



## 1995 ASSEMBLY BILL 250

March 23, 1995 - Introduced by Representatives CULLEN, FOTI, GROBSCHMIDT, WARD, PLACHE, BOCK, WILLIAMS, OTTE, HANSON, TRAVIS, BLACK, F. LASEE, TURNER, LA FAVE, HAHN, R. YOUNG, ROBSON, DOBYNS, ZIEGELBAUER, WIRCH, HUBER, CARPENTER, KRUG, KAUFERT, GROTHMAN, GREEN, OTT, WALKER and URBAN, cosponsored by Senators RUDE and BURKE. Referred to Committee on Judiciary.

1     **AN ACT to renumber** 343.305 (10m), 346.65 (6) (a) 1., 940.09 (1d) and 940.25 (1d);  
2             **and to create** 343.305 (4) (am), 343.305 (4) (bd), 343.305 (10m) (a), 346.65 (6)  
3             (a) 1d., 940.09 (1d) (a) and 940.25 (1d) (a) of the statutes; **relating to:** the  
4             installation of an ignition interlock device in cases involving intoxicated  
5             operation of a vehicle.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, if a person is convicted of operating a motor vehicle while under the influence of an intoxicant or controlled substance (OWI), including the improper refusal to submit to a test to determine if he or she operated a motor vehicle while having a prohibited blood alcohol level, and the person has 2 or more prior OWI-related suspensions, convictions or revocations within a 10-year period, a vehicle owned by that person may be seized and subject to forfeiture. This bill allows a court to order that a vehicle owned by a person convicted of an OWI offense who has one or more prior OWI related suspensions, convictions or revocations within a 10-year period be equipped with an ignition interlock device.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

6             **SECTION 1.** 343.305 (4) (am) of the statutes is created to read:

1           343.305 (4) (am) If testing is refused, a motor vehicle owned by the person may  
2 be equipped with an ignition interlock device if the person has one or more prior  
3 suspensions, revocations or convictions within a 10-year period that would be  
4 counted under s. 343.307 (1) and the person's operating privilege will be revoked  
5 under this section;

6           **SECTION 2.** 343.305 (4) (bd) of the statutes is created to read:

7           343.305 (4) (bd) If one or more tests are taken and the results of any test  
8 indicate that the person has a prohibited alcohol concentration and was driving or  
9 operating a motor vehicle, the person will be subject to penalties, the person's  
10 operating privilege will be suspended under this section and a motor vehicle owned  
11 by the person may be equipped with an ignition interlock device if the person has one  
12 prior conviction, suspension or revocation within a 10-year period that would be  
13 counted under s. 343.307 (1);

14           **SECTION 3.** 343.305 (10m) of the statutes is renumbered 343.305 (10m) (b).

15           **SECTION 4.** 343.305 (10m) (a) of the statutes is created to read:

16           343.305 (10m) (a) If the person whose operating privilege is revoked under sub.  
17 (10) has one prior conviction, suspension or revocation, as counted under s. 343.307  
18 (1) within a 10-year period, the procedure under s. 346.65 (6) shall be followed  
19 regarding the equipping of a motor vehicle owned by the person with an ignition  
20 interlock device.

21           **SECTION 5.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) 1g.

22           **SECTION 6.** 346.65 (6) (a) 1d. of the statutes is created to read:

23           346.65 (6) (a) 1d. Except as provided in this paragraph, the court may order a  
24 law enforcement officer to equip with an ignition interlock device a motor vehicle  
25 owned by the person whose operating privilege is revoked under s. 343.305 (10) or

1 who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or  
2 (b) or 940.25 (1) (a) or (b) if the person whose operating privilege is revoked under  
3 s. 343.305 (10) or who is convicted of the violation has one prior suspension,  
4 revocation or conviction within a 10-year period that would be counted under s.  
5 343.307 (1).

6 **SECTION 7.** 940.09 (1d) of the statutes is renumbered 940.09 (1d) (b).

7 **SECTION 8.** 940.09 (1d) (a) of the statutes is created to read:

8 940.09 (1d) (a) If the person who committed an offense under sub. (1) (a) or (b)  
9 has one prior conviction, suspension or revocation in a 10-year period, as counted  
10 under s. 343.307 (1), the procedure under s. 346.65 (6) may be followed regarding the  
11 equipping of a motor vehicle owned by the person with an ignition interlock device.

12 **SECTION 9.** 940.25 (1d) of the statutes is renumbered 940.25 (1d) (b).

13 **SECTION 10.** 940.25 (1d) (a) of the statutes is created to read:

14 940.25 (1d) (a) If the person who committed the offense under sub. (1) (a) or  
15 (b) has one prior conviction, suspension or revocation in a 10-year period, as counted  
16 under s. 343.307 (1), the procedure under s. 346.65 (6) may be followed regarding the  
17 equipping of a motor vehicle owned by the person with an ignition interlock device.

18 **SECTION 11. Initial applicability.**

19 (1) This act first applies to violations committed on the effective date of this  
20 subsection, but does not preclude the counting of prior suspensions, revocations or  
21 convictions by a court taking action that affects a vehicle owned by the person who  
22 committed the violation.

23 (END)