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# Wisconsin Legislative Council

## ACT MEMO

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**Prepared by:** David Moore, Senior Staff Attorney

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### 2019 Wisconsin Act 106 [2019 Senate Bill 6]

### Operating While Intoxicated 5<sup>th</sup> or 6<sup>th</sup> Offense

2019 Wisconsin Act 106 changes the mandatory term of imprisonment for operating under the influence of an intoxicant or other drug (OWI) 5<sup>th</sup> and 6<sup>th</sup> offense. Prior law provided that a person who is convicted of OWI 5<sup>th</sup> or 6<sup>th</sup> offense is guilty of a Class G felony and shall be fined not less than \$600 and imprisoned for not less than six months.

Act 106 eliminates the mandatory six-month period of imprisonment and instead requires the court to impose a bifurcated sentence, the confinement portion of which shall be not less than one year and six months. Under the act, a court may impose a term of confinement that is less than one year and six months if the court finds that the best interest of the community will be served and the public will not be harmed and if the court places its reasons on the record.

**Effective date and initial applicability:** Act 106 took effect on March 1, 2020. The act initially applies to violations committed or refusals occurring on that date, but does not preclude the counting of other violations, convictions, suspensions, or revocations for purposes of administrative action by the Department of Transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

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