

# Patch II

99-2141df\_pt2of3



stone



nelsorpl





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2141/P2  
RPN&PEN:kmg&cmh:ijs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** to repeal 346.65 (6) (a) 2.; to renumber 343.305 (10m), 940.09 (Id) and  
2     **940.25** (1d); to renumber and amend 343.10 (6), 343.21 (1) (j) and 346.65 (6)  
3     (a) 1.; to amend 85.53 (3), 340.01 (46m) (b), 342.12 (4) (a), 342.12 (4) (c) 1.  
4     (intro.), 343.10 (5) (a) 3., 343.30 (lq) (b) 2., 343.30 (lq) (b) 3., 343.30 (lq) (b) 4.,  
5     343.305 (10) (b) 2., 343.305 (10) (b) 3., 343.305 (10) (b) 4., 343.31 (3) (bm) 2.,  
6     343.31 (3) (bm) 3., 343.31 (3) (bm) 4., 343.31 (3) (c), 343.31 (3) (e), 343.31 (3) (f),  
7     346.65 (2) (a), 346.65 (2) (b), 346.65 (2) (c), 346.65 (2) (d), 346.65 (2) (e), 346.65  
8     (2e), 346.65 (2g) (a), 346.65 (6) (a) 2m., 346.65 (6) (d) and 971.17 (1); and **to**  
9     **create 20.395 (5)** (er), 85.55, 340.01 (46m) (c), 343.10 (6) (b), 343.21 (1) (j) 2.,  
10    343.30 (lq) (b) 4p., 343.305 (10m) (a), 343.31 (3) (bm) 4p., 346.65 (2) (g), 346.65  
11    (6) (a) 1d., 940.09 (Id) (a), 940.25 (1c) and 940.25 (Id) (a) of the statutes;  
12    **relating to:** operating a motor vehicle while under the influence of an  
13    intoxicant or drugs, or both, installation of an ignition interlock device in cases  
14    involving intoxicated operation of a motor vehicle, seizure of motor vehicles for  
15    offenses related to driving while under the influence of an intoxicant, the

1 prohibited alcohol concentration related to operating a motor vehicle while  
2 under the influence of an intoxicant, the pretrial intoxicated driver  
3 intervention grant program, creating a safe-ride grant program, making an  
4 appropriation and providing a penalty

---

### ***Analysis by the Legislative Reference Bureau***

#### ***Seizure of vehicles***

Under current law, if a person is convicted of operating a motor vehicle while under the influence of an intoxicant or controlled substance (OWI), including the improper refusal to submit to a test to determine if he or she operated a motor vehicle while having a prohibited blood alcohol level, and the person has two or more prior OWI-related convictions, suspensions or revocations within a ten-year period, a vehicle owned by that person may be seized and subject to forfeiture.

Current law requires the court, if the court does not order a motor vehicle seized in this situation, to order a law enforcement officer to immobilize or equip with an ignition interlock device a motor vehicle owned by the person. Under current law, if a person is convicted of OWI or refuses to submit to a test to determine his or her blood alcohol concentration and the person has three or more prior OWI-related convictions, suspensions or revocations, the court is required to order a law enforcement officer to seize a motor vehicle owned by the person.

This bill allows a court to order that a vehicle owned by a person convicted of a first OWI offense be equipped with an ignition interlock device. The bill removes the requirement that the court order a law enforcement officer to seize a motor vehicle owned by a person who is convicted of OWI or refuses to submit to a test to determine his or her blood alcohol concentration when the person has three or more prior OWI-related convictions, suspensions or revocations. The court continues to have the option of ordering the seizure of a motor vehicle, but the court is not required to order the seizure under this bill.

#### ***Blood alcohol concentration***

Under current law, a person who has one or no prior convictions, suspensions or revocations for operating a motor vehicle while under the influence of an intoxicant or drugs or both is prohibited from operating a motor vehicle if the alcohol concentration in the person's blood is 0.1 or more.

Current law prohibits a person who has two or more of those convictions, suspensions or revocations from operating a motor vehicle if the alcohol concentration in the person's blood is 0.08 or more.

This bill prohibits a person who has three or more of those convictions, suspensions or revocations from operating a motor vehicle if the alcohol concentration in the person's blood is more than 0.02.

***Driver intervention program***

Under current law, the department of transportation (DOT) administers a grant program to fund pretrial intoxicated driver intervention programs (pretrial programs) that serve individuals accused of a second or subsequent offense of driving while intoxicated. A pretrial program is eligible for a grant if it: 1) is administered by a city, village, town, county or private nonprofit organization; 2) identifies and notifies defendants who are eligible to participate of the availability of the program; 3) monitors the participants' use of intoxicants to reduce the incidence of abuse and treats such abuse; 4) reports the participant's participation in the program to the court; and 5) requires participants to pay up to 20% of the per capita cost of the program. Current law requires a court to consider an individual's participation in such a program when imposing a sentence for driving while intoxicated. Under current law, DOT may award grants totaling no more than \$500,000 under the program. This bill eliminates the limit on the total amount of grants awarded under this program.

***Safe-ride grant program***

The bill also creates a safe-ride grant program, administered by DOT, to award grants to any city, village, town or county for costs associated with transporting intoxicated persons from any premises licensed to sell alcohol beverages to their places of residence. Grants are limited to 50% of the cost of providing the service and are funded with revenues received from the increased occupational license fee and from the applicable \$30 increase in the fee to reinstate an operating privilege.

***Increased penalties for high blood alcohol concentration***

Under current law, the penalties for an OWI offense increase based on the number of prior OWI offenses that the person has committed. This bill doubles whatever penalty the person is subject to for the current OWI offense if the person's blood alcohol concentration is from 0.15 to 0.199. The bill triples the appropriate penalty if the person's blood alcohol concentration is from 0.20 to 0.249 and quadruples the appropriate penalty if the person's blood alcohol concentration is 0.25 or above.

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.** 20.395 (5) (er) of the statutes is created to read:  
2           20.395 (5) (er) *Safe-ride grant program, state funds.* All moneys received  
3           under ss. 343.10 (6) (b) and 343.21 (1) (j) 2. that are credited to this appropriation,  
4           for grants under s. 85.55.

1           **SECTION 2.** 85.53 (3) of the statutes is amended to read:

2           85.53 (3) Grants under this section shall be paid from the appropriation under  
3 s. 20.395 (5) (jr). The amount of a grant may not exceed 80% of the amount expended  
4 by an eligible applicant for services related to the program. ~~The total amount of~~  
5 ~~grants awarded under this section may not exceed \$500,000.~~

6           **SECTION 3.** 85.55 of the statutes is created to read:

7           **85.55 Safe-ride grant program.** The department may award grants to any  
8 county or municipality to cover the costs of transporting persons suspected of having  
9 a prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises  
10 licensed under ch. 125 to sell alcohol beverages to their places of residence. The  
11 amount of a grant under this section may not exceed 50% of the costs necessary to  
12 provide the service. Grants awarded under this section shall be paid from the  
13 appropriation under s. 20.395 (5) (er).

14           **SECTION 4.** 340.01 (46m) (b) of the statutes is amended to read:

15           340.01 (46m) (b) If the person has 2 ~~or more~~ prior convictions, suspensions or  
16 revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

17           **SECTION 5.** 340.01 (46m) (c) of the statutes is created to read:

18           340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or  
19 revocations, as counted under s. 343.307 (1), an alcohol concentration of more than  
20 0.02.

21           **SECTION 6.** 342.12 (4) (a) of the statutes is amended to read:

22           342.12 (4) (a) The district attorney shall notify the department when he or she  
23 files a criminal complaint against a person who has been arrested for violating s.  
24 346.63 (1) or (2), 940.09 (1) or 940.25 ~~and who has 2 or more prior convictions,~~  
25 ~~suspensions or revocations, as counted under s. 343.307 (1).~~ Except as provided

1 under par. (c), the department may not issue a certificate of title transferring  
2 ownership of any motor vehicle owned by the person upon receipt of a notice under  
3 this subsection until the court assigned to hear the criminal complaint issues an  
4 order permitting the department to issue a certificate of title.

5 **SECTION 7.** 342.12 (4) (c) 1. (intro.) of the statutes is amended to read:

6 342.12 (4) (c) 1. (intro.) The department shall issue a certificate of title  
7 transferring ownership of a motor vehicle that was owned by a person who has  
8 received a notice of intent to revoke the person's operating privilege under s. 343.305  
9 (9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 ~~and~~  
10 ~~who has 2 or more prior convictions, suspensions or revocations, as counted under~~  
11 ~~s. 343.307 (1),~~ if all of the following conditions are met:

12 **SECTION 8.** 343.10 (5) (a) 3. of the statutes is amended to read:

13 343.10 (5) (a) 3. ~~If the applicant has 2 or more prior convictions, suspensions~~  
14 ~~or revocations, as counted under s. 343.307 (1), the~~ The occupational license of the  
15 applicant shall restrict the applicant's operation under the occupational license to  
16 vehicles that are equipped with a functioning ignition interlock device if the court  
17 has ordered under s. 346.65 (6) (a) ~~1.~~ 1g. that a motor vehicle owned by the person  
18 be equipped with an ignition interlock device. A person to whom a restriction under  
19 this subdivision applies violates that restriction if he or she requests or permits  
20 another to blow into an ignition interlock device or to start a motor vehicle equipped  
21 with an ignition interlock device for the purpose of providing the person an operable  
22 motor vehicle without the necessity of first submitting a sample of his or her breath  
23 to analysis by the ignition interlock device. If the occupational license restricts the  
24 applicant's operation to a vehicle that is equipped with an ignition interlock device,

1 the applicant shall be liable for the reasonable costs of equipping the vehicle with the  
2 ignition interlock device.

3 SECTION 9. 343.10 (6) of the statutes is renumbered 343.10 (6) (a) and amended  
4 to read:

5 343.10 (6) (a) ~~No~~ Except as provided in par. (b), no person may file an  
6 application for an occupational license under sub. (1) unless he or she first pays a fee  
7 of \$40 to the department.

8 SECTION 10. 343.10 (6) (b) of the statutes is created to read:

9 343.10 (6) (b) No person whose operating privilege is restricted to operating  
10 only vehicles equipped with an ignition interlock device may file an application for  
11 an occupational license under sub. (1) unless he or she first pays a fee of \$70 to the  
12 department. Forty-three percent of the fees collected under this paragraph shall be  
13 credited to the appropriation account under s. 20.395 (5) (er).

14 SECTION 11. 343.21 (1) (j) of the statutes is renumbered 343.21 (1) (j) 1. and  
15 amended to read:

16 343.21 (1) (j) 1. ~~For~~ Except as provided in subd. 2., for reinstatement of an  
17 operating privilege previously revoked or suspended, \$50.

18 SECTION 12. 343.21 (1) (j) 2. of the statutes is created to read:

19 343.21 (1) (j) 2. For reinstatement of an operating privilege previously revoked  
20 or suspended, \$80 if the person's operating privilege is restricted under s. 343.38 (5)  
21 to operating vehicles equipped with an ignition interlock device and the person has  
22 not paid a fee under s. 343.10 (6) (b) within the past 2 years. Thirty-eight percent  
23 of the fees collected under this subdivision shall be credited to the appropriation  
24 under s. 20.395 (5) (er).

25 SECTION 13. 343.30 (lq) (b) 2. of the statutes is amended to read:

1           343.30 (lq) (b) 2, Except as provided in subd. 3., 4. ~~or~~, 4m. or 4p., for the first  
2 conviction, the court shall suspend the person's operating privilege for not less than  
3 6 months nor more than 9 months. The person is eligible for an occupational license  
4 under s. 343.10 at any time.

5           **SECTION 14.** 343.30 (lq) (b) 3. of the statutes is amended to read:

6           343.30 (lq) (b) 3. Except as provided in subd. 4m. or 4p., if the number of  
7 convictions, suspensions and revocations within a 10-year period equals 2, the court  
8 shall revoke the person's operating privilege for not less than one year nor more than  
9 18 months. After the first 60 days of the revocation period, the person is eligible for  
10 an occupational license under s. 343.10 if he or she has completed the assessment and  
11 is complying with the driver safety plan ordered under par. (c).

12           **SECTION 15.** 343.30 (lq) (b) 4. of the statutes is amended to read:

13           343.30 (lq) (b) 4. Except as provided in subd. 4m. or 4p., if the number of  
14 convictions, suspensions and revocations equals 3 or more, the court shall revoke the  
15 person's operating privilege for not less than 2 years nor more than 3 years. After  
16 the first 90 days of the revocation period, the person is eligible for an occupational  
17 license under s. 343.10 if he or she has completed the assessment and is complying  
18 with the driver safety plan ordered under par. (c).

19           **SECTION 16.** 343.30 (lq) (b) 4p. of the statutes is created to read:

20           343.30 (lq) (b) 4p. If he or she had an alcohol concentration of 0.15 to 0.199,  
21 the applicable minimum and maximum suspension or revocation periods under  
22 subd. 2., 3. or 4. for the conviction are doubled. If the person convicted under s. 346.63  
23 (1) or a local ordinance in conformity with s. 346.63 (1) had an alcohol concentration  
24 of 0.20 to 0.249, the applicable minimum and maximum suspension or revocation  
25 periods under subd. 2., 3. or 4. for the conviction are tripled. If the person convicted



1 under s. 346.63 (1) or a local ordinance in conformity with s. 346.63 (1) had an alcohol  
2 concentration of 0.25 or above, the applicable minimum and maximum suspension  
3 or revocation periods under subd. 2., 3. or 4. for the conviction are quadrupled.

4 **SECTION 17.** 343.305 (10) (b) 2. of the statutes is amended to read:

5 343.305 (10) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first  
6 improper refusal, the court shall revoke the person's operating privilege for not less  
7 ~~than one year nor more than 3.0 years~~ of the revocation period,  
8 the person is eligible for an occupational license under s. 343.10:

9 **SECTION 18.** 343.305 (10) (b) 3. of the statutes is amended to read:

10 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions,  
11 suspensions and revocations within a ~~10-year~~ period equals 2, the court shall revoke  
12 the person's operating privilege for not less than 2 years nor more than 6 years. After  
13 the first 90 days of the revocation period, the person is eligible for an occupational  
14 license under-s. 343.10 if he or she has completed the assessment and is complying  
15 with the driver safety plan.

16 **SECTION 19.** 343.305 (10) (b) 4. of the statutes is amended to read:

17 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions,  
18 suspensions and revocations equals 3 or more, the court shall revoke the person's  
19 operating privilege for not less than 3 years nor more than 12 years. After the first  
20 120 days of the revocation period, the person is eligible for an occupational license  
21 under s. 343.10 if he or she has completed the assessment and is complying with the  
22 driver safety plan.

23 **SECTION 20.** 343.305 (10m) of the statutes is renumbered 343.305 (10m) (b).

24 **SECTION 21.** 343.305 (10m) (a) of the statutes is created to read:

1           343.305 **(10m)** (a) If the person's operating privilege is revoked under sub. (10),  
2 the procedure under s. 346.65 (6) shall be followed regarding the equipping of a motor  
3 vehicle owned by the person with an ignition interlock device.

4           **SECTION 22.** 343.31 (3) (bm) 2. of the statutes is amended to read:

5           343.31 (3) (bm) 2. Except as provided in subd. 3., 4. ~~or~~, 4m. or 4p., for the first  
6 conviction, the department shall suspend the person's operating privilege for not less  
7 than 6 months nor more than 9 months. If an Indian tribal court in this state  
8 suspends the person's privilege to operate a motor vehicle on tribal lands for not less  
9 than 6 months nor more than 9 months for the conviction specified in par. (bm)  
10 (intro.), the department shall impose the same period of suspension. The person is  
11 eligible for an occupational license under s. 343.10 at any time.

12           **SECTION 23.** 343.31 (3) (bm) 3. of the statutes is amended to read:

13           343.31 (3) (bm) 3. Except as provided in subd. 4m. or 4p., if the number of  
14 suspensions, revocations and convictions within a 10-year period equals 2, the  
15 department shall revoke the person's operating privilege for not less than one year  
16 nor more than 18 months. If an Indian tribal court in this state revokes the person's  
17 privilege to operate a motor vehicle on tribal lands for not less than one year nor more  
18 than 18 months for the conviction specified in par. (bm) (intro.), the department shall  
19 impose the same period of revocation. After the first 60 days of the revocation period,  
20 the person is eligible for an occupational license under s. 343.10.

21           **SECTION 24.** 343.31 (3) (bm) 4. of the statutes is amended to read:

22           343.31 (3) (bm) 4. Except as provided in subd. 4m. or 4p., if the number of  
23 suspensions, revocations and convictions equals 3 or more, the department shall  
24 revoke the person's operating privilege for not less than 2 years nor more than 3  
25 years, If an Indian tribal court in this state revokes the-person's privilege to operate

1 a motor vehicle on tribal lands for not less than 2 years nor more than 3 years for the  
2 conviction specified in par. (bm) (intro.), the department shall impose the same  
3 period of revocation. After the first 90 days of the revocation period, the person is  
4 eligible for an occupational license under s. 343.10.

5 **SECTION 25.** 343.31 (3) (bm) 4p. of the statutes is created to read:

6 343.31 (3) (bm) 4p. If he or she had an alcohol concentration of 0.15 to 0.199,  
7 the applicable minimum and maximum suspension or revocation periods under  
8 subd. 2., 3. or 4. for the conviction are doubled. If the person convicted under a law  
9 of a federally recognized American Indian tribe or band in this state in conformity  
10 with s. 346.63 (1) had an alcohol concentration of 0.20 to 0.249, the applicable  
11 minimum and maximum suspension or revocation periods under subd. 2., 3. or 4. for  
12 the conviction are tripled. If the person convicted under a law of a federally  
13 recognized American Indian tribe or band in this state in conformity with s. (346.63  
14 (1) had an alcohol concentration of 0.25 or above, the applicable minimum and  
15 maximum suspension or revocation periods under subd. 2., 3. or 4. for the conviction  
16 are quadrupled.

17 **SECTION 26.** 343.31 (3) (c) of the statutes is amended to read:

18 343.31 (3) (c) Any person convicted under s. 940.09 (1) of causing the death of  
19 another or of an unborn child by the operation or handling of a motor vehicle shall  
20 have his or her operating privilege revoked for 5 years. If there was a minor  
21 passenger under 16 years of age or an unborn child, as defined in s. 939.75 (1), in the  
22 motor vehicle at the time of the violation that gave rise to the conviction under s.  
23 940.09 (1), the revocation period is 10 years. If the person convicted under s. 940.09  
24 (1) had an alcohol concentration of 0.15 to 0.199, the revocation period is 10 years.  
25 If the person convicted under s. 940.09 (1) had an alcohol concentration of 0.20 to

1 ~~0.249, the revocation period is 15 years. If the person convicted under s. 346.63 (1)~~  
2 ~~had an alcohol concentration of 0.25 or above, the revocation period is 20 years.~~

3 **SECTION 27.** 343.31 (3) (e) of the statutes is amended to read:

4 343.31 (3) (e) Any person convicted under s. 346.63 (2) shall have his or her  
5 operating privilege revoked for not less than one year nor more than 2 years. If there  
6 was a minor passenger under 16 years of age in the motor vehicle at the time of the  
7 violation that gave rise to the conviction under s. 346.63 (2), the minimum and  
8 maximum revocation periods are doubled. ~~If the person convicted under s. 346.63~~  
9 ~~(2) had an alcohol concentration of 0.15 to 0.199, the minimum and maximum~~  
10 ~~revocation periods are doubled. If the person convicted under s. 346.63 (2) had an~~  
11 ~~alcohol concentration of 0.20 to 0.249, the minimum and maximum revocation~~  
12 ~~periods are tripled. If the person convicted under s. 346.63 (2) had an alcohol~~  
13 ~~concentration of 0.25 or above, the minimum and maximum revocation periods are~~  
14 ~~quadrupled.~~

15 **SECTION 28.** 343.31 (3) (f) of the statutes is amended to read:

16 343.31 (3) (f) Any person convicted under s. 940.25 shall have his or her  
17 operating privilege revoked for 2 years. If there was a minor passenger under 16  
18 years of age or an unborn child, as defined in s. 939.75 (1), in the motor vehicle at the  
19 time of the violation that gave rise to the conviction under s. 940.25, the revocation  
20 period is 4 years. ~~If the person convicted under s. 940.25 had an alcohol~~  
21 ~~concentration of 0.15 to 0.199, the revocation period is 4 years. If the person~~  
22 ~~convicted under s. 940.25 had an alcohol concentration of 0.20 to 0.249, the~~  
23 ~~revocation period is 6 years. If the person convicted under s. 940.25 had an alcohol~~  
24 ~~concentration of 0.25 or above, the revocation period is 8 years.~~

25 **SECTION 29.** 346.65 (2) (a) of the statutes is amended to read:

1           346.65 (2) (a) Shall forfeit not less than \$150 nor more than \$300, except as  
2 provided in pars. (b) to ~~(f)~~ (g).

3           **SECTION 30.** 346.65 (2) (b) of the statutes is amended to read:

4           346.65 (2) (b) Except as provided in ~~par. pars.~~ (f) and (g), shall be fined not less  
5 than \$300 nor more than \$1,000 and imprisoned for not less than 5 days nor more  
6 than 6 months if the total number of suspensions, revocations and convictions  
7 counted under s. 343.307 (1) equals 2 within a 10-year period. Suspensions,  
8 revocations or convictions arising out of the same incident or occurrence shall be  
9 counted as one.

10          **SECTION 31.** 346.65 (2) (c) of the statutes is amended to read:

11          346.65 (2) (c) Except as provided in ~~par. pars.~~ (f) and (g), shall be fined not less  
12 than \$600 nor more than \$2,000 and imprisoned for not less than 30 days nor more  
13 than one year in the county jail if the total number of suspensions, revocations and  
14 convictions counted under s. 343.307 (1) equals 3, except that suspensions,  
15 revocations or convictions arising out of the same incident or occurrence shall be  
16 counted as one.

17          **SECTION 32.** 346.65 (2) (d) of the statutes is amended to read:

18          346.65 (2) (d) Except as provided in ~~par. pars.~~ (f) and (g), shall be fined not less  
19 than \$600 nor more than \$2,000 and imprisoned for not less than 60 days nor more  
20 than one year in the county jail if the total number of suspensions, revocations and  
21 convictions counted under s. 343.307 (1) equals 4, except that suspensions,  
22 revocations or convictions arising out of the same incident or occurrence shall be  
23 counted as one.

24          **SECTION 33.** 346.65 (2) (e) of the statutes is amended to read:

1           346.65 (2) (e) Except as provided in ~~par. pars. (f) and (g)~~, shall be fined not less  
2 than \$600 nor more than \$2,000 and imprisoned for not less than 6 months nor more  
3 than 5 years if the total number of suspensions, revocations and convictions counted  
4 under s. 343.307 (1) equals 5 or more, except that suspensions, revocations or  
5 convictions arising out of the same incident or occurrence shall be counted as one.

6           **SECTION 34.** 346.65 (2) (g) of the statutes is created to read:

7           346.65 (2) (g) Shall, if he or she had an alcohol concentration of 0.15 to 0.199,  
8 be penalized double the applicable minimum and maximum forfeitures, fines or  
9 imprisonments under pars. (a) to (e). If the person had an alcohol concentration of  
10 0.20 to 0.249, he or she shall be penalized triple the applicable minimum and  
11 maximum forfeitures, fines or imprisonments under pars. (a) to (e). If the person had  
12 an alcohol concentration of 0.25 or above, he or she shall be penalized four times the  
13 applicable minimum and maximum forfeitures, fines or imprisonments under pars.  
14 (a) to (e). An offense under s. 346.63 (1) that subjects a person to a penalty under par.  
15 (c), (d) or (e) when the person had an alcohol concentration of 0.15 or above is a felony  
16 and the place of imprisonment shall be determined under s. 973.02. An offense under  
17 s. 346.63 (1) that subjects a person to a penalty under par. (b), (c), (d) or (e) when the  
18 person had an alcohol concentration of 0.20 or more is a felony and the place of  
19 imprisonment shall be determined under s. 973.02.

20           **SECTION 35.** 346.65 (2e) of the statutes is amended to read:

21           346.65 (2e) If the court determines that a person does not have the ability to  
22 pay the costs and fine or forfeiture imposed under sub. (2) ~~(a), (b), (c), (d), (e) or (f) to~~  
23 ~~(g)~~, the court may reduce the costs, fine and forfeiture imposed and order the person  
24 to pay, toward the cost of the assessment and driver safety plan imposed under s.  
25 343.30 (1q) (c), the difference between the amount of the reduced costs and fine or

1 forfeiture and the amount of costs and fine or forfeiture imposed under sub. (2) (a),  
2 ~~(b), (c), (d), (e) or (f)~~ to (g).

3 **SECTION 36.** 346.65 (2g) (a) of the statutes is amended to read:

4 346.65 **(2g)** (a) In addition to the authority of the court under s. 973.05 (3) (a)  
5 to provide that a defendant perform community service work for a public agency or  
6 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.  
7 (2)(b) to ~~(f)~~ (g), the court may provide that a defendant perform community service  
8 work for a public agency or a nonprofit charitable organization in lieu of part or all  
9 of a forfeiture under sub. (2) (a) or may require a person who is subject to sub. (2) to  
10 perform community service work for a public agency or a nonprofit charitable  
11 organization in addition to the penalties specified under sub. (2). Notwithstanding  
12 s. 973.05 (3) (b), an order may only apply if agreed to by the organization or agency.  
13 The court shall ensure that the defendant is provided a written statement of the  
14 terms of the community service order and that the community service order is  
15 monitored. Any organization or agency acting in good faith to which a defendant is  
16 assigned pursuant to an order under this subsection has immunity from any civil  
17 liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.  
18 The issuance or possibility of the issuance of a community service order under this  
19 subsection does not entitle an indigent defendant who is subject to sub. (2) (a) to  
20 representation by counsel under ch. 977.

21 **SECTION 37.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) lg. and  
22 amended to read:

23 346.65 (6) (a) lg. Except as provided in this paragraph, the court may order a  
24 law enforcement officer to seize a motor vehicle, or, if the motor vehicle is not ordered  
25 seized, shall order a law enforcement officer to equip the motor vehicle with an

1 ignition interlock device or immobilize any motor vehicle owned by the person whose  
2 operating privilege is revoked under s. 343.305 (10) or who committed a violation of  
3 s. 346.63 (1) (a), (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or(d) or 940.25 (1) (a), (b),  
4 (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10) or  
5 who is convicted of the violation has 2 or more prior suspensions, revocations or  
6 convictions that would be counted under s. 343.307 (1). The court shall not order a  
7 motor vehicle equipped with an ignition interlock device or immobilized if that would  
8 result in undue hardship or extreme inconvenience or would endanger the health  
9 and safety of a person.

10 **SECTION 38.** 346.65 (6) (a) 1d. of the statutes is created to read:

11 346.65 (6) (a) 1d. Except as provided in this subdivision, the court may order  
12 a law enforcement officer to equip with an ignition interlock device a motor vehicle  
13 owned by the person whose operating privilege is revoked under s. 343.305 (10) or  
14 who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a),  
15 (b), (c) or (d) or 940.25 (1) (a), (b), (c) or(d). The court shall not order a motor vehicle  
16 equipped with an ignition interlock device if that would result in undue hardship or  
17 extreme inconvenience or would endanger the health or safety of a person.

18 **SECTION 39.** 346.65 (6) (a) 2. of the statutes is repealed.

19 **SECTION 40.** 346.65 (6) (a) 2m. of the statutes is amended to read:

20 346.65 (6) (a) 2m. A person who owns a motor vehicle subject to seizure,  
21 equipping with an ignition interlock device or immobilization under this paragraph  
22 shall surrender to the clerk of circuit court the certificate of title issued under ch. 342  
23 for every motor vehicle owned by the person. The person shall comply with this  
24 subdivision within 5 working days after receiving notification of this requirement  
25 from the district attorney. When a district attorney receives a copy of a notice of



1 intent to revoke the operating privilege under s. 343.305 (9) (a) ~~of a person who has~~  
2 ~~2 or more convictions, suspensions or revocations, as counted under s. 343.307 (1),~~  
3 or when a district attorney notifies the department of the filing of a criminal  
4 complaint against a person under s. 342.12 (4) (a), the district attorney shall notify  
5 the person of the requirement to surrender all certificates of title to the clerk of circuit  
6 court. The notification shall include the time limits for that surrender, the penalty  
7 for failure to comply with the requirement and the address of the clerk of circuit  
8 court. The clerk of circuit court shall promptly return each certificate of title  
9 surrendered to the clerk of circuit court under this subdivision after stamping the  
10 certificate of title with the notation "Per section 346.65 (6) of the Wisconsin statutes,  
11 ownership of this motor vehicle may not be transferred without prior court approval".  
12 Any person failing to surrender a certificate of title as required under this  
13 subdivision shall forfeit not more than \$500.

14 **SECTION 41.** 346.65 (6) (d) of the statutes is amended to read:

15 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of  
16 proving to a reasonable certainty by the greater weight of the credible evidence that  
17 the motor vehicle is a motor vehicle owned by a person who committed a violation of  
18 s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a),  
19 (b), (c) or (d) and, if the seizure is under par. (a) ~~1.~~ 1g., that the person had 2 or more  
20 prior convictions, suspensions or revocations, as counted under s. 343.307 (1) ~~or, if~~  
21 ~~the seizure is under par. (a) 2., 3 or more prior convictions, suspensions or~~  
22 ~~revocations, as counted under s. 343.307 (1).~~ If the ~~,, (c) or (d), (c) or (d)~~ state fails  
23 to meet the burden of proof required under this paragraph, the motor vehicle shall  
24 be returned to the owner upon the payment of storage costs.

25 **SECTION 42.** 940.09 (1d) of the statutes is renumbered 940.09 (1d) (b).

1           **SECTION 43.** 940.09 (1d) (a) of the statutes is created to read:

2           940.09 (1d) (a) If a person commits an offense under sub. (1) (a), (b), (c) or (d),  
3 the procedure under s. 346.65 (6) may be followed regarding the equipping of a motor  
4 vehicle owned by the person with an ignition interlock device.

5           **SECTION 44.** 940.25 (1c) of the statutes is created to read:

6           940.25 (1c) If the person convicted under s. 940.25 (1) had an alcohol  
7 concentration of 0.15 to 0.199, the applicable maximum fine or imprisonment for the  
8 conviction is doubled. If the person convicted under s. 940.25 (1) had an alcohol  
9 concentration of 0.20 to 0.249, the applicable maximum fine or imprisonment for the  
10 conviction is tripled. If the person convicted under s. 940.25 (1) had an alcohol  
11 concentration of 0.25 or above, the applicable maximum fine or imprisonment for the  
12 conviction is quadrupled.

13           **SECTION 45.** 940.25 (Id) of the statutes is renumbered 940.25 (Id) (b).

14           **SECTION 46.** 940.25 (1d) (a) of the statutes is created to read:

15           940.25 (1d) (a) If a person commits an offense under sub. (1) (a), (b), (c) or(d),  
16 the procedure under s. 346.65 may be followed regarding the equipping of a motor  
17 vehicle owned by the person with an ignition interlock device.

18           **SECTION 47.** 971.17 (1) of the statutes is amended to read:

19           971.17 (1) **COMMITMENT PERIOD.** When a defendant is found not guilty by reason  
20 of mental disease or mental defect, the court shall commit the person to the  
21 department of health and family services for a specified period not exceeding  
22 two-thirds of the maximum term of imprisonment that could be imposed under s.  
23 973.15 (2) (a) against an offender convicted of the same crime or crimes, including  
24 imprisonment authorized by ss. 346.65 (2) (f) or (g), (2j) (d) or (3m), 939.62, 939.621,  
25 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (lb), 940.25 (lb) and 961.48 and

1 other penalty enhancement statutes, as applicable, subject to the credit provisions  
2 of s. 973.155. If the maximum term of imprisonment is life, the commitment period  
3 specified by the court may be life, subject to termination under sub. (5).

4 **SECTION 48. Initial applicability.**

5 (1) This act first applies to offenses committed or refusals occurring on the  
6 effective date of this subsection, but does not preclude the counting of other violations  
7 as prior convictions, suspensions or revocations for purposes of administrative action  
8 by the department of transportation, sentencing by a court, revocation or suspension  
9 of operating privileges or determining the prohibited alcohol concentration.

10 **SECTION 49. Effective date.**

11 (1) This act takes effect on the first day of the 4th month beginning after  
12 publication.

13 **(END)**



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*By 4 p.m. Today*  
*D-NOTE*

*Ken Cat.*

1 AN ACT ...; **relating to:** operating a motor vehicle while under the influence of an  
 2 intoxicant or drugs, or both, <sup>(;)</sup> installation of an ignition interlock device in cases  
 3 involving intoxicated operation of a motor vehicle, <sup>(;)</sup> seizure of motor vehicles for  
 4 offenses related to driving while under the influence of an intoxicant, <sup>(;)</sup> the  
 5 prohibited alcohol concentration related to operating a motor vehicle while  
 6 under the influence of an intoxicant, <sup>(;)</sup> the pretrial intoxicated driver  
 7 intervention grant program, <sup>(;)</sup> creating a safe-ride grant program; certain  
 8 alcohol beverage offenses committed by persons under the legal drinking age <sup>(;)</sup>  
 9 making an appropriation; ~~providing a penalty~~ and providing penalties.

**Analysis by the Legislative Reference Bureau**

~~ANALYSIS FROM 2141/P2~~

**Seizure of vehicles**

Under current law, if a person is convicted of operating a motor vehicle while under the influence of an intoxicant or controlled substance (OWI), including the improper refusal to submit to a test to determine if he or she operated a motor vehicle while having a prohibited blood alcohol level, and the person has two or more prior OWI-related convictions, suspensions or revocations within a ten-year period, a vehicle owned by that person may be seized and subject to forfeiture.

Current law requires the court, if the court does not order a motor vehicle seized in this situation, to order a law enforcement officer to immobilize or equip with an ignition interlock device a motor vehicle owned by the person. Under current law, if a person is convicted of OWI or refuses to submit to a test to determine his or her blood alcohol concentration and the person has three or more prior OWI-related convictions, suspensions or revocations, the court is required to order a law enforcement officer to seize a motor vehicle owned by the person.

This bill allows a court to order that a vehicle owned by a person convicted of a first OWI offense be equipped with an ignition interlock device. The bill removes the requirement that the court order a law enforcement officer to seize a motor vehicle owned by a person who is convicted of OWI or refuses to submit to a test to determine his or her blood alcohol concentration when the person has three or more prior OWI-related convictions, suspensions or revocations. The court continues to have the option of ordering the seizure of a motor vehicle, but the court is not required to order the seizure under this bill.

### **Blood alcohol concentration**

*X* Under current law, a person who has one or no prior convictions, suspensions or revocations ~~for operating a motor vehicle while under the influence of an intoxicant or drugs or both~~ is prohibited from operating a motor vehicle if the alcohol concentration in the person's blood is 0.1 or more. *OWI*

Current law prohibits a person who has two or more ~~of those~~ convictions, suspensions or revocations from operating a motor vehicle if the alcohol concentration in the person's blood is 0.08 or more. *OWI*

This bill prohibits a person who has three or more ~~of those~~ convictions, suspensions or revocations from operating a motor vehicle if the alcohol concentration in the person's blood is more than 0.02. *OWI*

### **Driver intervention program**

Under current law, the department of transportation (DOT) administers a grant program to fund pretrial intoxicated driver intervention programs (pretrial programs) that serve individuals accused of a second or subsequent offense of driving while intoxicated. A pretrial program is eligible for a grant if it: 1) is administered by a city, village, town,, county or private nonprofit organization; 2) identifies and notifies defendants who are eligible to participate of the availability of the program; 3) monitors the participants' use of intoxicants to reduce the incidence of abuse and treats such abuse; 4) reports the participant's participation in the program to the court; and 5) requires participants to pay up to 20% of the per capita cost of the program. Current law requires a court to consider an individual's participation in such a program when imposing a sentence for driving while intoxicated. Under current law, DOT may award grants totaling no more than \$500,000 under the program. This bill eliminates the limit on the total amount of grants awarded under this program.

### **Safe-ride grant program**

The bill also creates a safe-ride grant program, administered by DOT, to award grants to any city, village, town or county for costs associated with transporting intoxicated persons from any premises licensed to sell alcohol beverages to their

places of residence. Grants are limited to 50% of the cost of providing the service and are funded with revenues received from the increased occupational license fee and from the applicable \$30 increase in the fee to reinstate an operating privilege.

***Increased penalties for high blood alcohol concentration***

Under current law, the penalties for an OWI offense increase based on the number of prior OWI offenses that the person has committed. This bill doubles whatever penalty the person is subject to for the current OWI offense if the person's blood alcohol concentration is from 0.15 to 0.199. The bill triples the appropriate penalty if the person's blood alcohol concentration is from 0.20 to 0.249 and quadruples the appropriate penalty if the person's blood alcohol concentration is 0.25 or above.

*\*\*\* ANALYSIS FROM -2- PI \*\*\** ✓

***Mandatory operating privilege suspension***

Current law prohibits any person under 21 years of age (underage person) from knowingly possessing or consuming alcohol beverages, from procuring or attempting to procure alcohol beverages, from entering or attempting to enter premises licensed to sell alcohol beverages and from falsely representing his or her age for the purpose of receiving alcohol beverages. An underage person who violates these prohibitions may have his or her operating privilege suspended, may be required to pay a forfeiture or may be required to participate in a supervised work program or other community service work, or any combination of these penalties. The underage person's operating privilege may be suspended for varying periods depending upon the number of prior alcohol beverage offenses he or she committed within the previous 12 months, as follows:

1. For a first violation, suspension for not less than 30 days nor more than 90 days.
2. For a second violation, suspension for not more than one year.
3. For a third or subsequent violation, suspension for not more than two years.

This bill increases the operating privilege penalties that apply to certain alcohol beverage violations committed by an underage person. The bill makes mandatory the suspension of an underage person's operating privilege for violating the prohibitions described above and increases the period of suspension as follows:

1. For a first violation, suspension for not less than six months nor more than one year.
2. For a second violation committed within one year, suspension for not less than one year nor more than 18 months.
3. For a third or subsequent violation committed within one year, suspension for not less than two years nor more than five years.

Also under current law, with exceptions, no underage person may knowingly possess, transport or control any alcohol beverages in a motor vehicle. An underage person who violates these prohibitions may be required to forfeit not less than \$20 nor more than \$400 but, except for violations involving a commercial motor vehicle, is not subject to any action against his or her operating privilege. This bill makes mandatory the suspension of the underage person's operating privilege for the same longer periods that apply to the underage alcohol beverage offenses described above.

Finally, the bill eliminates the current authority of a court to stay or modify an operating privilege suspension ordered for certain alcohol beverage violations committed by an underage person who is at least 17 years of age.

Subsub Other → 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.** 20.395 (5) (er) of the statutes is created to read:

2           20.395 (5) (er) **Safe-ride grant program, state funds.** All moneys received  
3 under ss. 343.10 (6) (b) and 343.21 (1) (j) 2. that are credited to this appropriation,  
4 for grants under s. 85.55.

5           **SECTION 2.** 85.53 (3) of the statutes is amended to read:

6           85.53 (3) Grants under this section shall be paid from the appropriation under  
7 s. 20.395 (5) (jr). The amount of a grant may not exceed 80% of the amount expended  
8 by an eligible applicant for services related to the program. ~~The total amount of~~  
9 ~~grants awarded under this section may not exceed \$500,000.~~

10          **SECTION 3.** 85.55 of the statutes is created to read:

11          **85.55 Safe-ride grant program.** The department may award grants to any  
12 county or municipality to cover the costs of transporting persons suspected of having  
13 a prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises  
14 licensed under ch. 125 to sell alcohol beverages to their places of residence. The  
15 amount of a grant under this section may not exceed 50% of the costs necessary to  
16 provide the service. Grants awarded under this section shall be paid from the  
17 appropriation under s. 20.395 (5) (er).

18          **SECTION 4.** 125.07 (4) (bs) of the statutes is amended to read:

1           125.07 (4) (bs) Any person violating par. (a) ~~is subject to the following penalties~~  
2 shall be penalized as follows:

3           1. For a first violation, the person's operating privilege shall be suspended  
4 under s. 343.30 (6)(b) 1. In addition, the person is subject to a forfeiture of not less  
5 than \$250 nor more than \$500, suspension of the person's operating privilege as  
6 provided under s. 343.30 (6)(b) 1., participation in a supervised work program or  
7 other community service work under par. (cg) or any combination of these penalties.

8           2. For a violation committed within 12 months of a previous violation, the  
9 person's operating privilege shall be suspended under s. 343.30 (6)(b) 2. In addition,  
10 the person is subject to either a forfeiture of not less than \$300 nor more than \$500,  
11 suspension of the person's operating privilege as provided under s. 343.30 (6)(b) 2.,  
12 participation in a supervised work program or other community service work under  
13 par. (cg) or any combination of these penalties.

14           3. For a violation committed within 12 months of 2 previous violations, the  
15 person's operating privilege shall be suspended under s. 343.30 (6)(b) 3. In addition,  
16 the person is subject to either a forfeiture of not less than \$500 nor more than \$750,  
17 revocation of the person's operating privilege under s. 343.30 (6)(b) 3., participation  
18 in a supervised work program or other community service work under par. (cg) or any  
19 combination of these penalties.

20           4. For a violation committed within 12 months of 3 or more previous violations,  
21 the person's operating privilege shall be suspended under s. 343.30 (6)(b) 3. In  
22 addition, the person is subject to either a forfeiture of not less than \$750 nor more  
23 than \$1,000, revocation of the person's operating privilege under s. 343.30 (6)(b) 3.,  
24 participation in a supervised work program or other community service work under  
25 par. (cg) or any combination of these penalties.



1           **SECTION 5.** 125.07 (4) (c) of the statutes is amended to read:

2           125.07 (4) (c) Any person violating par. (b) ~~is subject to the following penalties~~  
3 shall be penalized as follows:

4           1. For a first violation, ~~the person's operating privilege shall be susnended~~  
5 under s. 343.30 (6) (b) 1. In addition, the nerson is subject, to a forfeiture of not less  
6 than \$100 nor more than \$200, ~~suspension of the person's operating privilege as~~  
7 provided under s. 343.30 (6) (b) 1., participation in a supervised work program or  
8 other community service work under par. (cg) or any combination of these penalties.

9           2. For a violation committed within 12 months of a previous violation, the  
10 person's onerating privilege shall be suspended under s. 343.30 (6) (b) 2. In addition,  
11 the person is subject to either a forfeiture of not less than \$200 nor more than \$300,  
12 ~~suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 2.,~~  
13 participation in a supervised work program or other community service work under  
14 par. (cg) or any combination of these penalties.

15           3. For a violation committed within 12 months of 2 previous violations, the  
16 person's operating nrivilege shall be susnended under s. 343.30 (6) (b) 3. In addition,  
17 the nerson is subject to either a forfeiture of not less than \$300 nor more than \$500,  
18 ~~revocation of the person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation  
19 in a supervised work program or other community service work under par, (cg) or any  
20 combination of these penalties.

21           4. For a violation committed within 12 months of 3 or more previous violations,  
22 the person's operating nrivilege shall be susnended under s. 343.30 (6) (b) 3. In  
23 addition, the nerson is subject to either a forfeiture of not less than \$500 nor more  
24 than \$1,000, ~~revocation of the person's operating privilege under s 343.30 (6) (b) 3.,~~

1 participation in a supervised work program or other community service work under  
2 par. (cg) or any combination of these penalties.

3 SECTION 6. 125.07 (4) (e) 2. (intro.) of the statutes is amended to read:

4 125.07 (4) (e) 2. (intro.) After ordering a penalty under par. (bs) or (c), the court,  
5 with the agreement of the defendant, may enter an additional order staying the  
6 execution of the penalty order and suspending or modifying the penalty imposed,  
7 ~~except that the court may not stay, suspend or modify the suspension of a person's~~  
8 ~~operating privilege required under par. (bs) or (c).~~ The order under this subdivision  
9 shall require the defendant to do any of the following:

10 SECTION 7. 340.01 (46m) (b) of the statutes is amended to read:

11 340.01 (46m) (b) If the person has 2 ~~or more~~ prior convictions, suspensions or  
12 revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

13 SECTION 8. 340.01 (46m) (c) of the statutes is created to read:

14 340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or  
15 revocations, as counted under s. 343.307 (1), an alcohol concentration of more than  
16 **0.02.**

17 SECTION 9. 342.12 (4) (a) of the statutes is amended to read:

18 342.12 (4) (a) The district attorney shall notify the department when he or she  
19 files a criminal complaint against a person who has been arrested for violating s.  
20 **346.63** (1) or (2), 940.09 (1) or 940.25 ~~and who has 2 or more prior convictions,~~  
21 ~~suspensions or revocations, as counted under s. 343.307 (1).~~ Except as provided  
22 under par. (c), the department may not issue a certificate of title transferring  
23 ownership of any motor vehicle owned by the person upon receipt of a notice under  
24 this subsection until the court assigned to hear the criminal complaint issues an  
25 order permitting the department to issue a certificate of title.

1           **SECTION 10.** 342.12 (4) (c) 1. (intro.) of the statutes is amended to read:

2           342.12 (4) (c) 1. (intro.) The department shall issue a certificate of title  
3 transferring ownership of a motor vehicle that was owned by a person who has  
4 received a notice of intent to revoke the person's operating privilege under s. 343.305  
5 (9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 ~~and~~  
6 ~~who has 2 or more prior convictions, suspensions or revocations, as counted under~~  
7 ~~s. 343.307 (1)~~, if all of the following conditions are met:

8           **SECTION 11.** 343.10 (5) (a) 3. of the statutes is amended to read:

9           343.10 (5) (a) 3. ~~If the applicant has 2 or more prior convictions, suspensions~~  
10 ~~or revocations, as counted under s. 343.307 (1), the~~ The occupational license of the  
11 applicant shall restrict the applicant's operation under the occupational license to  
12 vehicles that are equipped with a functioning ignition interlock device if the court  
13 has ordered under s. 346.65 (6) (a) <sup>1d. or</sup> ~~1/1g.~~ that a motor vehicle owned by the person ✓  
14 be equipped with an ignition interlock device. A person to whom a restriction under  
15 this subdivision applies violates that restriction if he or she requests or permits  
16 another to blow into an ignition interlock device or to start a motor vehicle equipped  
17 with an ignition interlock device for the purpose of providing the person an operable  
18 motor vehicle without the necessity of first submitting a sample of his or her breath  
19 to analysis by the ignition interlock device. If the occupational license restricts the  
20 applicant's operation to a vehicle that is equipped with an ignition interlock device,  
21 the applicant shall be liable for the reasonable costs of equipping the vehicle with the  
22 ignition interlock device.

23           **SECTION 12.** 343.10 (6) of the statutes is renumbered 343.10 (6) (a) and  
24 amended to read:

1           343.10 (6) (a) ~~No~~, Except as provided in par. (b), no person may file an  
2 application for an occupational license under sub. (1) unless he or she first pays a fee  
3 of \$40 to the department.

4           **SECTION 13.** 343.10 (6) (b) of the statutes is created to read:

5           343.10 (6) (b) No person whose operating privilege is restricted to operating  
6 only vehicles equipped with an ignition interlock device may file an application for  
7 an occupational license under sub. (1) unless he or she first pays a fee of \$70 to the  
8 department. Forty-three percent of the fees collected under this paragraph shall be  
9 credited to the appropriation account under s. 20.395 (5) (er).

10          **SECTION 14.** 343.21 (1) (j) of the statutes is renumbered 343.21 (1) (j) 1. and  
11 amended to read:

12          343.21 (1) (j) 1. ~~For~~ Except as provided in subd. 2., for reinstatement of an  
13 operating privilege previously revoked or suspended, \$50.

14          **SECTION 15.** 343.21 (1) (j) 2. of the statutes is created to read:

15          **343.21 (1) (j) 2.** For reinstatement of an operating privilege previously revoked  
16 or suspended, \$80 if the person's operating privilege is restricted under s. 343.38 (5)  
17 to operating vehicles equipped with an ignition interlock device and the person has  
18 not paid a fee under s. 343.10 (6) (b) within the past 2 years. Thirty-eight percent  
19 of the fees collected under this subdivision shall be credited to the appropriation  
20 under s. 20.395 (5) (er).

21          **SECTION 16.** 343.30 (lq) (b) 2. of the statutes is amended to read:

22          343.30 (**lq**) (b) 2. Except as provided in subd. 3., 4. ~~or~~, 4m. or 4p., for the first  
23 conviction, the court shall suspend the person's operating privilege for not less than  
24 6 months nor more than 9 months. The person is eligible for an occupational license  
25 under s. 343.10 at any time.

1           **SECTION 17.** 343.30 (lq) (b) 3. of the statutes is amended to read:

2           343.30 (lq) (b) 3. Except as provided in subd. 4m. or 4p., if the number of  
3 convictions, suspensions and revocations within a 10-year period equals 2, the court  
4 shall revoke the person's operating privilege for not less than one year nor more than  
5 18 months. After the first 60 days of the revocation period, the person is eligible for  
6 an occupational license under s. 343.10 if he or she has completed the assessment and  
7 is complying with the driver safety plan ordered under par. (c).

8           **SECTION 18.** 343.30 (lq) (b) 4. of the statutes is amended to read:

9           343.30 (lq) (b) 4. Except as provided in subd. 4m. or 4p., if the' number of  
10 convictions, suspensions and revocations equals 3 or more, the court shall revoke the  
11 person's operating privilege for not less than 2 years nor more than 3 years. After  
12 the first 90 days of the revocation period, the person is eligible for an occupational  
13 license under s. 343.10 if he or she has completed the assessment and is complying  
14 with the driver safety plan ordered under par. (c).

15           **SECTION 19.** 343.30 (lq) (b) 4p. of the statutes is created to read:

16           343.30 (lq) (b) 4p. If he or she had an alcohol concentration of 0.15 to 0.199,  
17 the applicable minimum and maximum suspension or revocation periods under  
18 subd. 2., 3. or 4. for the conviction are doubled. If the person convicted under s. 346.63  
19 (1) or a local ordinance in conformity with s. 346.63 (1) had an alcohol concentration  
20 of 0.20 to 0.249, the applicable minimum and maximum suspension or revocation  
21 periods under subd. 2., 3. or 4. for the conviction are tripled. If the person convicted  
22 under s. 346.63 (1) or a local ordinance in conformity with s. 346.63 (1) had an alcohol  
23 concentration of 0.25 or above, the applicable minimum and maximum suspension  
24 or revocation periods under subd. 2., 3. or 4. for the conviction are quadrupled.

25           **SECTION 20.** 343.30 (6) (b) of the statutes is amended to read:

1           343.30 (6) (b) ~~If~~ Whenever a court imposes suspension ~~or revocation~~ of a  
2 person's operating privilege under s. 125.07 (4) ~~(bs) or~~ (c) or 938.344 (2), (2b) or (2d),  
3 the suspension ~~or revocation~~ imposed shall be one of the following:

4           1. For a first violation, suspension for ~~30 to 90 days~~ not less than 6 months nor  
5 more than one year.

6           2. For a violation committed within 12 months of a previous violation,  
7 suspension for not mere less than one year nor more than 18 months.

8           3. For a violation committed within 12 months of 2 or more previous violations,  
9 ~~revocation~~ suspension for not ~~more~~ less than 2 years nor more than 5 years.

10           SECTION 21. 343.305 (10) (b) 2. of the statutes is amended to read:

11           343.305 (10) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first  
12 improper refusal, the court shall revoke the person's operating privilege for not less  
13 than one year nor more than 3 years. After the first 30 days of the revocation period,  
14 the person is eligible for an occupational license under s. 343.10.

15           SECTION 22. 343.305 (10) (b) 3. of the statutes is amended to read:

16           343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions,  
17 suspensions and revocations within a 10-year period equals 2, the court shall revoke  
18 the person's operating privilege for not less than 2 years nor more than 6 years. After  
19 the first 90 days of the revocation period, the person is eligible for an occupational  
20 license, under s. 343.10 if he or she has completed the assessment and is complying  
21 with the driver safety plan.

22           SECTION 23. 343.305 (10) (b) 4. of the statutes is amended to read:

23           343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions,  
24 suspensions and revocations equals 3 or more, the court shall revoke the person's  
25 operating privilege for not less than 3 years nor more than 12 years. After the first

1 120 days of the revocation period, the person is eligible for an occupational license  
2 under s. 343.10 if he or she has completed the assessment and is complying with the  
3 driver safety plan.

4 **SECTION 24.** 343.305 (10m) of the statutes is renumbered 343.305 (10m) (b).

5 **SECTION 25.** 343.305 (10m) (a) of the statutes is created to read:

6 343.305 (10m) (a) If the person's operating privilege is revoked under sub. (l),  
7 the procedure under s. 346.65 (6) shall be followed regarding the equipping of a motor  
8 vehicle owned by the person with an ignition interlock device.

9 **SECTION 26.** 343.31 (3) (bm) 2. of the statutes is amended to read:

10 343.31 (3) (bm) 2. Except as provided in subd. 3., 4. ~~or 4m.~~ or 4p., for the first  
11 conviction, the department shall suspend the person's operating privilege for not less  
12 than 6 months nor more than 9 months. If an Indian tribal court in this state  
13 suspends the person's privilege to operate a motor vehicle on tribal lands for not less  
14 than 6 months nor more than 9 months for the conviction specified in par. (bm)  
15 (intro.), the department shall impose the same period of suspension. The person is  
16 eligible for an occupational license under s. 343.10 at any time.

17 **SECTION 27.** 343.31 (3) (bm) 3. of the statutes is amended to read:

18 343.31 (3) (bm) 3. Except as provided in subd. 4m. or 4p., if the number of  
19 suspensions, revocations and convictions within a 10-year period equals 2, the  
20 department shall revoke the person's operating privilege for not less than one year  
21 nor more than 18 months. If an Indian tribal court in this state revokes the person's  
22 privilege to operate a motor vehicle on tribal lands for not less than one year nor more  
23 than 18 months for the conviction specified in par. (bm) (intro.), the department shall  
24 impose the same period of revocation. After the first 60 days of the revocation period,  
25 the person is eligible for an occupational license under s. 343.10.

1           **SECTION 28.** 343.31 (3) (bm) 4. of the statutes is amended to read:

2           343.31 (3) (bm) 4. Except as provided in subd. 4m. or 4p., if the number of  
3           suspensions, revocations and convictions equals 3 or more, the department shall  
4           revoke the person's operating privilege for not less than 2 years nor more than 3  
5           years. If an Indian tribal court in this state revokes the person's privilege to operate  
6           a motor vehicle on tribal lands for not less than 2 years nor more than 3 years for the  
7           conviction specified in par. (bm) (intro.), the department shall impose the same  
8           period of revocation, After the first 90 days of the revocation period, the person is  
9           eligible for an occupational license under s. 343.10.

10          **SECTION 29.** 343.31 (3) (bm) 4p. of the statutes is created to read:

11          343.31 (3) (bm) 4p. If he or she had an alcohol concentration of 0.15 to 0.199,  
12          the applicable minimum and maximum suspension or revocation periods under  
13          subd. 2., 3. or 4. for the conviction are doubled. If the person convicted under a law  
14          of a federally recognized American Indian tribe or band in this state in conformity  
15          with s. 346.63 (1) had an alcohol concentration of 0.20 to 0.249, the applicable  
16          minimum and maximum suspension or revocation periods under subd. 2., 3. or 4. for  
17          the conviction are tripled. If the person convicted' under a law of a federally  
18          recognized American Indian tribe or band in this state in conformity with s. 346.63  
19          (1) had an alcohol concentration of 0.25 or above, the applicable minimum and  
20          maximum suspension or revocation periods under subd. 2., 3. or 4. for the conviction  
21          are quadrupled.

22          **SECTION 30.** 343.31 (3) (c) of the statutes is amended to read:

23          343.31 (3) (c) Any person convicted under s. 940.09 (1) of causing the death of  
24          another or of an unborn child by the operation or handling of a motor vehicle shall  
25          have his or her operating privilege revoked for 5 years. If there was a minor



1 passenger under 16 years of age or an unborn child, as defined in s. 939.75 (1), in the  
2 motor vehicle at the time of the violation that gave rise to the conviction under s.  
3 940.09 (1), the revocation period is 10 years. If the person convicted under s. 940.09  
4 (1) had an alcohol concentration of 0.15 to 0.199, the revocation period is 10 years.

5 If the person convicted

6 0 . 2 4

7 had an alcohol concentration of 0.25 or above, the revocation period is 20 years.

8 **SECTION 31.** 343.31 (3) (e) of the statutes is amended to read:

9 343.31 (3) (e) Any person convicted under s. 346.63 (2) shall have his or her  
10 operating privilege revoked for not less than one year nor more than 2 years. If there  
11 was a minor passenger under 16 years of age in the motor vehicle at the time of the  
12 violation that gave rise to the conviction under s. 346.63 (2), the minimum and  
13 maximum revocation periods are doubled. If the person convicted under s. 346.63  
14 (2) had an alcohol concentration of 0.15 to 0.199, the minimum and maximum  
15 revocation periods are doubled. If the person convicted under s. 346.63 (2) had an  
16 alcohol concentration of 0.20 to 0.249, the minimum and maximum revocation  
17 periods are tripled. If the person convicted under s. 346.63 (2) had an alcohol  
18 concentration of 0.25 or above, the minimum and maximum revocation periods are  
19 quadrupled.

20 **SECTION 32.** 343.31 (3) (f) of the statutes is amended to read:

21 343.31 (3) (f) Any person convicted under s. 940.25 shall have his or her  
22 operating privilege revoked for 2 years. If there was a minor passenger under 16  
23 years of age or an unborn child, as defined in s. 939.75 (1), in the motor vehicle at the  
24 time of the violation that gave rise to the conviction under s. 940.25, the revocation  
25 period is 4 years. If the person convicted under s. 940.25 had an alcohol

1 concentration of 0.15 to 0.199, the revocation period is 4 years. If the person  
2 convicted under s. 940.25 had an alcohol concentration of 0.20 to 0.249, the  
3 revocation period is 6 years. If the person convicted under s. 940.25 had an alcohol  
4 concentration of 0.25 or above, the revocation period is 8 years.

5 **SECTION 33.** 346.65 (2) (a) of the statutes is amended to read:

6 346.65 (2) (a) Shall forfeit not less than \$150 nor more than \$300, except as  
7 provided in pars. (b) to ~~(f)~~ (g).

8 **SECTION 34.** 346.65 (2) (b) of the statutes is amended to read:

9 346.65 (2) (b) Except as provided in ~~par. pars.~~ (f) and (g), shall be fined not less  
10 than \$300 nor more than \$1,000 and imprisoned for not less than 5 days nor more  
11 than 6 months if the total number of suspensions, revocations and convictions  
12 counted under s. 343.307 (1) equals 2 within a lo-year period. Suspensions,  
13 revocations or convictions arising out of the same incident or occurrence shall be  
14 counted as one.

15 **SECTION 35.** 346.65 (2) (c) of the statutes is amended to read:

16 346.65 (2) (c) Except as provided in ~~par. pars.~~ (f) and (a), shall be fined not less  
17 than \$600 nor more than \$2,000 and imprisoned for not less than 30 days nor more  
18 than one year in the county jail if the total number of suspensions, revocations and  
19 convictions counted under s. 343.307 (1) equals 3, except that suspensions,  
20 revocations or convictions arising out of the same incident or occurrence shall be  
21 counted as one.

22 **SECTION 36.** 346.65 (2) (d) of the statutes is amended to read:

23 346.65 (2) (d) Except as provided in ~~par. pars.~~ (f) and (g), shall be fined not less  
24 than \$600 nor more than \$2,000 and imprisoned for not less than 60 days nor more  
25 than one year in the county jail if the total number of suspensions, revocations and

1 convictions counted under s. 343.307 (1) equals 4, except that suspensions,  
2 revocations or convictions arising out of the same incident or occurrence shall be  
3 counted as one.

4 **SECTION 37.** 346.65 (2) (e) of the statutes is amended to read:

5 346.65 (2) (e) Except as provided in ~~par. pars.~~ (f) and (g), shall be fined not less  
6 than \$600 nor more than \$2,000 and imprisoned for not less than 6 months nor more  
7 than 5 years if the total number of suspensions, revocations and convictions counted  
8 under s. 343.307 (1) equals 5 or more, except that suspensions, revocations or  
9 convictions arising out of the same incident or occurrence shall be counted as one.

10 **SECTION 38.** 346.65 (2) (g) of the statutes is created to read:

11 346.65 (2) (g) Shall, if he or she had an alcohol concentration of 0.15 to 0.199,  
12 be penalized double the applicable minimum and maximum forfeitures, fines or  
13 imprisonments under pars. (a) to (e). If the person had an alcohol concentration of  
14 0.20 to 0.249, he or she shall be penalized triple the applicable minimum and  
15 maximum forfeitures, fines or imprisonments under pars. (a) to (e). If the person had  
16 an alcohol concentration of 0.25 or above, he or she shall be penalized four times the  
17 applicable minimum and maximum forfeitures, fines or imprisonments under pars.  
18 (a) to (e). An offense under s. 346.63 (1) that subjects a person to a penalty under par.  
19 (c), (d) or (e) when the person had an alcohol concentration of 0.15 or above is a felony  
20 and the place of imprisonment shall be determined under s. 973.02. An offense under  
21 s. 346.63 (1) that subjects a person to a penalty under par. (b), (c), (d) or (e) when the  
22 person had an alcohol concentration of 0.20 or more is a felony and the place of  
23 imprisonment shall be determined under s. 973.02.

24 **SECTION 39.** 346.65 (2e) of the statutes is amended to read:

1           346.65 (2e) If the court determines that a person does not have the ability to  
2 pay the costs and fine or forfeiture imposed under sub. (2) (a), ~~(b), (c), (d), (e) or (f)~~ to  
3 (g), the court may reduce the costs, fine and forfeiture imposed and order the person  
4 to pay, toward the cost of the assessment and driver safety plan imposed under s.  
5 343.30 (lq) (c), the difference between the amount of the reduced costs and fine or  
6 forfeiture and the amount of costs and fine or forfeiture imposed under sub. (2) (a),  
7 ~~(b), (c), (d), (e) or (f)~~ to (g).

8           **SECTION 40.** 346.65 (2g) (a) of the statutes is amended to read:

9           346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)  
10 to provide that a defendant perform community service work for a public agency or  
11 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.  
12 (2) (b) ~~to (f)~~ (g), the court may provide that a defendant perform community service  
13 work for a public agency or a nonprofit charitable organization in lieu of part or all  
14 of a forfeiture under sub. (2) (a) or may require a person who is subject to sub. (2) to  
15 perform community service work for a public agency or a nonprofit charitable  
16 organization in addition to the penalties specified under sub. (2). Notwithstanding  
17 s. 973.05 (3) (b), an order may only apply if agreed to by the organization or agency.  
18 The court shall ensure that the defendant is provided a written statement of the  
19 terms of the community service order and that the community service order is  
20 monitored. Any organization or agency acting in good faith to which a defendant is  
21 assigned pursuant to an order under this subsection has immunity from any civil  
22 liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.  
23 The issuance or possibility of the issuance of a community service order under this  
24 subsection does not entitle an indigent defendant who is subject to sub. (2) (a) to  
25 representation by counsel under ch. 977.

**SECTION 41**

1           **SECTION 41.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) lg. and  
2 amended to read:

3           346.65 (6) (a) lg. Except as provided in this paragraph, the court may order a  
4 law enforcement officer to seize a motor vehicle, or, if the motor vehicle is not ordered  
5 seized, shall order a law enforcement officer to equip the motor vehicle with an  
6 ignition interlock device or immobilize any motor vehicle owned by the person whose  
7 operating privilege is revoked under s. 343.305 (10) or who committed a violation of  
8 **s. 346.63** (1) (a), (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or(d) or 940.25 (1) (a), (b),  
9 (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10) or  
10 who is convicted of the violation has 2 or more prior suspensions, revocations or  
11 convictions that would be counted under s. 343.307 (1). The court shall not order a  
12 motor vehicle equipped with an ignition interlock device or immobilized if that would  
13 result in undue hardship or extreme inconvenience or would endanger the health  
14 and safety of a person.

15           **SECTION 42.** 346.65 (6) (a) 1d. of the statutes is created to read:

16           346.65 (6) (a) 1d. Except as provided in this subdivision, the court may order  
17 a law enforcement officer to equip with an ignition interlock device a motor vehicle  
18 owned by the person whose operating privilege is revoked under s. 343.305 (10) or  
19 who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a),  
20 (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d). The court shall not order a motor vehicle  
21 equipped with an ignition interlock device if that would result in undue hardship or  
22 extreme inconvenience or would endanger the health or safety of a person.

23           **SECTION 43.** 346.65 (6) (a) 2. of the statutes is repealed.

24           **SECTION 44.** 346.65 (6) (a) 2m. of the statutes is amended to read:

1           346.65 (6) (a) 2m. A person who owns a motor vehicle subject to seizure,  
2           equipping with an ignition interlock device or immobilization under this paragraph  
3           shall surrender to the clerk of circuit court the certificate of title issued under ch. 342  
4           for every motor vehicle owned by the person. The person shall comply with this  
5           subdivision within 5 working days after receiving notification of this requirement  
6           from the district attorney. When a district attorney receives a copy of a notice of  
7           intent to revoke the operating privilege under s. 343.305 (9) (a) ~~of a person who has~~  
8           ~~2 or more convictions, suspensions or revocations, as counted under s. 343.307 (1),~~  
9           or when a district attorney notifies the department of the filing of a criminal  
10          complaint against a person under s. 342.12 (4) (a), the district attorney shall notify  
11          the person of the requirement to surrender all certificates of title to the clerk of circuit  
12          court. The notification shall include the time limits for that surrender, the penalty  
13          for failure to comply with the requirement and the address of the clerk of circuit  
14          court. The clerk of circuit court shall promptly return each certificate of title  
15          surrendered to the clerk of circuit court under this subdivision after stamping the  
16          certificate of title with the notation "Per section 346.65 (6) of the Wisconsin statutes,  
17          ownership of this motor vehicle may not be transferred without prior court approval".  
18          Any person failing to surrender a certificate of title as required under this  
19          subdivision shall forfeit not more than \$500.

20           **SECTION 45.** 346.65 (6) (d) of the statutes is amended to read:

21           346.65 (6) (d) At the hearing set under par. (c), the state has the burden of  
22          proving to a reasonable certainty by the greater weight of the credible evidence that  
23          the motor vehicle is a motor vehicle owned by a person who committed a violation of  
24          s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a),  
25          (b), (c) or (d) and, if the seizure is under par. (a) ~~1.~~ 1g., that the person had 2 or more

1 prior convictions, suspensions or revocations, as counted under s. 343.307 (1) ~~or, if~~  
2 ~~the seizure is under par. (a) 2., 3 or more prior convictions, suspensions or~~  
3 ~~revocations, as counted under s. 343.307 (1).~~ If the ~~,,(c) or (d),, (c) or (d)~~ state fails  
4 to meet the burden of proof required under this paragraph, the motor vehicle shall  
5 be returned to the owner upon the payment of storage costs.

6 **SECTION 46.** 346.93 (2g) of the statutes is created to read:

7 346.93 **(2g)** Any person violating this section may be required to forfeit not less  
8 than \$20 nor more than \$400 and shall have his or her operating privilege:

9 (a) For a first violation, suspended under s. 343.30 (6) (b) 1.

10 (b) For a violation committed within 12 months of a previous violation,  
11 suspended under s. 343.30 (6) (b) 2.

12 (c) For a violation committed within 12 months of 2 or more previous violations,  
13 suspended under s. 343.30 (6) (b) 3.

14 **SECTION 47.** 346.95 (2) of the statutes is amended to read:

15 346.95 (2) Any person violating s. 346.89 (1), ~~346.93~~ or 346.94 (2), (4) or (7) may  
16 be required to forfeit not less than \$20 nor more than \$400.

17 **SECTION 48.** 938.344 (2) (intro.) of the statutes is amended to read:

18 938.344 (2) (intro.) If a court finds a juvenile committed a violation under s.  
19 ~~25.07 (4) (b) or~~ 125.09 (2), or a local ordinance that strictly conforms to ~~one of those~~  
20 ~~statutes~~ that statute, the court shall order one or any combination of the following  
21 penalties:

22 **SECTION 49.** 938.344 (2) (c) of the statutes is amended to read:

23 938.344 (2) (c) For a violation committed within 12 months of 2 or more  
24 previous violations, a forfeiture of not more than \$500, ~~revocation~~ suspension of the  
25 juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's

1 participation in a supervised work program or other community service work under  
2 s. 938.34 (5g).

3 **SECTION 50.** 938.344 (2b) of the statutes is amended to read:

4 938.344 (2b) If a court finds a juvenile committed a violation under s. 125.07  
5 (4) (a) ~~or(b)~~, or a local ordinance which strictly conforms to s. 125.07 (4) (a) ~~or(b)~~, the  
6 court shall order one or any combination of the following penalties:

7 (a) For a first violation, a forfeiture of not less than \$250 nor more than \$5005  
8 ~~suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1~~  
9 or the juvenile's participation in a supervised work program or other community  
10 service work under s. 938.34 (5g). In addition to any nenalty imposed under this  
11 paragraph, the court shall susnend the iuvenile's onerating privilege as nrovided in  
12 s. 343.30 (6) (b) 1.

13 (b) For a violation committed within 12 months of a previous violation, a  
14 forfeiture of not less than \$300 nor more than \$500, ~~suspension of the juvenile's~~  
15 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's  
16 participation in a supervised work program or other community service work under  
17 s. 938.34 (5g). In addition to any nenalty imnosed under this paragraph, the court  
18 shall susnend the iuvenile's onerating privilege as provided in s. 343.30 (6) (b) 2.

19 (c) For a violation committed within 12 months of 2 or more previous violations,  
20 a forfeiture of \$500, ~~revocation of the juvenile's operating privilege as provided under~~  
21 ~~s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work program or  
22 other community service work under s. 938.34 (5g). In addition to any nenalty  
23 imposed under this paragraph, the court shall suspend the iuvenile's onerating  
24 privilege as nrovided in s. 343.30 (6) (b) 3.

25 **SECTION 51.** 938.344 (2d) (c) of the statutes is amended to read:



1           938.344 **(2d)** (c) For a violation committed within 12 months of 2 or more  
2 previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's  
3 operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's  
4 participation in a supervised work program or other community service work under  
5 s. 938.34 (5g).

6           **SECTION 52.** 940.09 (1d) of the statutes is renumbered 940.09 (1d) (b).

7           **SECTION 53.** 940.09 (1d) (a) of the statutes is created to read:

8           940.09 **(1d)** (a) If a person commits an offense under sub. (1) (a), (b), (c) or (d),  
9 the procedure under s. 346.65 (6) may be followed regarding the equipping of a motor  
10 vehicle owned by the person with an ignition interlock device.

11          **SECTION 54.** 940.25 (lc) of the statutes is created to read:

12          940.25 (lc) If the person convicted under s. 940.25 (1) had an alcohol  
13 concentration of 0.15 to 0.199, the applicable maximum fine or imprisonment for the  
14 conviction is doubled. If the person convicted under s. 940.25 (1) had an alcohol  
15 concentration of 0.20 to 0.249, the applicable maximum fine or imprisonment for the  
16 conviction is tripled. If the person convicted under s. 940.25 (1) had an alcohol  
17 concentration of 0.25 or above, the applicable maximum fine or imprisonment for the  
18 conviction is quadrupled.

19          **SECTION 55.** 940.25 (1d) of the statutes is renumbered 940.25 (Id) (b).

20          **SECTION 56.** 940.25 (Id) (a) of the statutes is created to read:

21          940.25 (1d) (a) If a person commits an offense under sub. (1) (a), (b), (c) or (d),  
22 the procedure under s. 346.65 may be followed regarding the equipping of a motor  
23 vehicle owned by the person with an ignition interlock device.

24          **SECTION 57.** 971.17 (1) of the statutes is amended to read:

1            971.17 **(1) COMMITMENT PERIOD.** When a defendant is found not guilty by reason  
2 of mental disease or mental defect, the court shall commit the person to the  
3 department of health and family services for a specified period not exceeding  
4 two-thirds of the maximum term of imprisonment that could be imposed under s.  
5 973.15 (2) (a) against an offender convicted of the same crime or crimes, including  
6 imprisonment authorized by ss. 346.65 (2) (f) or(g), (2j) (d) or (3m), 939.62, 939.621,  
7 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (lb), 940.25 (lb) and 961.48 and  
8 other penalty enhancement statutes, as applicable, subject to the credit provisions  
9 of s. 973.155. If the maximum term of imprisonment is life, the commitment period  
10 specified by the court may be life, subject to termination under sub. (5).

11            **SECTION 58.** 1997 Wisconsin Act 84, section 2 is repealed.

12            **SECTION 59.** 1997 Wisconsin Act 84, section 3 is repealed.

13            **SECTION 60.** 1997 Wisconsin Act 84, section 4 is repealed.

14            **SECTION 61.** 1997 Wisconsin Act 84, section 5 is repealed.

15            **SECTION 62.** 1997 Wisconsin Act 84, section 30 is repealed.

16            **SECTION 63.** 1997 Wisconsin Act 84, section 31 is repealed.

17            **SECTION 64.** 1997 Wisconsin Act 84, section 160 is repealed.

18            **SECTION 65.** 1997 Wisconsin Act 84, section 161 is repealed.

19            **SECTION 66.** 1997 Wisconsin Act 84, section 162 is repealed.

20            **SECTION 67. Initial applicability.**

21            (1) **MANDATORY OPERATING PRIVILEGE SUSPENSIONS.** The treatment of sections  
22 125.07 (4) (bs), (c) and (e) 2. (intro.), 343.30 (6) (b), 346.93 (2g), 346.95 (2) and 938.344  
23 (2) (intro.) and (c), (2b) and (2d) (c) of the statutes first applies to violations committed  
24 on the effective date of this subsection, but does not preclude the counting of other

**SECTION 67**

1 violations as prior violations for sentencing a person or for suspending or revoking  
2 a person's operating privilege.

**SECTION 68. Initial applicability.**

3 (1) This act first applies to offenses committed or refusals occurring on the  
4 effective date of this subsection, but does not preclude the counting of other violations  
5 as prior convictions, suspensions or revocations for purposes of administrative action  
6 by the department of transportation, sentencing by a court, revocation or suspension  
7 of operating privileges or determining the prohibited alcohol concentration.  
8

**SECTION 69. Effective date.**

9 (1) This act takes effect on the first day of the 4th month beginning after  
10 publication.

(END)

the renumbering and amendment of sections 343.10 (6) and 343.21 (1)(j) of the statutes  
the renumbering of sections 343.305 (10m), 940.09 (1d) and 940.25 (1d) of the statutes and

(c) Intoxicated driver programs. The treatment of sections 20.395 (5)(er), 85.53(3), 85.55, 340.01 (46m) (b) and (c), 342.12 (4)(a) and (c) 1. (intro.), 343.10 (5)(a) 3, (6) and (6)(b), 343.21 (c)(j) and (c)(j) 2., 343.30 (1g) (b) 2., 3., 4. and 4p., 343.305 (10)(b) 2., 3. and 4. (10m) and (10m)(a), 343.31 (3) (bm) 2., 3., 4. and 4p., (c), (e) and (f), 346.65 (2)(a), (b), (c), (d), (e) and (g), (2e), (2g)(a) and (6)(a) 1., 1d., 2. and 2m. (g) and (d), 940.09 (1d) and (1d)(a), 940.25 (1c) and (1d)(a) and 971.17 (1) of the statutes

Handwritten text, possibly a signature or name, located in the lower-left quadrant of the page.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

2126  
LRB-2348/P/dn 3  
P EN: kmg:km  
ERPN

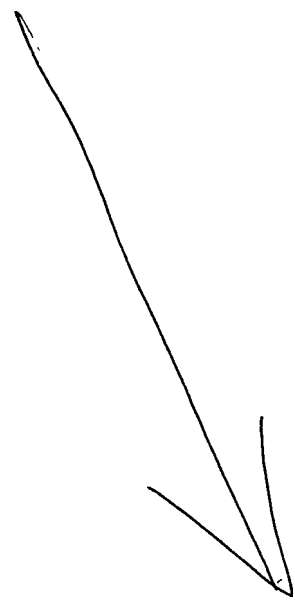
February 25, 1999

Rep. Stone:

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

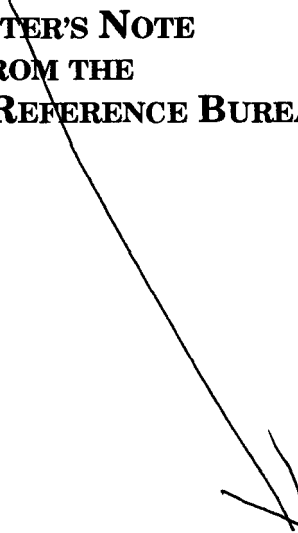
This draft necessarily accelerates changes made by 1997 Wisconsin Act 84, which takes effect on May 1, 2000. This bill repeals some sections of that act, and duplicates the treatment of the statutes by those repealed sections, in order to immediately increase the suspension period of an underage person's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

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



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2141/P1dn  
RPN.....



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



**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 I? Nelson  
Senior Legislative Attorney  
Phone: (608) 267-75 11