



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1200/1
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2019 SENATE BILL 6

January 29, 2019 - Introduced by Senators DARLING, BERNIER, CARPENTER, CRAIG, KOOYENGA, MARKLEIN, NASS and L. TAYLOR, cosponsored by Representatives OTT, HORLACHER, QUINN, SPIROS and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 346.65 (2) (am) 5. of the statutes; **relating to:** committing a
2 fifth or sixth offense related to operating a vehicle while intoxicated and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill imposes a mandatory minimum period of confinement in prison for fifth and sixth offenses of operating a motor vehicle while intoxicated (OWI).

Under current law, it is an OWI offense for a person to operate a motor vehicle while under the influence of an intoxicant, a controlled substance, a controlled substance analog, or any combination thereof, under the influence of any substance to a degree that renders him or her incapable of safely driving, with a detectable amount of a restricted controlled substance in his or her blood, or with a prohibited alcohol concentration. Under current law, a person who commits a fifth or sixth OWI offense is guilty of a Class G felony and may be fined up to \$25,000, imprisoned for up to ten years, or both. Under current law, a person who commits a fifth or sixth OWI offense must be fined at least \$600 and imprisoned for at least six months.

Under this bill, for a fifth or sixth OWI offense, a sentencing court is required to impose a sentence that orders the person to spend at least 18 months confined in prison.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

