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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 6**

**Senate  
Amendment 2**

### 2019 SENATE BILL 6

2019 Senate Bill 6 changes the mandatory term of imprisonment for operating under the influence of an intoxicant or other drug (OWI) 5<sup>th</sup> and 6<sup>th</sup> offense. Under current law, a person who is convicted of OWI 5<sup>th</sup> or 6<sup>th</sup> offense is guilty of a Class G felony and shall be fined not less than \$600 and imprisoned for not less than six months.

Senate Bill 6 eliminates the mandatory six-month period of imprisonment and instead requires the court to impose a bifurcated sentence, the confinement portion of which shall be not less than one year and six months.

### SENATE AMENDMENT 2

Senate Amendment 2 allows a court to impose a term of confinement that is less than one year and six months if the court finds that the best interest of the community will be served and the public will not be harmed and if the court places its reasons on the record.

### BILL HISTORY

Senator Darling offered Senate Amendment 2 on October 31, 2019.<sup>1</sup> On November 5, 2019, the Senate adopted Senate Amendment 2 and passed the bill, as amended, both on voice votes.

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<sup>1</sup> On September 25, 2019, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of Senate Amendment 1 to Senate Bill 6, which was offered by Senator Darling on September 25, 2019. The committee also recommended passage of the bill, as amended. On November 5, 2019, Senator Darling requested that Senate Amendment 1 be withdrawn and returned to the author. For a description of Senate Amendment 1, please contact the Legislative Council staff offices.