2007 ASSEMBLY BILL 145

March 5, 2007 – Introduced by Representatives STASKUNAS, ZEPNICK, POPE-ROBERTS, BERCEAU, SHILLING, TOWNSEND, WASSERMAN, CULLEN, J. OTT and GUNDERSON, cosponsored by Senators LEIBHAM, ROESSLER and DARLING. Referred to Committee on Corrections and Courts.

1　AN ACT *to amend* 346.655 (1), 346.655 (2) (a) and 346.655 (2) (b); and *to create*

2　346.655 (2) (am) of the statutes; **relating to:** a surcharge for convictions related

3　to operating a vehicle while intoxicated.

Analysis by the Legislative Reference Bureau

Under current law, a person who is convicted of certain violations relating to operating a vehicle while intoxicated must pay a driver improvement surcharge of $355 in addition to any applicable forfeiture or fine, assessments, and costs. The driver improvement surcharge is distributed between the municipality or county where the conviction occurs and the state.

This bill increases the driver improvement surcharge to $455. Under the bill, $100 of that amount is given to the law enforcement agency that arrested the person who is convicted of the violation relating to operating a vehicle while intoxicated. The bill requires the law enforcement agency to use the money to purchase and maintain law enforcement equipment that will be used to prevent alcohol–related and other drug–related criminal activity. The remaining $355 is distributed, as under current law, between the municipality or county where the conviction occurs and the state.

For further information see the *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. 346.655 (1) of the statutes is amended to read:

2   346.655 **(1)** If a court imposes a fine or a forfeiture for a violation of s. 346.63

3   (1) or (5), except for a first violation of s. 346.63 (1) (b), if the person who committed

4   the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at

5   the time of the violation, or a local ordinance in conformity therewith, or s. 346.63

6   (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall

7   impose a driver improvement surcharge under ch. 814 in an amount of $~~$355~~ $455 in

8   addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under

9   ch. 814.

10   SECTION 2. 346.655 (2) (a) of the statutes is amended to read:

11   346.655 **(2)** (a) Except as provided in par. (b), the clerk of court shall collect and

12   transmit $355 of the amount paid by each person under sub. (1) to the county

13   treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make

14   payment of 38.5% of the ~~amount~~ $355 to the secretary of administration as provided

15   in s. 59.25 (3) (f) 2.

16   SECTION 3. 346.655 (2) (am) of the statutes is created to read:

17   346.655 **(2)** (am) The clerk of circuit court or the municipal court shall collect

18   and transmit $100 of the amount paid by each person under sub. (1) to the law

19   enforcement agency that arrested the person for a violation of s. 346.63 (1) or (5), or

20   a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09

21   where the offense involved the use of a vehicle. The law enforcement agency shall

22   use any amounts received under this paragraph to purchase and maintain law

23   enforcement equipment that will assist in the prevention of alcohol−related and

24   other drug−related violations.

25   SECTION 4. 346.655 (2) (b) of the statutes is amended to read:

1   346.655 **(2)** (b) If the forfeiture is imposed by a municipal court, the court shall

2   transmit $355 of the amount paid by each person to the treasurer of the county, city,

3   town, or village, and that treasurer shall make payment of 38.5% of the ~~amount~~ $355

4   to the secretary of administration as provided in s. 66.0114 (1) (bm). The treasurer

5   of the city, town, or village shall transmit the remaining 61.5% of the ~~amount~~ $355

6   to the treasurer of the county.

7   **(END)**