

**2019 Assembly Bill 17 (LRB -1006)**

An Act to renumber and amend 940.09 (1c) (a) and 940.09 (1c) (b); and to create 940.09 (1c) (a) 2. and 940.09 (1c) (b) 2. of the statutes; relating to: mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty. (FE)

**2019**

02-08.	A.	Introduced by Representatives <b>Ott, Kerkman, Spiros, Wichgers, Anderson, Gundrum, Murphy and Hutton</b> ; cosponsored by Senators <b>Darling, Craig, Bernier and Marklein.</b> ....	35
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02-26.	A.	Fiscal estimate received	
02-27.	A.	Representative Skowronski added as a coauthor .....	52
03-04.	A.	Fiscal estimate received	
03-05.	A.	Fiscal estimate received	
03-14.	A.	Fiscal estimate received	
03-28.	A.	Fiscal estimate received	
04-04.	A.	Public hearing held	
05-01.	A.	Assembly Amendment 1 offered by Representatives Crowley, Spreitzer and Emerson ( <b>LRB a0176</b> ) .....	117
05-10.	A.	Fiscal estimate received	
05-29.	A.	Assembly Amendment 2 offered by Representative Ott ( <b>LRB a0269</b> ) .....	148
05-30.	A.	Executive action taken	
06-06.	A.	Representative Rohrkaste added as a coauthor .....	159
06-12.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Criminal Justice and Public Safety, Ayes 10, Noes 0 .....	169
06-12.	A.	Report passage as amended recommended by Committee on Criminal Justice and Public Safety, Ayes 10, Noes 0 .....	169
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06-18.	A.	Placed on calendar 6-20-2019 by Committee on Rules	
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06-20.	A.	Ordered to a third reading .....	194
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06-20.	A.	Read a third time and <b>passed</b> .....	194
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06-20.	S.	Received from Assembly .....	267
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09-25.	S.	Executive action taken	
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11-01.	S.	Placed on calendar 11-5-2019 pursuant to Senate Rule 18(1) .....	473
11-05.	S.	Read a second time	
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11-05.	S.	Rules suspended	
11-05.	S.	Read a third time and <b>concurred in</b>	
11-05.	S.	Ordered immediately messaged	
11-06.	A.	Received from Senate concurred in .....	362

*MB*



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**ENROLLED BILL**

**Adopted Documents**

Original

Engrossed

Substitute Amdt

19 1006, 1

Amendments:  None or  Listed below.

AA 1

Corrections:  None or  Listed by date below.

Topic:  Same as relating clause or  Indicated below.

4/11/19

Covert

Date

Enrolling Drafter



## 2019 ASSEMBLY BILL 17

February 8, 2019 - Introduced by Representatives OTT, KERKMAN, SPIROS, WICHGERS, ANDERSON, GUNDRUM, MURPHY and HUTTON, cosponsored by Senators DARLING, CRAIG, BERNIER and MARKLEIN. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT to renumber and amend** 940.09 (1c) (a) and 940.09 (1c) (b); and **to**  
2           **create** 940.09 (1c) (a) 2. and 940.09 (1c) (b) 2. of the statutes; **relating to:**  
3           mandatory period of confinement for homicide by intoxicated use of a vehicle  
4           and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, a person who is convicted of homicide by intoxicated use of a vehicle must be sentenced to a mandatory minimum period of confinement in prison of five years. The bill creates an exception to the mandatory minimum sentence created in this bill if the decedent was a passenger in the person's car and the court finds that the best interests of the community will be served and that the public will not be harmed. If the court sentences a person to a period of confinement that is less than the mandatory minimum sentence, the bill requires the court to put its findings in writing.

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 report.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 17

SECTION 1

*Fix component -2-*

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

*AA 1*

3 940.09 (1c) (a) 1 Except as provided in par. (b), a person who violates sub. (1)  
4 is guilty of a Class D felony. Upon conviction, the court shall impose a bifurcated  
5 sentence under s. 973.01 and the term of confinement in prison portion of the  
6 bifurcated sentence shall be at least 5 years.

*AA 1*  
*2.*

*INS AA 3.*

7 SECTION 2. 940.09 (1c) (a) 2. of the statutes is created to read:

8 940.09 (1c) (a) 2. If a person whose death was caused by the violation was in  
9 the vehicle operated by the convicted person at the time of the violation, the court  
10 may impose a sentence that is less than the sentence required under subd. 1. if the  
11 court finds that the best interests of the community will be served and the public will  
12 not be harmed, and if the court places its reasons on the record.

*AA 4.*

*Fix component*

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

*AA 5.*

15 940.09 (1c) (b) 1. A person who violates sub. (1) is guilty of a Class C felony if  
16 the person has one or more prior convictions, suspensions, or revocations, as counted  
17 under s. 343.307 (2). Upon conviction, the court shall impose a bifurcated sentence  
18 under s. 973.01 and the term of confinement in prison portion of the bifurcated  
19 sentence shall be at least 5 years.

*AA 2.*

*INS AA 6.*

20 SECTION 4. 940.09 (1c) (b) 2. of the statutes is created to read:

21 940.09 (1c) (b) 2. If a person whose death was caused by the violation was in  
22 the vehicle operated by the convicted person at the time of the violation, the court  
23 may impose a sentence that is less than the sentence required under subd. 1. if the  
24 court finds that the best interests of the community will be served and the public will  
25 not be harmed, and if the court places its reasons on the record.

*AA 7.*





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa0176/1  
CMH:amn&kjf

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 17**

May 1, 2019 - Offered by Representatives CROWLEY, SPREITZER and EMERSON.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: delete “renumbered 940.09 (1c) (a) 1. and”.

3 **2.** Page 2, line 3: on lines 3 and 15, delete “1.”.

4 **3.** Page 2, line 6: after “years” insert “except that a court may impose a term  
5 of confinement that is less than 5 years if the court finds a compelling reason and  
6 places its reason on the record”.

7 **4.** Page 2, line 7: delete lines 7 to 12.

8 **5.** Page 2, line 13: delete “renumbered 940.09 (1c) (b) 1. and”.

9 **6.** Page 2, line 19: after “years” insert “except that a court may impose a term  
10 of confinement that is less than 5 years if the court finds a compelling reason and  
11 places its reason on the record”.

INS AM 3.

INS AM 6.

