

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2141/P3dn
PEN&RPN:kmg:ch

February 26, 1999

Rep. Stone:

Mike Prentiss provided the penalties under s. 343.30 (6) (b), stats.

This draft necessarily accelerates changes made by 1997 Wisconsin Act 84, which takes effect on May 1, 2000. This bill repeals some sections of that act, and duplicates the treatment of the statutes by those repealed sections, in order to immediately increase the suspension period of an underage person's operating privilege.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

The previous proposal related to a safe-ride grant program increased the fees for occupational licenses and for reinstatement of an operating privilege by \$30 if the person was restricted to operating a motor vehicle equipped with an ignition interlock device. This \$30 fee was meant to cover the safe-ride grant program and an expended ignition interlock device program, which is not in this draft. I do not think a \$30 increase is necessary for this safe-ride program, but I did not know what amount was necessary, so I left the \$30 increase until you give me different instructions.

Increasing the penalties based on the blood alcohol concentration does create an incentive to refuse to submit to the blood test, because the license revocation period for refusal is less than the license revocation period for operating a motor vehicle while having a high blood alcohol concentration. I increased the license revocation periods for refusals to reduce this incentive.

Causing great bodily harm by the operation of a motor vehicle while under the influence of an intoxicant is a Class D felony. The maximum imprisonment for a Class D felony is currently five years, but that is increasing to ten years effective December 31, 1999. Causing death by the operation of a motor vehicle while under the influence of an intoxicant is a Class B felony. The maximum imprisonment for a Class B felony

is currently 40 years, but that is increasing to 60 years effective December 31, 1999. Because the Class B felony penalty is already scheduled to increase to 60 years, I did not double, triple or quadruple the penalty for the Class B felony.

Under current law, the pretrial intoxicated driver program has a total dollar limit for the program of \$500,000 and has an annual scheduled appropriation of \$150,000. I removed the \$500,000 limit, but the chapter 20 schedule is repealed and recreated in the budget bill, so any change I made in those numbers would be meaningless. I do not know what the costs would be for a statewide pretrial intoxicated driver program. Perhaps you could obtain that amount from the legislative fiscal bureau. That amount would then have to be reflected in the chapter 20 schedule in the proposed 1999-2000 budget bill.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511