



## 2007 SENATE BILL 27

February 5, 2007 - Introduced by Senators LASSA, ROESSLER, SULLIVAN, DARLING and LEIBHAM, cosponsored by Representatives KAUFERT, LOTHIAN, ZIEGELBAUER, KERKMAN, BERCEAU, HAHN, JESKEWITZ, BALLWEG, SHERIDAN, GUNDERSON, TOWNSEND, HINTZ, HILGENBERG, HUBLER and ZEPNICK. Referred to Committee on Judiciary and Corrections.

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

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### *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 that 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.

**SENATE BILL 27**

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

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

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

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

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

10          345.24 (1m) (a) An officer may release the arrested person to his or her  
11          attorney, spouse, relative, or other responsible adult if the person to whom the  
12          arrested person is released accepts, in writing, legal responsibility for the actions of  
13          the arrested person for 12 hours after the time of the arrest. Except as provided in  
14          par. (b), the officer shall seize or immobilize the vehicle used in the offense for 12  
15          hours after the time of the arrest.

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

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(END)