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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Assembly Bill 16**

**Assembly  
Amendment 1**

### **2019 ASSEMBLY BILL 16**

2019 Assembly Bill 16 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. Under current law, 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.

Assembly Bill 16 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.

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 allows a court to impose a sentence that is less than one year and six months if the court finds that the best interests of the community will be served and the public will not be harmed and if the court places its reasons on the record.

### **BILL HISTORY**

Representative Crowley offered Assembly Amendment 1 to 2019 Assembly Bill 16 on May 1, 2019. On September 18, 2019, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of Assembly Amendment 1 on a vote of Ayes, 9; Noes, 0, and passage of the bill, as amended on a vote of Ayes, 6; Noes, 5.

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