



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa2293/2  
PJH:emw&kjf

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY BILL 839**

February 16, 2016 - Offered by Representative SCHRAA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1c.** 165.957 (3) (a) of the statutes, as created by 2015 Wisconsin Act  
4 55, is amended to read:

5 165.957 (3) (a) A standard for frequent testing for the use of alcohol or a  
6 controlled substance that is an alternative to the testing described in sub. (4) (b) 1.

7 This paragraph does not apply to testing required pursuant to an order under s.  
8 343.301 (1g) (am) 2. that a court imposes on a person who meets the criteria under  
9 s. 343.301 (1g) (a) 2. b.

10 **SECTION 1d.** 165.957 (4) (a) 1. of the statutes, as created by 2015 Wisconsin Act  
11 55, is amended to read:

12 165.957 (4) (a) 1. The person is ordered by a judge or by the department of  
13 corrections as a condition of bond, release under s. 969.01 (1), probation or deferred

1 prosecution, release to parole, or release to extended supervision, to ~~refrain totally~~  
2 abstain from using alcohol or a controlled substance, and whose participation in the  
3 program is ordered by the judge or by the department of corrections as a condition  
4 of bond, release under s. 969.01 (1), probation, release to parole, or release to  
5 extended supervision.

6 **SECTION 1k.** 165.957 (4) (a) 2. of the statutes, as created by 2015 Wisconsin Act  
7 55, is amended to read:

8 165.957 (4) (a) 2. The person agrees to ~~refrain totally abstain~~ from using alcohol  
9 or a controlled substance while he or she is released on bond, on release under s.  
10 969.01 (1), on probation, participating in a deferred prosecution agreement, or on  
11 parole or extended supervision and ~~volunteers~~ agrees to participate in the program  
12 even though his or her participation is not ordered by a judge or by the department  
13 of corrections as a condition of bond, release pursuant to s. 969.01 (1), probation or  
14 deferred prosecution, or release to parole or to extended supervision. This  
15 subdivision does not apply to any person who meets the criteria under s. 343.301 (1g)  
16 (a) 2. b. and who is subject to an order under s. 343.301 (1g) (am) 2.

17 **SECTION 1L.** 165.957 (4) (b) 1. of the statutes, as created by 2015 Wisconsin Act  
18 55, is amended to read:

19 165.957 (4) (b) 1. Except as provided in subd. 2. or 2m., the program requires  
20 participants to be tested for the use of alcohol at least twice daily, at approximately  
21 12-hour intervals, or for the use of a controlled substance as frequently as  
22 practicable.

23 **SECTION 1m.** 165.957 (4) (b) 2. of the statutes, as created by 2015 Wisconsin Act  
24 55, is amended to read:

1           165.957 (4) (b) 2. If the standard for frequent testing described in subd. 1.  
2           creates an unreasonable hardship for the county administering the program, the  
3           program may utilize the standard established by the department of justice under  
4           subd. (3) (a). This subdivision does not apply to any person who meets the criteria  
5           under s. 343.301 (1g) (a) 2. b. and who is subject to an order under s. 343.301 (1g) (am)  
6           2.

7           **SECTION 1n.** 165.957 (4) (b) 2m. of the statutes is created to read:

8           165.957 (4) (b) 2m. Any person who meets the criteria under s. 343.301 (1g) (a)  
9           2. b. and who is subject to an order under s. 343.301 (1g) (am) 2. shall be tested as  
10          required under 23 USC 405 (d) (7) (A) (ii) and regulations adopted thereunder.

11          **SECTION 1p.** 165.957 (4) (c) of the statutes, as created by 2015 Wisconsin Act  
12          55, is amended to read:

13          165.957 (4) (c) The program informs a participant that, if he or she fails to  
14          appear for a scheduled test or if his or her test results indicate that the participant  
15          used alcohol or a controlled substance, he or she may be placed under immediate  
16          arrest and referred to the department of corrections and to the appropriate  
17          prosecuting agency for violating a condition of his or her bond, release under s. 969.01  
18          (1), probation or deferred prosecution, or of his or her release to parole or extended  
19          supervision.”.

20          **2.** Page 2, line 18: after “order” insert “, unless he or she is also subject to an  
21          order under s. 343.301 (1g) (am) 1.”.

22          **3.** Page 3, line 18: after “order” insert “, unless he or she is also subject to an  
23          order under s. 343.301 (1g) (am) 1.”.

24          **4.** Page 4, line 4: after “one” insert “or more”.

1           **5.** Page 4, line 11: after “(7) (A)” insert “and regulations adopted thereunder”.

2           **6.** Page 4, line 12: delete “the court shall order that”.

3           **7.** Page 4, line 13: after “program,” insert “the court shall order that”.

4           **8.** Page 4, line 15: after “device” insert “, shall specify the duration of the  
5 order,”.

6           **9.** Page 4, line 15: delete the material beginning with “and, except as provided”  
7 and ending with “in sub. (1m), shall” on line 16 and substitute “shall, except as  
8 provided in sub. (1m),”.

9           **10.** Page 4, line 18: after “device” insert “, and shall notify the department of  
10 such order”.

11           **11.** Page 5, line 6: after “2.” insert “that does not restrict a person’s operating  
12 privilege for the operation of “Class D” vehicles to operating vehicles that are  
13 equipped with an ignition interlock device while he or she participates in a program”.

14           **12.** Page 5, line 7: delete “a person” and substitute “the person”.

15           **13.** Page 5, line 16: after “ends” insert “or while the person completes the  
16 program and for the additional period of time required under this paragraph, and  
17 shall notify the department of the date the person’s participation ended and the  
18 duration of the order restricting the operating privilege”.

19           **14.** Page 5, line 17: delete the material beginning with “his” and ending with  
20 “ends” on line 18 and substitute “the date on which installation of the ignition  
21 interlock device is required under the order”.

22

(END)