1995 SENATE BILL 431

November 22, 1995 – Introduced by Senators HUELSMAN, RUDE, PETAK, A. LASEE, BUETTNER, DARLING, ROSENZWEIG, SCHULTZ and FITZGERALD, cosponsored by Representatives URBAN, LADWIG, KELSO, WIRCH, ZIEGELBAUER, GREEN, OWENS, BLACK, WALKER, GROBSCHMIDT, AINSWORTH, LA FAVE, WASSERMAN, MURAT, OLSEN, CULLEN, OTTE, HUBER, NOTESTEIN, HANSON, LAZICH, NASS, RILEY, BOCK, F. LASEE and GUNDERSON. Referred to Committee on Judiciary.

1   AN ACT *to renumber and amend* 346.65 (7); *to amend* 346.65 (2) (e); and *to*

2   *create* 346.65 (7) (b) of the statutes; **relating to:** increasing the penalties for

3   certain offenses involving driving or operating a motor vehicle while under the

4   influence of intoxicants, drugs or a combination of intoxicants and drugs.

Analysis by the Legislative Reference Bureau

Under current law, if a person is convicted of unsafely driving or operating a motor vehicle while under the influence of an intoxicant, a controlled substance or a combination of those 2, or while under the influence of another drug, or of driving or operating a motor vehicle while the person has a blood alcohol level above a specified amount (OWI), the penalty imposed depends on the number of OWI–related offenses that the person has committed within a specified time period. If the person convicted of the OWI offense has 5 or more OWI convictions within a 10–year period, the person is subject to a fine of not less than $600 nor more than $2,000 and imprisonment in the county jail for not less than 6 months nor more than one year.

This bill increases the penalties for persons with 5 or more OWI offenses within 10 years to a maximum fine of $10,000 and imprisonment of not more than 5 years, the same maximum penalties as a Class D felony.

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:

5   SECTION 1. 346.65 (2) (e) of the statutes is amended to read:

1995 – 1996 Legislature   – 2 –   LRB–4594/1
RPN:skg:km
SECTION 1

1   346.65 **(2)** (e) Shall be fined not less than $600 nor more than ~~$2,000~~ $10,000

2   and imprisoned for not less than 6 months nor more than ~~one year in the county jail~~

3   5 years if the total number of suspensions, revocations and convictions counted

4   under s. 343.307 (1) equals 5 or more in a 10–year period, except that suspensions,

5   revocations or convictions arising out of the same incident or occurrence shall be

6   counted as one.

7   **SECTION 2.** 346.65 (7) of the statutes is renumbered 346.65 (7) (a) and amended

8   to read:

9   346.65 **(7)** (a) A person convicted under sub. (2) (b), (c)~~,~~ or (d) ~~or (e)~~ or (2j) (b) or

10   (c) shall be required to remain in the county jail for not less than a

11   48–consecutive–hour period.

12   **SECTION 3.** 346.65 (7) (b) of the statutes is created to read:

13   346.65 **(7)** (b) A person convicted under sub. (2) (e) shall be required to be

14   imprisoned for not less than a 48–consecutive–hour period.

15   **(END)**