



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2019 Assembly Bill 17**

**Assembly Amendment 1**

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### **2019 ASSEMBLY BILL 17**

Under 2019 Assembly Bill 17, when a person is convicted of homicide by intoxicated use of a vehicle (OWI homicide), the court must impose a sentence that includes a minimum term of confinement in prison of at least five years. The bill also creates an exception to this requirement for cases where the person whose death was caused by the violation was in the vehicle operated by the convicted person at the time of the violation. In such cases, the court may impose a sentence that is less than the five-year minimum term of confinement if the court does both of the following:

- Finds that the best interests of the community will be served and the public will not be harmed.
- Places its reasons on the record.

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 deletes the exception to the five-year mandatory minimum term of confinement described above that is required under the bill for an OWI homicide. The amendment creates a different exception that is applicable to a person convicted of an OWI homicide regardless of whether the deceased person was in the vehicle operated by the convicted person at the time of the violation. Under Assembly Amendment 1, the court may impose a term of confinement that is less than five years if the court does both of the following:

- Finds a compelling reason.
- Places its reasons on the record.

**BILL HISTORY**

Assembly Amendment 1 was introduced by Representatives Crowley, Spreitzer, and Emerson on May 1, 2019. On May 30, 2019, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of Assembly Amendment 1 by a vote of Ayes, 9; Noes, 0; and to recommend passage of the bill, as amended, by a vote of Ayes, 9; Noes, 0.

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