with intent that a crime be committed.

The "with intent that a crime be committed" language is lifted from the criminal conspiracy statute, s. 939.31. The "solicitation" statute, s. 939.30, likewise requires intent. It can be argued that the parties to a crime statute already requires intent to be a party to a crime, but I think the suggested language would satisfy the concerns raised. What do you think?

Peggy Hurley
Legislative Reference Bureau
608 266 8906



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1068/1
PJH:jld:ph

2
MR

2013 BILL

10-31

reach

4

1 AN ACT *to create* 343.30 (7) of the statutes; **relating to:** purchasing or leasing
2 a motor vehicle after a violation relating to operating a motor vehicle while
3 intoxicated and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who violates state law or a local ordinance prohibiting the operation of a motor vehicle while under the influence of an intoxicant or with a prohibited blood alcohol concentration is subject to having his or her operating privileges suspended or revoked. The duration of the suspension or revocation generally depends upon how many times the person has violated the state law or local ordinance and generally ranges from six months to three years. A person's period of revocation may be doubled for certain violations.

This bill prohibits a person whose operating privileges have been suspended or revoked for a violation relating to operating a motor vehicle while intoxicated from purchasing or leasing a motor vehicle while his or her operating privileges are suspended or revoked. Under the bill, if a person whose operating privileges have been suspended or revoked has an occupational license, that person may purchase or lease a motor vehicle as long as the occupational license is in effect. A person who purchases or leases a motor vehicle in violation of the prohibition is guilty of a Class I felony and subject to a fine of up to \$10,000, imprisonment of up to three years and six months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

from another person

BILL

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

From another person

1 SECTION 1. 343.30 (7) of the statutes is created to read:

2 343.30 (7) (a) A person whose license is suspended or revoked under sub. (1q)

3 or s. 343.305 (10) may not purchase or lease a motor vehicle while the suspension or

4 revocation is in effect. This subsection does not apply to a person who holds an

5 occupational license under s. 343.10.

6 (b) Any person who violates par. (a) is guilty of a Class I felony.

(END)

Insert ✓

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1068/lins
PJH:jld:ph

1
2
3
4
5
6

INSERT:

SECTION 1. 939.05 (3) of the statutes is created to read:

939.05 (3) This section does not apply to a ^{check Δ} person who sells or leases a motor vehicle to a person who is prohibited under s. 343.30 (7) from purchasing or leasing a motor vehicle unless the person sells or leases the motor vehicle with the intent that a crime be committed.