



2005 SENATE BILL 455

November 29, 2005 - Introduced by Senators LASSA, COWLES, DARLING, HANSEN, LEIBHAM and PLALE, cosponsored by Representatives KAUFERT, AINSWORTH, BERCEAU, BIES, FIELDS, HAHN, HINES, KERKMAN, LEHMAN, LOTHIAN, OTT, PETTIS, SHILLING, TOWNSEND and TURNER. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to amend* 345.24; and *to create* 345.24 (1m) of the statutes; **relating**
2 **to:** releasing persons arrested for certain offenses related to operating a vehicle
3 while intoxicated.

Analysis by the Legislative Reference Bureau

Under current law, a person arrested for certain offenses related to driving a vehicle under the influence of an intoxicant or with a prohibited alcohol concentration may not be released from police custody until 12 hours have elapsed from the time of his or her arrest or unless a chemical test shows that the person has an alcohol concentration of less than 0.04 except that the person may be released to his or her attorney, spouse, relative, or other responsible adult at any time after arrest.

Under this bill, a person may be released to his or her attorney, spouse, relative, or other responsible adult if the attorney, spouse, relative, or other responsible adult accepts legal responsibility for the actions of the arrested person for 12 hours after the time the person was arrested. In addition, the bill requires a law enforcement officer to seize or immobilize the vehicle used in the incident that gave rise to the arrest for 12 hours, except that if the vehicle is the only vehicle owned or leased by any member of the arrested person's household, the officer may release the vehicle to a member of the household.

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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:

1 **SECTION 1.** 345.24 of the statutes is amended to read:

2 **345.24 Officer's action after arrest for driving under influence of**
3 **intoxicant. (1)** ~~A~~ Except as provided in sub. (1m) (a), a person arrested under s.
4 346.63 (1) or (5) or an ordinance in conformity therewith or s. 346.63 (2) or (6) or
5 940.25, or s. 940.09 where the offense involved the use of a vehicle, may not be
6 released until 12 hours have elapsed from the time of his or her arrest or unless a
7 chemical test administered under s. 343.305 shows that the person has an alcohol
8 concentration of less than 0.04, but the person may be released to his or her attorney,
9 spouse, relative or other responsible adult at any time after arrest.

10 **SECTION 2.** 345.24 (1m) of the statutes is created to read:

11 **345.24 (1m) (a)** An officer may release the arrested person to his or her
12 attorney, spouse, relative, or other responsible adult if the person to whom the
13 arrested person is released accepts, in writing, legal responsibility for the actions of
14 the arrested person for 12 hours after the time of the arrest. Except as provided in
15 par. (b), the officer shall seize or immobilize the vehicle used in the offense for 12
16 hours after the time of the arrest.

17 (b) An officer may release the vehicle used in the offense to a member of the
18 arrested person's household if the member of the household is licensed to operate the
19 vehicle and the vehicle is the only vehicle owned or leased by any member of the
20 arrested person's household.

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(END)