



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 332
[2005 Senate Bill 592]

Discovery in Alcohol-Related Cases

2005 Wisconsin Act 332 amends the law relating to discovery in implied consent cases involving drunken driving and in certain prosecutions for alcohol beverage violations.

Under Wisconsin's implied consent law, the operator of a commercial vehicle or other motor vehicles is deemed to have given consent to one or more tests of the person's breath, blood, or urine, for the purposes of determining various forms of intoxication. If a person refuses to take a test, a law enforcement officer must take possession of the person's license and prepare a notice of intent to revoke the license. The person is entitled to a hearing regarding the validity of the process.

Act 332 provides that with respect to a refusal hearing, and with respect to a prosecution for a violation of ch. 125, Stats. (alcohol beverage regulation) that may result in a forfeiture, neither party is entitled to pretrial discovery except that, if cause is shown, a court may order that the defendant be allowed to inspect documents, including lists of names and addresses of witnesses, if available, and to test devices used by the plaintiff to determine whether a violation has been committed.

Effective Date: Act 332 takes effect on April 29, 2006, and first applies to violations committed or refusals occurring on April 29, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.