



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Assembly Bill 1124**

**Assembly  
Amendment 1**

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*Current law* provides that no person may operate an aircraft in the air or on the ground or water while under the influence of an intoxicant to a degree which renders him or her incapable of safely operating an aircraft or in a reckless manner so as to endanger the life or property of another. A person who violates this provision must be fined not less than \$10 nor more than \$100 for the first offense and, for a subsequent offense, not less than \$100 nor more than \$500 or imprisoned not less than six months, or both.

Under *Assembly Bill 1124*, a person who operates an aircraft while under the influence of an intoxicant is subject to the same penalties as a person who operates a motor vehicle while under the influence of an intoxicant. Additionally, under the bill, a prior violation of operating a vehicle under the influence of an intoxicant is counted against the operator for purposes of sentencing.

Under the bill, a person who operates an aircraft in a reckless manner may be required to forfeit not less than \$25 nor more than \$200 except that, if the person has a prior conviction for operating an aircraft in a reckless manner in the previous four years, the person may be fined not less than \$50 nor more than \$500 or imprisoned for not more than one year in the county jail, or both.

*Assembly Amendment 1* provides additionally that no person may operate an aircraft in the air or on the ground if the person has a prohibited alcohol concentration. The amendment defines "prohibited alcohol concentration" as an alcohol concentration of 0.04 or more, if there is no passenger in the aircraft, and 0.00 or more if there is a passenger in the aircraft. The penalties for this offense are the same as for operating an aircraft while under the influence of an intoxicant.

The amendment also requires the court to order a person who violates operating an aircraft while under the influence of an intoxicant or with a prohibited alcohol concentration to submit to an alcohol and drug assessment.

**Legislative History**

Assembly Amendment 1 was offered by Representatives Mursau, Krusick, and Friske. On April 26, 2006, the Assembly Committee on Criminal Justice and Homeland Security adopted the amendment and recommended passage of the bill, as amended, on votes of Ayes, 11; Noes, 0.

AS:jal