

2013 DRAFTING REQUEST

Bill

Received: 9/13/2012 Received By: phurley
Wanted: As time permits Same as LRB:
For: Terese Berceau (608) 266-3784 By/Representing: Annika
May Contact: Drafter: phurley
Subject: Drunk Driving - other Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Intoxication by an inhalant

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>
/?	phurley 9/13/2012	csicilia 9/20/2012	jfrantze 9/21/2012	_____			
/P1	phurley 1/25/2013			_____	mbarman 9/21/2012		
/1		csicilia 1/28/2013	rschlue 1/28/2013	_____	sbasford 1/28/2013	sbasford 2/1/2013	

FE Sent For:

<END>

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/?	phurley	PI js 9/19 /1	Jb 9/20	Jm & Jf 9/20			
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FE Sent For:

<END>

Hurley, Peggy

From: Petty, Annika
Sent: Wednesday, September 12, 2012 4:39 PM
To: Hurley, Peggy
Subject: FW: Drafting request

Hi Peggy,

Our third drafting request was the redraft of 2007 Assembly Bill 608 (see the email below for more details). Thank you!

- Annika

Annika L. Petty
Legislative Assistant
Office of Representative Terese Berceau
(608) 266-3784

apetty@legis.wisconsin.gov

From: Rep.Berceau
Sent: Wednesday, August 08, 2012 4:45 PM
To: Hurley, Peggy
Cc: Peloquin, Traci; Petty, Annika
Subject: Drafting request

Dear Atty. Hurley,

Rep. Berceau would like to request drafts of two pieces of legislation, both related to drunk driving.

- 1) Redraft 2007 Assembly Bill 608 with one minor change. Instead of using the definition "substance used contrary to s. 941.316," can the statute be amended to spell out the actual definition? Namely, the definition would be broadened to include "a substance that is inhaled, ingested, or otherwise consumed in a manner that is contrary to its intended use or labeling, and that is inhaled, ingested, or otherwise consumed to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes."
- 2) Eliminate the statutory provision that prohibits law enforcement from conducting sobriety checkpoints. The goal would be to allow local departments the option of conducting sobriety checkpoints, at their discretion (not mandating that they be conducted). I am unclear whether eliminating the ban on sobriety checkpoints is sufficient, or whether language must be added to the statutes to this effect (in which case, please let me know).

Please let me know if you have any questions. Thank you very much!

Annika L. Petty
Legislative Assistant
Office of Representative Terese Berceau
(608) 266-3784

apetty@legis.wisconsin.gov

0076/PI

2007 ASSEMBLY BILL 608

9-13-07
D-note

PJH:js:

December 4, 2007 - Introduced by Representatives SOLETSKI, BIES, STASKUNAS, BALLWEG, BERCEAU, GUNDERSON, HAHN, HRAYCHUCK, JESKEWITZ, MOLEPSKE, MUSSER, A. OTT, RICHARDS, SMITH and ZIEGELBAUER, cosponsored by Senators COGGS, ROESSLER, LASSA and KEDZIE. Referred to Committee on Criminal Justice.

07 ✓
11 ✓
13 ✓
x-note

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PWFok

1 AN ACT to amend 23.33 (1) (i), 30.50 (4e), 85.53 (1) (c), 350.01 (9), 939.22 (42) and
2 940.225 (5) (ai); and to create 340.01 (25d) of the statutes; relating to: the
3 definition of intoxicant.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating, or causing injury or death to a person by operating, a vehicle, including an all-terrain vehicle, snowmobile, or boat, while under the influence of an intoxicant. Current law also prohibits a person from operating, or causing injury or death to a person by operating a firearm or airgun while under the influence of an intoxicant. Current law defines an "intoxicant" as any alcohol beverage, controlled substance, controlled substance analog or other drug, or any combination thereof. *

This bill broadens the definition of "intoxicant" to include a substance that is inhaled, ingested, or otherwise consumed in a manner that is contrary to its intended use or labelling, and that is inhaled, ingested, or otherwise consumed to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

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

4

SECTION 1. 23.33 (1) (i) of the statutes is amended to read:

Insert 1.4

ASSEMBLY BILL 608

SECTION 1

1 23.33 (1) (i) "Intoxicant" means any alcohol beverage, ~~substance used contrary~~
2 ~~to s. 941.316~~ controlled substance, controlled substance analog or other drug, or any
3 combination thereof.

SECTION 2. 30.50 (4e) of the statutes is amended to read:

30.50 (4e) "Intoxicant" means any alcohol beverage, ~~substance used contrary~~
4 ~~to s. 941.316~~, controlled substance, controlled substance analog or other drug, or any
5 combination thereof.

SECTION 3. 85.53 (1) (c) of the statutes is amended to read:

85.53 (1) (c) "Intoxicant" means any alcohol beverage, ~~substance used contrary~~
6 ~~to s. 941.316~~, controlled substance, controlled substance analog or other drug, or any
7 combination thereof.

SECTION 4. 340.01 (25d) of the statutes is created to read:

340.01 (25d) "Intoxicant" means any alcohol beverage, ~~substance used~~
8 ~~contrary to s. 941.316~~, controlled substance, controlled substance analog or other
9 drug, or any combination thereof.

SECTION 5. 350.01 (9) of the statutes is amended to read:

350.01 (9) "Intoxicant" means any alcohol beverage, ~~substance used contrary~~
10 ~~to s. 941.316~~ controlled substance, controlled substance analog or other drug, or any
11 combination thereof.

SECTION 6. 939.22 (42) of the statutes is amended to read:

939.22 (42) "Under the influence of an intoxicant" means that the actor's ability
12 to operate a vehicle or handle a firearm or airgun is materially impaired because of
13 his or her consumption of an alcohol beverage, ~~of a substance used contrary to s.~~
14 ~~941.316~~, of a controlled substance or controlled substance analog under ch. 961, of
15 any combination of an alcohol beverage, ~~substance used contrary to s. 941.316~~.

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ASSEMBLY BILL 608

1 controlled substance and controlled substance analog, or of any other drug, or of an
2 alcohol beverage and any other drug.

3 **SECTION 7.** 940.225 (5) (ai) of the statutes is amended to read:

4 940.225 (5) (ai) "Intoxicant" means any alcohol beverage, ~~substance used~~
5 ~~contrary to s. 941.316,~~ controlled substance, controlled substance analog, or other
6 drug, or any combination thereof.

7 (END)

hazardous
inhalants

d-note

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0076/?ins
.....

5/2 ✓
INSERT 1.4:

^

SECTION 1. 23.33 (1) (gb) of the statutes is created to read:

23.33 (1) (gb) "Hazardous inhalant" means a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

INSERT 2.3:

^

SECTION 2. 30.50 (4c) of the statutes is created to read:

30.50 (4c) "Hazardous inhalant" means a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

INSERT 2.8:

^

SECTION 3. 85.53 (1) (bg) of the statutes is created to read:

85.53 (1) (bg) "Hazardous inhalant" means a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer

of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

INSERT 2.12:

^

SECTION 4. 340.01 (20r) of the statutes is created to read:

340.01 (20r) "Hazardous inhalant" means a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

INSERT 2.15:

SECTION 5. 343.12(7)(a)7. of the statutes is amended to read:

Δ Δ Δ

343.12 (7) (a) 7. Causing injury by operating a motor vehicle under the influence of an intoxicant or other drug under s. 346.63 (2).

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25 (1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113; 2003 a. 33, 280, 326, 327; 2005 a. 253, 277; 2007 a. 116.

SECTION 6. 343.12(7)(a)9. of the statutes is amended to read:

Δ Δ Δ

343.12 (7) (a) 9. Operating a motor vehicle under the influence of an intoxicant or other drug or with a prohibited alcohol concentration under s. 346.63 (1).

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25 (1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113; 2003 a. 33, 280, 326, 327; 2005 a. 253, 277; 2007 a. 116.

SECTION 7. 343.12(7)(a)7. of the statutes is amended to read:

Δ Δ Δ

343.12 (7) (a) 7. Causing injury by operating a motor vehicle under the influence of an intoxicant or other drug under s. 346.63 (2).

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25 (1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113; 2003 a. 33, 280, 326, 327; 2005 a. 253, 277; 2007 a. 116.

SECTION 8. 343.12(7)(a)7. of the statutes is amended to read:

Δ Δ Δ

343.12 (7) (a) 7. Causing injury by operating a motor vehicle under the influence of an intoxicant ~~or other drug~~ under s. 346.63 (2).

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25 (1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113; 2003 a. 33, 280, 326, 327; 2005 a. 253, 277; 2007 a. 116.

SECTION 9. ~~343.12(7)(a)9.~~ of the statutes is amended to read:
△ △ △

343.12 (7) (a) 9. Operating a motor vehicle under the influence of an intoxicant ~~or other drug~~ or with a prohibited alcohol concentration under s. 346.63 (1).

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25 (1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113; 2003 a. 33, 280, 326, 327; 2005 a. 253, 277; 2007 a. 116.

SECTION 10. ~~343.305(5)(d)~~ of the statutes is amended to read:
△ △

343.305 (5) (d) At the trial of any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have been driving or operating a motor vehicle while under the influence of an intoxicant, ~~a controlled substance, a controlled substance analog or any other drug, or under the influence of any combination of alcohol, a controlled substance, a controlled substance analog and any other drug,~~ to a degree which renders him or her incapable of safely driving, or ~~under the combined influence of an intoxicant and any other drug~~ to a degree which renders him or her incapable of safely driving, or having a prohibited alcohol concentration, or alleged to have been driving or operating or on duty time with respect to a commercial motor vehicle while having an alcohol concentration above 0.0 or possessing an intoxicating beverage, regardless of its alcohol content, or within 4 hours of having consumed or having been under the influence of an intoxicating beverage, regardless of its alcohol content, or of having an alcohol concentration of 0.04 or more, the results of a test administered in accordance with this section are admissible on the issue of whether the person was under the influence of an intoxicant, ~~a controlled substance, a controlled substance analog or any other drug,~~ or ~~under the influence of any combination of alcohol, a controlled substance, a~~

~~controlled substance analog and any other drug, to a degree which renders him or her incapable of safely driving or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving or any issue relating to the person's alcohol concentration. Test results shall be given the effect required under s. 885.235.~~

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242.

SECTION 11. 343.31(1)(am) of the statutes is amended to read:



343.31 (1) (am) Injury by the operation of a vehicle while under the influence of an intoxicant, ~~a controlled substance or a controlled substance analog, or any combination of an intoxicant, a controlled substance and a controlled substance analog, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving or while the person has a detectable amount of a restricted controlled substance in his or her blood or has a prohibited alcohol concentration and which is criminal under s. 346.63~~ (2).

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200; 2005 a. 387; 2009 a. 100, 102, 121; 2011 a. 113, 173 ss. 2, 3, 6.

SECTION 12. 343.31(1)(b) of the statutes is amended to read:



343.31 (1) (b) Upon conviction for operation of a motor vehicle while under the influence of an intoxicant, ~~controlled substance, controlled substance analog or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving, in accordance with the order of the court.~~

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200; 2005 a. 387; 2009 a. 100, 102, 121; 2011 a. 113, 173 ss. 2, 3, 6.

SECTION 13. 343.31(3)(b) of the statutes is amended to read:

△ △

343.31 (3) (b) If the revocation results from a first conviction of operation of a motor vehicle while under the influence of an intoxicant, ~~controlled substance, controlled substance analog or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug~~ to a degree which renders him or her incapable of safely driving and the conviction occurs in another jurisdiction, the period of revocation shall be 6 months.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200; 2005 a. 387; 2009 a. 100, 102, 121; 2011 a. 113, 173 ss. 2, 3, 6.

SECTION 14. 344.576(2)(b) of the statutes is amended to read:

△ △

344.576 (2) (b) The damage occurs while the renter or authorized driver operates the private passenger vehicle in this state while under the influence of an intoxicant ~~or other drug~~, as described under s. 346.63 (1) (a), (am), or (b) or (2m).

History: 1989 a. 328; 1995 a. 27; 2003 a. 97; 2005 a. 173.

SECTION 15. 344.576(2)(c) of the statutes is amended to read:

△ △

344.576 (2) (c) The damage occurs while the renter or authorized driver operates the private passenger vehicle in another state while under the influence of an intoxicant ~~or other drug~~, as described in the laws of that state.

History: 1989 a. 328; 1995 a. 27; 2003 a. 97; 2005 a. 173.

SECTION 16. 346.63(1)(a) of the statutes is amended to read:

△ △

346.63 (1) (a) Under the influence of an intoxicant, ~~a controlled substance, a controlled substance analog or any combination of an intoxicant, a controlled substance and a controlled substance analog, under the influence of any other drug~~ to a degree which renders him or her incapable of safely driving, ~~or under the~~

~~combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving; or~~

~~History: 1971 c. 40 s. 93; 1971 c. 219; 1977 c. 193; 1981 c. 20, 184; 1983 a. 74, 459, 521; 1985 a. 32, 337; 1987 a. 3, 27; 1989 a. 105, 275; 1991 a. 277; 1995 a. 436, 448; 1997 a. 27, 252; 1999 a. 85; 2003 a. 30, 97.~~

~~SECTION 17. 346.63(2)(a)1. of the statutes is amended to read:~~

~~346.63 (2) (a) 1. Under the influence of an intoxicant, a controlled substance, a controlled substance analog or any combination of an intoxicant, a controlled substance and a controlled substance analog, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving; or~~

~~History: 1971 c. 40 s. 93; 1971 c. 219; 1977 c. 193; 1981 c. 20, 184; 1983 a. 74, 459, 521; 1985 a. 32, 337; 1987 a. 3, 27; 1989 a. 105, 275; 1991 a. 277; 1995 a. 436, 448; 1997 a. 27, 252; 1999 a. 85; 2003 a. 30, 97.~~

~~SECTION 18. 346.63(2)(b)1. of the statutes is amended to read:~~

~~346.63 (2) (b) 1. In an action under this subsection, the defendant has a defense if he or she proves by a preponderance of the evidence that the injury would have occurred even if he or she had been exercising due care and he or she had not been under the influence of an intoxicant, a controlled substance, a controlled substance analog or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving, did not have a prohibited alcohol concentration described under par. (a) 2., or did not have a detectable amount of a restricted controlled substance in his or her blood.~~

~~History: 1971 c. 40 s. 93; 1971 c. 219; 1977 c. 193; 1981 c. 20, 184; 1983 a. 74, 459, 521; 1985 a. 32, 337; 1987 a. 3, 27; 1989 a. 105, 275; 1991 a. 277; 1995 a. 436, 448; 1997 a. 27, 252; 1999 a. 85; 2003 a. 30, 97.~~

~~SECTION 19. 346.63(6)(c) of the statutes is amended to read:~~

~~346.63 (6) (c) Under par. (a), the person charged has a defense if it appears by a preponderance of the evidence that the injury would have occurred even if he or she~~

had not been under the influence of an intoxicant, ~~a controlled substance, a controlled substance analog or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving~~ or did not have an alcohol concentration described under par. (a).

History: 1971 c. 40 s. 93; 1971 c. 219; 1977 c. 193; 1981 c. 20, 184; 1983 a. 74, 459, 521; 1985 a. 32, 337; 1987 a. 3, 27; 1989 a. 105, 275; 1991 a. 277; 1995 a. 436, 448; 1997 a. 27, 252; 1999 a. 85; 2003 a. 30, 97.

SECTION 20. 346.65(2g)(b) of the statutes is amended to read:

346.65 (2g) (b) The court may require a person ordered to perform community service work under par. (a) or (ag), or under s. 973.05 (3) (a) if that person's fine resulted from violating s. 346.63 (2), 940.09 (1) or 940.25, to participate in community service work that demonstrates the adverse effects of substance abuse or of operating a vehicle while under the influence of an intoxicant ~~or other drug~~, including working at an alcoholism treatment facility approved under s. 51.45, an emergency room of a general hospital or a driver awareness program under s. 346.637. The court may order the person to pay a reasonable fee, based on the person's ability to pay, to offset the cost of establishing, maintaining and monitoring the community service work ordered under this paragraph. If the opportunities available to perform community service work are fewer in number than the number of defendants eligible under this subsection, the court shall, when making an order under this paragraph, give preference to defendants who were under 21 years of age at the time of the offense. All provisions of par. (am) apply to any community service work ordered under this paragraph.

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389; 2007 a. 97, 111; 2009 a. 100, 180; 2011 a. 258.

SECTION 21. 346.65(2i) of the statutes is amended to read:

~~346.65 (2i) In addition to the authority of the court under sub. (2g) and s. 973.05 (3) (a), the court may order a defendant subject to sub. (2), or a defendant subject to s. 973.05 (3) (a) who violated s. 346.63 (2), 940.09 (1), or 940.25, to visit a site that demonstrates the adverse effects of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug, including an alcoholism treatment facility approved under s. 51.45 or an emergency room of a general hospital in lieu of part or all of any forfeiture imposed or in addition to any penalty imposed. The court may order the defendant to pay a reasonable fee, based on the person's ability to pay, to offset the costs of establishing, maintaining, and monitoring the visits ordered under this subsection. The court may order a visit to the site only if agreed to by the person responsible for the site. If the opportunities available to visit sites under this subsection are fewer than the number of defendants eligible for a visit, the court shall, when making an order under this subsection, give preference to defendants who were under 21 years of age at the time of the offense. The court shall ensure that the visit is monitored. A visit to a site may be ordered for a specific time and a specific day to allow the defendant to observe victims of vehicle accidents involving intoxicated drivers. If it appears to the court that the defendant has not complied with the court order to visit a site or to pay a reasonable fee, the court may order the defendant to show cause why he or she should not be held in contempt of court. Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant. The issuance or possibility of the issuance of an order under this subsection does not~~

entitle an indigent defendant who is subject to sub. (2) (am) 1. to representation by counsel under ch. 977.

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 211; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 478; 1995 a. 44, 338, 359, 426; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hm, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 316; 2005 a. 149, 327, 389; 2007 a. 97, 111; 2009 a. 100, 180; 2011 a. 258.

INSERT B:

INSERT 2.15

SECTION 22. 350.01 (4) of the statutes is created to read:

350.01 (4) "Hazardous inhalant" means a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

INSERT 2.20:

SECTION 23. 939.22 (15) of the statutes is created to read:

939.22 (15) "Hazardous inhalant" means a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-00767dn

P1

PJK
y's

- date -

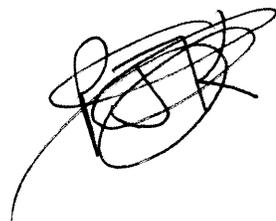
Annika,

Please review this draft to ensure it is consistent with your intent. This is a redraft of 2007 AB 608, except that this draft defines "hazardous inhalant" using the definitions found in s. 941.316 and inserts "hazardous inhalant" into the definition of "intoxicant." In order to avoid an unwieldy definition, I did not copy the definitions found in s. 941.316 into every definition of "intoxicant." please let me know if this does not satisfy your intent. ^{no P}

tr

In reviewing 2007 AB 608, I found that there are several statutory sections in chapters 341 to 346 that seemed to use "intoxicant" to mean "alcohol" and that list other intoxicants, such as controlled substances or other drugs. This draft amends those sections to use only the term "intoxicant," because the term "intoxicant" is defined to include other substances. Please let me know if you have any questions about those changes. When this draft meets your approval, I will redraft it into introducible form.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0076/P1dn
PJH:cjs:jf

September 20, 2012

Annika,

Please review this draft to ensure it is consistent with your intent. This is a redraft of 2007 AB 608, except that this draft defines "hazardous inhalant" using the definitions found in s. 941.316 and inserts "hazardous inhalant" into the definition of "intoxicant." In order to avoid an unwieldy definition, I did not copy the definitions found in s. 941.316 into every definition of "intoxicant"; please let me know if this does not satisfy your intent. When this draft meets your approval, I will redraft it into introducible form.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov



8/25/13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1-25-13

SAV

Gen. Cat

1 **AN ACT to amend** 23.33 (1) (i), 30.50 (4e), 85.53 (1) (c), 350.01 (9), 939.22 (42) and
2 940.225 (5) (ai); and **to create** 23.33 (1) (gb), 30.50 (4c), 85.53 (1) (bg), 340.01
3 (20r), 340.01 (25d), 350.01 (4) and 939.22 (15) of the statutes; **relating to:** the
4 definition of intoxicant.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating, or causing injury or death to a person by operating, a vehicle, including an all-terrain vehicle, snowmobile, or boat, while under the influence of an intoxicant. Current law also prohibits a person from causing injury or death to a person by operating a firearm or airgun while under the influence of an intoxicant. Current law defines an "intoxicant" as any alcohol beverage, controlled substance, controlled substance analog or other drug, or any combination thereof.

This bill broadens the definition of "intoxicant" to include a substance that is inhaled, ingested, or otherwise consumed in a manner that is contrary to its intended use or labelling, and that is inhaled, ingested, or otherwise consumed to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

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

1 **SECTION 1.** 23.33 (1) (gb) of the statutes is created to read:

2 23.33 (1) (gb) “Hazardous inhalant” means a substance that is ingested,
3 inhaled, or otherwise introduced into the human body in a manner that does not
4 comply with any cautionary labeling that is required for the substance under s.
5 100.37 or under federal law, or in a manner that is not intended by the manufacturer
6 of the substance, and that is intended to induce intoxication or elation, to stupefy the
7 central nervous system, or to change the human audio, visual, or mental processes.

8 **SECTION 2.** 23.33 (1) (i) of the statutes is amended to read:

9 23.33 (1) (i) “Intoxicant” means any alcohol beverage, hazardous inhalant,
10 controlled substance, controlled substance analog or other drug, or any combination
11 thereof.

12 **SECTION 3.** 30.50 (4c) of the statutes is created to read:

13 30.50 (4c) “Hazardous inhalant” means a substance that is ingested, inhaled,
14 or otherwise introduced into the human body in a manner that does not comply with
15 any cautionary labeling that is required for the substance under s. 100.37 or under
16 federal law, or in a manner that is not intended by the manufacturer of the substance,
17 and that is intended to induce intoxication or elation, to stupefy the central nervous
18 system, or to change the human audio, visual, or mental processes.

19 **SECTION 4.** 30.50 (4e) of the statutes is amended to read:

20 30.50 (4e) “Intoxicant” means any alcohol beverage, hazardous inhalant,
21 controlled substance, controlled substance analog or other drug, or any combination
22 thereof.

23 **SECTION 5.** 85.53 (1) (bg) of the statutes is created to read:

24 85.53 (1) (bg) “Hazardous inhalant” means a substance that is ingested,
25 inhaled, or otherwise introduced into the human body in a manner that does not

1 comply with any cautionary labeling that is required for the substance under s.
2 100.37 or under federal law, or in a manner that is not intended by the manufacturer
3 of the substance, and that is intended to induce intoxication or elation, to stupefy the
4 central nervous system, or to change the human audio, visual, or mental processes.

5 **SECTION 6.** 85.53 (1) (c) of the statutes is amended to read:

6 85.53 (1) (c) “Intoxicant” means any alcohol beverage, hazardous inhalant,
7 controlled substance, controlled substance analog or other drug, or any combination
8 thereof.

9 **SECTION 7.** 340.01 (20r) of the statutes is created to read:

10 340.01 (20r) “Hazardous inhalant” means a substance that is ingested,
11 inhaled, or otherwise introduced into the human body in a manner that does not
12 comply with any cautionary labeling that is required for the substance under s.
13 100.37 or under federal law, or in a manner that is not intended by the manufacturer
14 of the substance, and that is intended to induce intoxication or elation, to stupefy the
15 central nervous system, or to change the human audio, visual, or mental processes.

16 **SECTION 8.** 340.01 (25d) of the statutes is created to read:

17 340.01 (25d) “Intoxicant” includes a hazardous inhalant.

18 **SECTION 9.** 350.01 (4) of the statutes is created to read:

19 350.01 (4) “Hazardous inhalant” means a substance that is ingested, inhaled,
20 or otherwise introduced into the human body in a manner that does not comply with
21 any cautionary labeling that is required for the substance under s. 100.37 or under
22 federal law, or in a manner that is not intended by the manufacturer of the substance,
23 and that is intended to induce intoxication or elation, to stupefy the central nervous
24 system, or to change the human audio, visual, or mental processes.

25 **SECTION 10.** 350.01 (9) of the statutes is amended to read:

Basford, Sarah

From: Clark, Lloyd
Sent: Friday, February 01, 2013 10:15 AM
To: LRB.Legal
Subject: Draft Review: LRB -0076/1 Topic: Intoxication by an inhalant

Please Jacket LRB -0076/1 for the ASSEMBLY.