



1997 SENATE BILL 385

December 19, 1997 - Introduced by Senators MOEN, WEEDEN, DARLING and ROESSLER, cosponsored by Representatives GOETSCH, MUSSER, BOCK, PLOUFF, GUNDERSON and ALBERS. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT** *to amend* 343.30 (1q) (c) 1. (intro.); and *to create* 343.30 (1q) (c) 1g. of
2 the statutes; **relating to:** treatment alternatives for persons who commit
3 violations related to driving while under the influence of an intoxicant or other
4 drug.

Analysis by the Legislative Reference Bureau

Under current law, if a person is found guilty of operating a motor vehicle while under the influence of an intoxicant or a controlled substance or a combination of both or while having a prohibited alcohol concentration (OWI), the court, in addition to imposing penalties, may order the person to perform community service work or to visit a site that demonstrates the adverse effects of substance abuse or of OWI. Currently, the court is also required to order the person to submit to and comply with an assessment by an approved public treatment facility to determine the person's use of alcohol or controlled substances. The assessment may result in the person attending a traffic safety school, a treatment facility or an activity that shows the effects of the offense on the victim. This bill allows the court, instead of ordering the person to submit to an assessment and driver safety plan, to order the person to attend a public treatment facility, a traffic school or an activity that makes the person aware of the effect of the offense on the victim, or any combination of those components.

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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.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

2 343.30 **(1q)** (c) 1. Except as provided in subd. 1. a. or b. or 1g., the court shall
3 order the person to submit to and comply with an assessment by an approved public
4 treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of
5 alcohol, controlled substances or controlled substance analogs and development of
6 a driver safety plan for the person. The court shall notify the department of
7 transportation of the assessment order. The court shall notify the person that
8 noncompliance with assessment or the driver safety plan will result in license
9 suspension until the person is in compliance. The assessment order shall:

10 **SECTION 2.** 343.30 (1q) (c) 1g. of the statutes is created to read:

11 343.30 **(1q)** (c) 1g. Instead of ordering the person to submit to and comply with
12 an assessment, the court may order the person to attend a school under s. 345.60, an
13 activity that makes him or her aware of the effects of his or her offense on the victim
14 or the victim's family or an approved public treatment facility in the county where
15 the person resides for treatment of his or her misuse, abuse or dependence on alcohol,
16 controlled substances or controlled substance analogs, or any combination of these
17 alternatives. The court may order the person to attend the treatment facility, school
18 or activity for a period not to exceed the period of the person's license suspension or
19 revocation under par. (b). The court shall notify the department of transportation
20 of the order. The person shall provide initial verification of compliance with the order
21 within 60 days after the date of his or her conviction. The requirement to furnish

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1 verification of compliance may be satisfied by receipt by the department of such
2 verification from the approved public treatment facility or an agency operating the
3 school or activity. The court shall notify the person that noncompliance with the
4 order will result in license suspension until the person is in compliance.

5 **SECTION 3. Initial applicability.**

6 (1) This act first applies to offenses committed on the effective date of this
7 subsection.

8 (END)