



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1979/1  
ZDW:wlj

## 2017 SENATE BILL 72

February 21, 2017 - Introduced by Senators DARLING, MARKLEIN, OLSEN, HANSEN, CRAIG, NASS and CARPENTER, cosponsored by Representatives OTT, JAGLER, ZEPNICK, NOVAK, KNODL, SANFELIPPO, E. BROOKS, R. BROOKS, QUINN, KREMER, GANNON, HORLACHER, RIPP, SKOWRONSKI, JACQUE, TUSLER, ALLEN, MURPHY, SUBECK, LOUDENBECK, TITTL, MURSAU and KOOYENGA. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT** *to amend* 346.65 (2) (am) 5. of the statutes; **relating to:** committing a  
2           fifth or sixth offense related to operating a vehicle while intoxicated and  
3           providing a criminal penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill imposes a mandatory minimum period of confinement in prison for fifth and sixth offenses of operating a motor vehicle while intoxicated (OWI).

Under current law, it is an OWI offense to operate a motor vehicle while under the influence of an intoxicant, a controlled substance, a controlled substance analog, or any combination thereof, under the influence of any substance to a degree that renders him or her incapable of safely driving, with a detectable amount of a restricted controlled substance in his or her blood, or with a prohibited alcohol concentration. Under current law, a person who commits a fifth or sixth OWI offense is guilty of a Class G felony and may be fined up to \$25,000, imprisoned for up to ten years, or both. Under current law, a person who commits a fifth or sixth OWI offense must be fined at least \$600 and imprisoned for at least six months.

Under this bill, for a fifth or sixth OWI offense, a sentencing court is required to impose a sentence that orders the person to spend at least 18 months confined in prison.

