
Wisconsin Legislative Council

AMENDMENT MEMO



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2019 Senate Bill 8

**Senate
Amendment 2**

2019 SENATE BILL 8

Under 2019 Senate Bill 8, 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.

SENATE AMENDMENT 2

Senate Amendment 2 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 Senate Amendment 2, 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

Senator Darling offered Senate Amendment 2 to 2019 Senate Bill 8 on September 4, 2019. On September 25, 2019, the Senate Committee on Judiciary and Public Safety voted unanimously to recommend adoption of Senate Amendment 2 and passage of the bill, as amended.

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