



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2005 Wisconsin Act 389 [2005 Senate Bill 530]	Pilot Program for Intoxicated Drivers
---	--

Generally, Wisconsin law provides that a person convicted of a second or third offense of operating a motor vehicle while under the influence of an intoxicant or other drug (OWI) will be imprisoned for at least five days and not more than six months or at least 30 days and not more than one year, respectively. A person convicted of a second or third offense of causing injury to another person while intoxicated will be imprisoned not less than 30 days nor more than one year. These persons may not be released on probation.

2005 Wisconsin Act 389 creates a pilot program in Winnebago County that reduces the mandatory minimum periods of imprisonment if the offender successfully completes a period of probation that includes alcohol and other drug treatment. The person may be sentenced under this pilot program only once in his or her lifetime. Such a person also will serve the following periods of imprisonment:

1. Not less than five nor more than seven days for a second OWI offense.
2. Not less than 10 days nor more than one year for a third OWI offense.
3. Not less than 15 days nor more than one year for a second or third occurrence of causing injury to another person due to the operation of a motor vehicle while under the influence of an intoxicant or other drug.

Effective Date: The Act takes effect on May 25, 2006 and first applies to violations that are committed on that date.

Prepared by: Ronald Sklansky, Senior Staff Attorney

May 17, 2006

RS:ksm

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/>.