



## 1995 SENATE BILL 392

November 1, 1995 - Introduced by Senators HUELSMAN, DARLING, DRZEWIECKI, PANZER, ROSENZWEIG and BUETTNER, cosponsored by Representatives OTTE, LEHMAN, WARD, HANSON, ALBERS, DOBYNS, KLUSMAN, HAHN, WALKER, GOETSCH, OLSEN, HUBER, BRANDEMUEHL, WIRCH, LADWIG, F. LASEE, SCHNEIDERS, GREEN, BOCK, KELSO, KREIBICH, ZIEGELBAUER, LA FAVE, MURAT, GUNDERSON and NASS. Referred to Committee on Judiciary.

1     **AN ACT to amend** 346.65 (2i) of the statutes; **relating to:** providing for an order  
2     to show cause in certain cases.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a court may order a person who has been convicted of operating a motor vehicle while under the influence of an intoxicant to visit a site that demonstrates the adverse effects of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug. The court may also order the person to pay a reasonable fee to offset the costs of establishing, maintaining and monitoring the visits. Current law does not include any penalty for failing to comply with the court order. This bill allows a court to order a person who fails to comply with the court order to show cause why he or she should not be held in contempt of court. Penalties for contempt of court include imprisonment so long as the contempt of court continues up to a maximum of 6 months and a forfeiture of up to \$2,000 for each day the contempt of court continues.

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:*

3     **SECTION 1.** 346.65 (2i) of the statutes is amended to read:  
4     346.65 (2i) In addition to the authority of the court under sub. (2g) and s. 973.05  
5     (3) (a), the court may order a defendant subject to sub. (2), or a defendant subject to  
6     s. 973.05 (3) (a) who violated s. 346.63 (2), 940.09 (1) or 940.25, to visit a site that

1 demonstrates the adverse effects of substance abuse or of operating a vehicle while  
2 under the influence of an intoxicant or other drug, including an alcoholism treatment  
3 facility approved under s. 51.45 or an emergency room of a general hospital in lieu  
4 of part or all of any forfeiture imposed or in addition to any penalty imposed. The  
5 court may order the defendant to pay a reasonable fee, based on the person's ability  
6 to pay, to offset the costs of establishing, maintaining and monitoring the visits  
7 ordered under this subsection. The court may order a visit to the site only if agreed  
8 to by the person responsible for the site. If the opportunities available to visit sites  
9 under this subsection are fewer than the number of defendants eligible for a visit,  
10 the court shall, when making an order under this subsection, give preference to  
11 defendants who were under 21 years of age at the time of the offense. The court shall  
12 ensure that the visit is monitored. A visit to a site may be ordered for a specific time  
13 and a specific day to allow the defendant to observe victims of vehicle accidents  
14 involving intoxicated drivers. If it appears to the court that the defendant has not  
15 complied with the court order to visit a site or to pay a reasonable fee, the court may  
16 order the defendant to show cause why he or she should not be held in contempt of  
17 court. Any organization or agency acting in good faith to which a defendant is  
18 assigned pursuant to an order under this subsection has immunity from any civil  
19 liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.  
20 The issuance or possibility of the issuance of an order under this subsection does not  
21 entitle an indigent defendant who is subject to sub. (2) (a) to representation by  
22 counsel under ch. 977.

23 **SECTION 2. Initial applicability.**

