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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 769**

**Senate  
Amendment 1**

### **2019 SENATE BILL 769**

2019 Senate Bill 769 increases the penalties for eluding an officer, reckless driving, and car theft. It also establishes a mandatory minimum term of confinement of 30 days when a person is convicted of or adjudicated delinquent for car theft.

In addition, the bill provides that a prosecutor who seeks to dismiss or amend a car theft charge or a petitioner who seeks to amend or dismiss a juvenile delinquency petition alleging car theft may only dismiss or amend the charge or petition after applying to the court and receiving court approval for the dismissal or amendment. The application must state the reasons for the proposed amendment or dismissal. The court may approve the application only if it finds that the proposed amendment or dismissal is consistent with the public's interest in deterring the theft of motor vehicles.

The bill further provides that a prosecutor may only dismiss or amend a charge for reckless driving or fleeing an officer after applying to the court and receiving court approval for the dismissal or amendment. The application must state the reasons for the proposed amendment or dismissal. The court may only approve the application if the court finds that the proposed amendment or dismissal is consistent with the public's interest in deterring reckless driving or fleeing an officer.

### **SENATE AMENDMENT 1**

Senate Amendment 1 narrows the scope of the circumstances in which court approval is required for a prosecutor to dismiss or amend a reckless driving charge. The amendment provides that court approval is required only for the dismissal or amendment of a criminal reckless driving charge.

### **BILL HISTORY**

Senator Kapenga offered Senate Amendment 1 on February 10, 2020. On February 11, 2020, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of Senate Amendment 1 on a vote of Ayes, 4; Noes, 1, and passage of Senate Bill 769, as amended, on a vote of Ayes, 3; Noes, 2.

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