

State of Wisconsin



2019 Assembly Bill 17

Date of enactment: **November 20, 2019**
Date of publication*: **November 21, 2019**

2019 WISCONSIN ACT 31

AN ACT *to amend* 940.09 (1c) (a) and 940.09 (1c) (b) of the statutes; **relating to**: mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty.

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

SECTION 1. 940.09 (1c) (a) of the statutes is amended to read:

940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is guilty of a Class D felony. Upon conviction, the court shall impose a bifurcated sentence under s. 973.01 and the term of confinement in prison portion of the bifurcated sentence shall be at least 5 years except that a court may impose a term of confinement that is less than 5 years if the court finds a compelling reason and places its reason on the record.

SECTION 3. 940.09 (1c) (b) of the statutes is amended to read:

940.09 (1c) (b) A person who violates sub. (1) is guilty of a Class C felony if the person has one or more

prior convictions, suspensions, or revocations, as counted under s. 343.307 (2). Upon conviction, the court shall impose a bifurcated sentence under s. 973.01 and the term of confinement in prison portion of the bifurcated sentence shall be at least 5 years except that a court may impose a term of confinement that is less than 5 years if the court finds a compelling reason and places its reason on the record.

SECTION 5. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for purposes of administrative action by the department of transportation or sentencing by a court.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."