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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2141/P8

RPN&PEN:kmg&cmh:ch

Today?

cmh

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

regen cat

1 AN ACT *to repeal* 346.65 (6) (a) 2.; *to renumber* 343.305 (10m), 940.09 (1d) 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), 125.07 (4) (bs), 125.07 (4) (c), 125.07 (4) (e) 2. (intro.),
4 340.01 (46m) (b), 342.12 (4) (a), 342.12 (4) (c) 1. (intro.), 343.10 (5) (a) 3., 343.30
5 (1q) (b) 2., 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.30 (6) (b), 343.305 (10) (b) 2.,
6 343.305 (10) (b) 3., 343.305 (10) (b) 4., 343.31 (3) (bm) 2., 343.31 (3) (bm) 3.,
7 343.31 (3) (bm) 4., 343.31 (3) (c), 343.31 (3) (e), 343.31 (3) (f), 346.65 (2) (a),
8 346.65 (2) (b), 346.65 (2) (c), 346.65 (2) (d), 346.65 (2) (e), 346.65 (2e), 346.65 (2g)
9 (a), 346.65 (6) (a) 2m., 346.65 (6) (d), 346.95 (2), 938.344 (2) (intro.), 938.344 (2)
10 (c), 938.344 (2b), 938.344 (2d) (c) and 971.17 (1); *to create* 20.395 (5) (er), 85.55,
11 340.01 (46m) (c), 343.10 (6) (b), 343.21 (1) (j) 2., 343.30 (1q) (b) 4p., 343.305
12 (10m) (a), 343.31 (3) (bm) 4p., 346.65 (2) (g), 346.65 (6) (a) 1d., 346.93 (2g),
13 940.09 (1d) (a), 940.25 (1c) and 940.25 (1d) (a) of the statutes; and *to affect* 1997
14 Wisconsin Act 84, section 2, 1997 Wisconsin Act 84, section 3, 1997 Wisconsin
15 Act 84, section 4, 1997 Wisconsin Act 84, section 5, 1997 Wisconsin Act 84,

1 section 30, 1997 Wisconsin Act 84, section 31, 1997 Wisconsin Act 84, section
2 160, 1997 Wisconsin Act 84, section 161 and 1997 Wisconsin Act 84, section 162:

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

the violator was convicted to bring that action.

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.

Under current law, the district attorney of the county where the motor vehicle was seized is required to bring the action to forfeit the seized motor vehicle. This bill allows that district attorney or the district attorney of the county where

Increased imprisonment for OWI offenses.
 This bill increases the mandatory minimum imprisonment for persons convicted of an OWI from five days to 30 days for the second offense, 30 days to 60 days for the third offense, and 60 days to 120 days for the fourth offense.

Under current law, a person who has one or no prior OWI convictions, suspensions or revocations 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 OWI 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 OWI 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.

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

will become 60 years imprisonment on December 31, 1999.

offense

for that offense

These penalty increases do not apply to homicide by intoxicated use of a vehicle. The maximum penalty is currently 30 years imprisonment and

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.

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:

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

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

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

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

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

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

18 125.07 (4) (bs) Any person violating par. (a) ~~is subject to the following penalties~~
19 shall be penalized as follows:

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

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

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

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

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

20 125.07 (4) (c) Any person violating par. (b) ~~is subject to the following penalties~~
21 shall be penalized as follows:

22 1. For a first violation, the person's operating privilege shall be suspended
23 under s. 343.30 (6) (b) 1. In addition, the person is subject to a forfeiture of not less
24 than \$100 nor more than \$200, ~~suspension of the person's operating privilege as~~

1 ~~provided under s. 343.30 (6) (b) 1.,~~ participation in a supervised work program or
2 other community service work under par. (cg) or any combination of these penalties.

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

9 3. For a violation committed within 12 months of 2 previous violations, the
10 person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In addition,
11 the person is subject to either a forfeiture of not less than \$300 nor more than \$500,
12 revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation
13 in a supervised work program or other community service work under par. (cg) or any
14 combination of these penalties.

15 4. For a violation committed within 12 months of 3 or more previous violations,
16 the person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In
17 addition, the person is subject to either a forfeiture of not less than \$500 nor more
18 than \$1,000, revocation of the person's operating privilege under s. 343.30 (6) (b) 3.,
19 participation in a supervised work program or other community service work under
20 par. (cg) or any combination of these penalties.

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

22 125.07 (4) (e) 2. (intro.) After ordering a penalty under par. (bs) or (c), the court,
23 with the agreement of the defendant, may enter an additional order staying the
24 execution of the penalty order and suspending or modifying the penalty imposed,
25 except that the court may not stay, suspend or modify the suspension of a person's

1 operating privilege required under par. (bs) or (c). The order under this subdivision
2 shall require the defendant to do any of the following:

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

4 340.01 (46m) (b) If the person has 2 ~~or more~~ prior convictions, suspensions or
5 revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

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

7 340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or
8 revocations, as counted under s. 343.307 (1), an alcohol concentration of more than
9 0.02.

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

11 342.12 (4) (a) The district attorney shall notify the department when he or she
12 files a criminal complaint against a person who has been arrested for violating s.
13 346.63 (1) or (2), 940.09 (1) or 940.25 ~~and who has 2 or more prior convictions,~~
14 ~~suspensions or revocations, as counted under s. 343.307 (1).~~ Except as provided
15 under par. (c), the department may not issue a certificate of title transferring
16 ownership of any motor vehicle owned by the person upon receipt of a notice under
17 this subsection until the court assigned to hear the criminal complaint issues an
18 order permitting the department to issue a certificate of title.

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

20 342.12 (4) (c) 1. (intro.) The department shall issue a certificate of title
21 transferring ownership of a motor vehicle that was owned by a person who has
22 received a notice of intent to revoke the person's operating privilege under s. 343.305
23 (9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 ~~and~~
24 ~~who has 2 or more prior convictions, suspensions or revocations, as counted under~~
25 ~~s. 343.307 (1),~~ if all of the following conditions are met:

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

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

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

18 343.10 (6) (a) ~~No~~ Except as provided in par. (b), no person may file an
19 application for an occupational license under sub. (1) unless he or she first pays a fee
20 of \$40 to the department.

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

22 343.10 (6) (b) No person whose operating privilege is restricted to operating
23 only vehicles equipped with an ignition interlock device may file an application for
24 an occupational license under sub. (1) unless he or she first pays a fee of \$70 to the

1 department. Forty-three percent of the fees collected under this paragraph shall be
2 credited to the appropriation account under s. 20.395 (5) (er).

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

5 343.21 (1) (j) 1. ~~For~~ Except as provided in subd. 2., for reinstatement of an
6 operating privilege previously revoked or suspended, \$50.

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

8 343.21 (1) (j) 2. For reinstatement of an operating privilege previously revoked
9 or suspended, \$80 if the person's operating privilege is restricted under s. 343.38 (5)
10 to operating vehicles equipped with an ignition interlock device and the person has
11 not paid a fee under s. 343.10 (6) (b) within the past 2 years. Thirty-eight percent
12 of the fees collected under this subdivision shall be credited to the appropriation
13 under s. 20.395 (5) (er).

14 **SECTION 16.** 343.30 (1q) (b) 2. of the statutes is amended to read:

15 343.30 (1q) (b) 2. Except as provided in subd. 3., 4. ~~or~~ 4m. or 4p., for the first
16 conviction, the court shall suspend the person's operating privilege for not less than
17 6 months nor more than 9 months. The person is eligible for an occupational license
18 under s. 343.10 at any time.

19 **SECTION 17.** 343.30 (1q) (h) 3. of the statutes is amended to read:

20 343.30 (1q) (b) 3. Except as provided in subd. 4m. or 4p., if the number of
21 convictions, suspensions and revocations within a 10-year period equals 2, the court
22 shall revoke the person's operating privilege for not less than one year nor more than
23 18 months. After the first 60 days of the revocation period, the person is eligible for
24 an occupational license under s. 343.10 if he or she has completed the assessment and
25 is complying with the driver safety plan ordered under par. (c).

1 **SECTION 18.** 343.30 (1q) (b) 4. of the statutes is amended to read:

2 343.30 (1q) (b) 4. Except as provided in subd. 4m. or 4p., if the number of
3 convictions, suspensions and revocations equals 3 or more, the court shall revoke the
4 person's operating privilege for not less than 2 years nor more than 3 years. After
5 the first 90 days of the revocation period, the person is eligible for an occupational
6 license under s. 343.10 if he or she has completed the assessment and is complying
7 with the driver safety plan ordered under par. (c).

8 **SECTION 19.** 343.30 (1q) (b) 4p. of the statutes is created to read:

9 343.30 (1q) (b) 4p. If he or she had an alcohol concentration of 0.15 to 0.199,
10 the applicable minimum and maximum suspension or revocation periods under
11 subd. 2., 3. or 4. for the conviction are doubled. If the person convicted under s. 346.63
12 (1) or a local ordinance in conformity with s. 346.63 (1) had an alcohol concentration
13 of 0.20 to 0.249, the applicable minimum and maximum suspension or revocation
14 periods under subd. 2., 3. or 4. for the conviction are tripled. If the person convicted
15 under s. 346.63 (1) or a local ordinance in conformity with s. 346.63 (1) had an alcohol
16 concentration of 0.25 or above, the applicable minimum and maximum suspension
17 or revocation periods under subd. 2., 3. or 4. for the conviction are quadrupled.

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

19 343.30 (6) (b) If Whenever a court imposes suspension ~~or revocation~~ of a
20 person's operating privilege under s. 125.07 (4) (bs) or (c) or 938.344 (2), (2b) or (2d),
21 the suspension ~~or revocation~~ imposed shall be one of the following:

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

24 2. For a violation committed within 12 months of a previous violation,
25 suspension for not ~~more less than~~ one year nor more than 18 months.

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

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

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

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

9 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions,
10 suspensions and revocations within a 10-year period equals 2, the court shall revoke
11 the person's operating privilege for not less than 2 years nor more than 6 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.

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

16 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions,
17 suspensions and revocations equals 3 or more, the court shall revoke the person's
18 operating privilege for not less than 3 years nor more than 12 years. After the first
19 120 days of the revocation period, the person is eligible for an occupational license
20 under s. 343.10 if he or she has completed the assessment and is complying with the
21 driver safety plan.

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

23 **SECTION 25.** 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 26.** 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 27.** 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 28.** 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 29.** 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 30.** 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. 940.09 (1)
2 had an alcohol concentration of 0.25 or above, the revocation period is 20 years.

3 **SECTION 31.** 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 32.** 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 33.** 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 34. 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~~³⁰ 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 35. 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~~⁶⁰ 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 36. 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~~¹²⁰ 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 37. 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 38.** 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 39.** 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 40.** 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 41.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) 1g. and
22 amended to read:

23 346.65 (6) (a) 1g. 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 42.** 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 43.** 346.65 (6) (a) 2. of the statutes is repealed.

19 **SECTION 44.** 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
subdivision shall forfeit not more than \$500.

*- 134
insert
2014* → SECTION 45. 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 ~~,, (e) or (d),, (e) 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 46. 346.93 (2g) of the statutes is created to read:

1 346.93 (2g) Any person violating this section may be required to forfeit not less
2 than \$20 nor more than \$400 and shall have his or her operating privilege:

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

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

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

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

9 346.95 (2) Any person violating s. 346.89 (1), ~~346.93~~ or 346.94 (2), (4) or (7) may
10 be required to forfeit not less than \$20 nor more than \$400.

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

12 938.344 (2) (intro.) If a court finds a juvenile committed a violation under s.
13 ~~125.07 (4) (b) or~~ 125.09 (2), or a local ordinance that strictly conforms to ~~one of these~~
14 ~~statutes that statute~~, the court shall order one or any combination of the following
15 penalties:

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

17 938.344 (2) (c) For a violation committed within 12 months of 2 or more
18 previous violations, a forfeiture of not more than \$500, ~~revocation~~ suspension of the
19 juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
20 participation in a supervised work program or other community service work under
21 s. 938.34 (5g).

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

23 938.344 (2b) If a court finds a juvenile committed a violation under s. 125.07
24 (4) (a) or (b), or a local ordinance which strictly conforms to s. 125.07 (4) (a) or (b), the
25 court shall order one or any combination of the following penalties:

1 (a) For a first violation, a forfeiture of not less than \$250 nor more than \$500,
2 ~~suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.~~
3 or the juvenile's participation in a supervised work program or other community
4 service work under s. 938.34 (5g). In addition to any penalty imposed under this
5 paragraph, the court shall suspend the juvenile's operating privilege as provided in
6 s. 343.30 (6) (b) 1.

7 (b) For a violation committed within 12 months of a previous violation, a
8 forfeiture of not less than \$300 nor more than \$500, ~~suspension of the juvenile's~~
9 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's
10 participation in a supervised work program or other community service work under
11 s. 938.34 (5g). In addition to any penalty imposed under this paragraph, the court
12 shall suspend the juvenile's operating privilege as provided in s. 343.30 (6) (b) 2.

13 (c) For a violation committed within 12 months of 2 or more previous violations,
14 a forfeiture of \$500, ~~revocation of the juvenile's operating privilege as provided under~~
15 ~~s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work program or
16 other community service work under s. 938.34 (5g). In addition to any penalty
17 imposed under this paragraph, the court shall suspend the juvenile's operating
18 privilege as provided in s. 343.30 (6) (b) 3.

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

20 938.344 (2d) (c) For a violation committed within 12 months of 2 or more
21 previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's
22 operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
23 participation in a supervised work program or other community service work under
24 s. 938.34 (5g).

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

1 **SECTION 53.** 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 54.** 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 55.** 940.25 (1d) of the statutes is renumbered 940.25 (1d) (b).

14 **SECTION 56.** 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 57.** 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 (1b), 940.25 (1b) 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 58.** 1997 Wisconsin Act 84, section 2 is repealed.

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

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

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

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

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

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

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

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

13 **SECTION 67. Initial applicability.**

14 (1) **MANDATORY OPERATING PRIVILEGE SUSPENSIONS.** The treatment of sections
15 125.07 (4) (bs), (c) and (e) 2. (intro.), 343.30 (6) (b), 346.93 (2g), 346.95 (2) and 938.344
16 (2) (intro.) and (c), (2b) and (2d) (c) of the statutes first applies to violations committed
17 on the effective date of this subsection, but does not preclude the counting of other
18 violations as prior violations for sentencing a person or for suspending or revoking
19 a person's operating privilege.

20 (2) **INTOXICATED DRIVER PROGRAMS.** The treatment of sections 20.395 (5) (er),
21 ~~85.53 (3)~~ 85.55, 340.01 (46m) (b) and (c), 342.12 (4) (a) and (c) 1. (intro.), 343.10 (5)
22 (a) 3. and (6) (b), 343.21 (1) (j) 2., 343.30 (1q) (b) 2., 3., 4. and 4p., 343.305 (10) (b) 2.,
23 3. and 4. and (10m) (a), 343.31 (3) (bm) 2., 3., 4. and 4p., (c), (e) and (f), 346.65 (2) (a),
24 (b), (c), (d), (e) and (g), (2e), (2g) (a) and (6) (a) 1., 1d., 2. and 2m. and (d), 940.09 (1d)
25 (a) 940.25 (1c) and (1d) (a) and 971.17 (1) of the statutes, the renumbering of sections

1 343.305 (10m), 940.09 (1d) and 940.25 (1d) of the statutes and the renumbering and
2 amendment of sections 343.10 (6) and 343.21 (1) (j) of the statutes first apply to
3 violations committed or refusals occurring on the effective date of this subsection, but
4 does not preclude the counting of other convictions, suspensions or revocations as
5 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 68. Effective date.**

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

11 (END)

Inser f
20-14

score
text →

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),(b),(c) or (d),

Section #. 346.65 (6) (c) of the statutes is amended to read:

underscore
text

~~or of the county where the owner's operating
privilege was revoked under §. 343.305 (1d) or
where the owner committed the violation under §. 346.65 (6) (c)~~

346.65 (6) (c) The district attorney of the county where the motor vehicle was seized shall commence an action to forfeit the motor vehicle within 30 days after the motor vehicle is seized. The action shall name the owner of the motor vehicle and all lienholders of record as parties. The forfeiture action shall be commenced by filing a summons, complaint and affidavit of the law enforcement agency with the clerk of circuit court. Upon service of an answer, the action shall be set for hearing within 60 days after the service of the answer. If no answer is served or no issue of law or fact joined and the time for that service or joining of issues has expired, the court may render a default judgment as provided in s. 806.02.

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; s. 13.93 (2) (c).

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/4/99

To: Representative Stone

Relating to LRB drafting number: LRB-2141

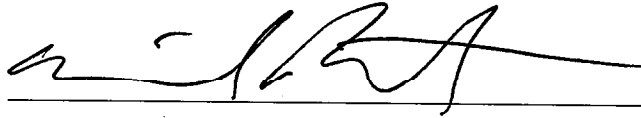
Topic

Comprehensive operating while intoxicated legislation

Subject(s)

Drunk Driving - alcohol level, Drunk Driving - penalties, Drunk Driving - procedures, Transportation - motor vehicles, Beverages - miscellaneous

1. **JACKET** the draft for introduction




in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction



If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

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

LRB or Bill No./Adm. Rule No.
LRB 2141/1

Amendment No. if Applicable

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/94)

Subject
Operating a motor vehicle while under the influence of an intoxicant or drugs or both

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

s.20.475(1)(d)

Assumptions Used in Arriving at Fiscal Estimate

This bill has the possibility of reducing the workload of district attorneys offices by also allowing the DA in the county where the person was convicted to bring a vehicle seizure action. Under current law only the DA in the county where the vehicle was seized may do this. This change may allow for the more efficient use of prosecutorial resources by reducing travel time.

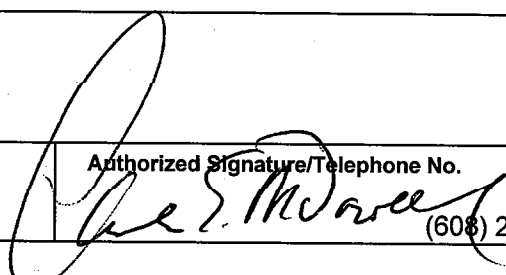
Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)

DA/Stuart Morse (608) 267-2700

Authorized Signature/Telephone No.



(608) 267-3836

Date

March 10, 1999

FISCAL ESTIMATE FORM

1999 Session

ORIGINAL

UPDATED

LRB
LRB # - 2141/1

CORRECTED

SUPPLEMENTAL

INTRODUCTION #

AB 221

Admin. Rule #

Subject

Operating a motor vehicle while under the influence of an intoxicant or drugs, or both. Ordering of a an ignition interlock device.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation

Increase Existing Revenues

Decrease Existing Appropriation

Decrease Existing Revenues

Decrease Costs

Create New Appropriation

Local: No local government costs

1. Increase Costs

Permissive Mandatory

3. Increase Revenues

Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities

2. Decrease Costs

Permissive Mandatory

4. Decrease Revenues

Permissive Mandatory

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

No fiscal impact.

Long-Range Fiscal Implications:

Prepared By: / Phone # / Agency Name

Alan Lee/6-0020/DOJ

Authorized Signature / Telephone No. *71432*

Jolana M. Richard

Date

3/16/99

LRB or Bill No./Adm. Rule No.
LRB 2141/1

Amendment No. if Applicable

FISCAL ESTIMATE
DOA-2048 N(R10/98)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject
Changes to the OWI laws

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

s. 20.550(1)(d)

Assumptions Used in Arriving at Fiscal Estimate

This bill makes various changes to the OWI laws. Enactment of this bill would have the following fiscal impact on the State Public Defender's Office (SPD).

First, the bill's provision reducing the prohibited alcohol concentration (PAC) from .08 to .02 for persons with three or more prior OWI convictions would likely increase the number of OWI cases handled by the SPD, thus increasing costs.

Second, the bill's provisions increasing the mandatory minimum period of imprisonment for OWI 2nd, 3rd, and 4th may affect the number of persons who opt to have a jury trial instead of plead guilty to the charge, thus increasing costs.

Third, the bill's provisions doubling, tripling, and quadrupling the penalties for OWIs involving certain PAC levels will increase costs because such provisions would change certain OWIs from misdemeanors to felonies. Felony cases are more expensive than misdemeanor cases because additional hearings are involved (i.e. a preliminary hearing) and the penalties are more severe. Also, longer suspension and revocation periods as well as an increase in fine amounts could increase the number of operating after suspension (OAS) or operating after revocation (OAR) cases.

Finally, the bill's provisions making suspensions mandatory for juveniles involved in certain alcohol offenses could increase the number of OAS or OAR cases.

With the data presently available, the SPD is unable to estimate the costs involved with the above provisions. Also, this fiscal estimate assumes that the private bar would handle any additional cases that may be created by enactment of this bill.

Long-Range Fiscal Implications
Indeterminate at this time.

Agency/Prepared by: (Name & Phone No.)
SPD/Tracey J. Lencioni/1-8857

Authorized Signature/Telephone No.
Virginia A. Pincus 4-8560

Date
7/30/99



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2141/1
RPN&PEN:cmh:km

cmh

1999 BILL

repeal ca f.

1 AN ACT to repeal 346.65 (6) (a) 2.; to renumber 343.305 (10m), 940.09 (1d) 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 125.07 (4) (bs), 125.07 (4) (c), 125.07 (4) (e) 2. (intro.), 340.01
4 (46m) (b), 342.12 (4) (a), 342.12 (4) (c) 1. (intro.), 343.10 (5) (a) 3., 343.30 (1q) (b)
5 2., 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.30 (6) (b), 343.305 (10) (b) 2., 343.305
6 (10) (b) 3., 343.305 (10) (b) 4., 343.31 (3) (bm) 2., 343.31 (3) (bm) 3., 343.31 (3)
7 (bm) 4., 343.31 (3) (c), 343.31 (3) (e), 343.31 (3) (f), 346.65 (2) (a), 346.65 (2) (b),
8 346.65 (2) (c), 346.65 (2) (d), 346.65 (2) (e), 346.65 (2e), 346.65 (2g) (a), 346.65
9 (6) (a) 2m., 346.65 (6) (c), 346.65 (6) (d), 346.95 (2), 938.344 (2) (intro.), 938.344
10 (2) (c), 938.344 (2b), 938.344 (2d) (c) and 971.17 (1); to create 20.395 (5) (er),
11 85.55, 340.01 (46m) (c), 343.10 (6) (b), 343.21 (1) (j) 2., 343.30 (1q) (b) 4p.,
12 343.305 (10m) (a), 343.31 (3) (bm) 4p., 346.65 (2) (g), 346.65 (6) (a) 1d., 346.93
13 (2g), 940.09 (1d) (a), 940.25 (1c) and 940.25 (1d) (a) of the statutes; and to affect
14 1997 Wisconsin Act 84, section 2, 1997 Wisconsin Act 84, section 3, 1997

BILL

1 Wisconsin Act 84, section 4, 1997 Wisconsin Act 84, section 5, 1997 Wisconsin
2 Act 84, section 30, 1997 Wisconsin Act 84, section 31, 1997 Wisconsin Act 84,
3 section 160, 1997 Wisconsin Act 84, section 161 and 1997 Wisconsin Act 84,
4 section 162; **relating to:** operating a motor vehicle while under the influence
5 of an intoxicant or drugs, or both; installation of an ignition interlock device in
6 cases involving intoxicated operation of a motor vehicle; seizure of motor
7 vehicles for offenses related to driving while under the influence of an
8 intoxicant; the prohibited alcohol concentration related to operating a motor
9 vehicle while under the influence of an intoxicant; creating a safe-ride grant
10 program; certain alcohol beverage offenses committed by persons under the
11 legal drinking age; making an appropriation; and providing penalties.

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.

BILL

Under current law, the district attorney of the county where the motor vehicle was seized is required to bring the action to forfeit the seized motor vehicle. This bill allows that district attorney or the district attorney of the county where the violator was convicted to bring that action.

Blood alcohol concentration

Under current law, a person who has one or no prior OWI convictions, suspensions or revocations 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 OWI 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 OWI convictions, suspensions or revocations from operating a motor vehicle if the alcohol concentration in the person's blood is more than 0.02.

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 imprisonment for OWI offenses

This bill increases the mandatory minimum imprisonment for persons convicted of an OWI offense from five days to 30 days for the second offense, 30 days to 60 days for the third offense and 60 days to 120 days for the fourth offense.

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.~~ These penalty increases do not apply to homicide by intoxicated use of a vehicle. The maximum penalty for that offense is currently 40 years imprisonment and will become 60 years imprisonment on December 31, 1999.

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

a

who has
a second
or subsequent
OWI offense

BILL

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.

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.** 85.55 of the statutes is created to read:

BILL

1 **85.55 Safe-ride grant program.** The department may award grants to any
2 county or municipality to cover the costs of transporting persons suspected of having
3 a prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises
4 licensed under ch. 125 to sell alcohol beverages to their places of residence. The
5 amount of a grant under this section may not exceed 50% of the costs necessary to
6 provide the service. Grants awarded under this section shall be paid from the
7 appropriation under s. 20.395 (5) (er).

8 **SECTION 3.** 125.07 (4) (bs) of the statutes is amended to read:

9 125.07 (4) (bs) Any person violating par. (a) ~~is subject to the following penalties~~
10 shall be penalized as follows:

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

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

22 3. For a violation committed within 12 months of 2 previous violations, the
23 person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In addition,
24 the person is subject to either a forfeiture of not less than \$500 nor more than \$750,
25 revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation

BILL**SECTION 3**

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

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

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

10 125.07 (4) (c) Any person violating par. (b) ~~is subject to the following penalties~~
11 shall be penalized as follows:

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

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

23 3. For a violation committed within 12 months of 2 previous violations, the
24 person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In addition,
25 the person is subject to either a forfeiture of not less than \$300 nor more than \$500,

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1 ~~revocation of the person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation
2 in a supervised work program or other community service work under par. (cg) or any
3 combination of these penalties.

4 4. For a violation committed within 12 months of 3 or more previous violations,
5 the person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In
6 addition, the person is subject to either a forfeiture of not less than \$500 nor more
7 than \$1,000, revocation of the person's operating privilege under s. 343.30 (6) (b) 3.,
8 participation in a supervised work program or other community service work under
9 par. (cg) or any combination of these penalties.

10 **SECTION 5.** 125.07 (4) (e) 2. (intro.) of the statutes is amended to read:

11 125.07 (4) (e) 2. (intro.) After ordering a penalty under par. (bs) or (c), the court,
12 with the agreement of the defendant, may enter an additional order staying the
13 execution of the penalty order and suspending or modifying the penalty imposed,
14 except that the court may not stay, suspend or modify the suspension of a person's
15 operating privilege required under par. (bs) or (c). The order under this subdivision
16 shall require the defendant to do any of the following:

17 **SECTION 6.** 340.01 (46m) (b) of the statutes is amended to read:

18 340.01 (46m) (b) If the person has 2 ~~or more~~ prior convictions, suspensions or
19 revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

20 **SECTION 7.** 340.01 (46m) (c) of the statutes is created to read:

21 340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or
22 revocations, as counted under s. 343.307 (1), an alcohol concentration of more than
23 0.02.

24 **SECTION 8.** 342.12 (4) (a) of the statutes is amended to read:

BILL**SECTION 8**

1 342.12 (4) (a) The district attorney shall notify the department when he or she
2 files a criminal complaint against a person who has been arrested for violating s.
3 346.63 (1) or (2), 940.09 (1) or 940.25 ~~and who has 2 or more prior convictions,~~
4 ~~suspensions or revocations, as counted under s. 343.307 (1).~~ Except as provided
5 under par. (c), the department may not issue a certificate of title transferring
6 ownership of any motor vehicle owned by the person upon receipt of a notice under
7 this subsection until the court assigned to hear the criminal complaint issues an
8 order permitting the department to issue a certificate of title.

9 **SECTION 9.** 342.12 (4) (c) 1. (intro.) of the statutes is amended to read:

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

16 **SECTION 10.** 343.10 (5) (a) 3. of the statutes is amended to read:

17 343.10 (5) (a) 3. ~~If the applicant has 2 or more prior convictions, suspensions~~
18 ~~or revocations, as counted under s. 343.307 (1), the~~ The occupational license of the
19 applicant shall restrict the applicant's operation under the occupational license to
20 vehicles that are equipped with a functioning ignition interlock device if the court
21 has ordered under s. 346.65 (6) (a) ~~1. 1d. or 1g.~~ that a motor vehicle owned by the
22 person be equipped with an ignition interlock device. A person to whom a restriction
23 under this subdivision applies violates that restriction if he or she requests or
24 permits another to blow into an ignition interlock device or to start a motor vehicle
25 equipped with an ignition interlock device for the purpose of providing the person an

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1 operable motor vehicle without the necessity of first submitting a sample of his or her
2 breath to analysis by the ignition interlock device. If the occupational license
3 restricts the applicant's operation to a vehicle that is equipped with an ignition
4 interlock device, the applicant shall be liable for the reasonable costs of equipping
5 the vehicle with the ignition interlock device.

6 **SECTION 11.** 343.10 (6) of the statutes is renumbered 343.10 (6) (a) and
7 amended to read:

8 343.10 (6) (a) ~~No~~ Except as provided in par. (b), no person may file an
9 application for an occupational license under sub. (1) unless he or she first pays a fee
10 of \$40 to the department.

11 **SECTION 12.** 343.10 (6) (b) of the statutes is created to read:

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

17 **SECTION 13.** 343.21 (1) (j) of the statutes is renumbered 343.21 (1) (j) 1. and
18 amended to read:

19 343.21 (1) (j) 1. ~~For~~ Except as provided in subd. 2., for reinstatement of an
20 operating privilege previously revoked or suspended, \$50.

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

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

BILL**SECTION 14**

1 of the fees collected under this subdivision shall be credited to the appropriation
2 under s. 20.395 (5) (er).

3 **SECTION 15.** 343.30 (1q) (b) 2. of the statutes is amended to read:

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

8 **SECTION 16.** 343.30 (1q) (b) 3. of the statutes is amended to read:

9 343.30 (1q) (b) 3. Except as provided in subd. ~~4m.~~ or 4p., if the number of
10 convictions, suspensions and revocations within a 10-year period equals 2, the court
11 shall revoke the person's operating privilege for not less than one year nor more than
12 18 months. After the first 60 days of the revocation period, the person is eligible for
13 an occupational license under s. 343.10 if he or she has completed the assessment and
14 is complying with the driver safety plan ordered under par. (c).

15 **SECTION 17.** 343.30 (1q) (b) 4. of the statutes is amended to read:

16 343.30 (1q) (b) 4. Except as provided in subd. ~~4m.~~ or 4p., if the number of
17 convictions, suspensions and revocations equals 3 or more, the court shall revoke the
18 person's operating privilege for not less than 2 years nor more than 3 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 ordered under par. (c).

22 **SECTION 18.** 343.30 (1q) (b) 4p. of the statutes is created to read:

23 343.30 (1q) (b) 4p. If he or she had an alcohol concentration of 0.15 to 0.199,
24 the applicable minimum and maximum suspension or revocation periods under
25 subd. ~~3.~~ 3. or 4. for the conviction are doubled. If the person convicted under s. 346.63

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1 (1) or a local ordinance in conformity with s. 346.63 (1) had an alcohol concentration
2 of 0.20 to 0.249, the applicable minimum and maximum suspension or revocation
3 periods under subd. ~~3.~~ 3. or 4. for the conviction are tripled. If the person convicted
4 under s. 346.63 (1) or a local ordinance in conformity with s. 346.63 (1) had an alcohol
5 concentration of 0.25 or above, the applicable minimum and maximum suspension
6 or revocation periods under subd. ~~3.~~ 3. or 4. for the conviction are quadrupled.

7 **SECTION 19.** 343.30 (6) (b) of the statutes is amended to read:

8 343.30 (6) (b) If Whenever a court imposes suspension ~~or revocation~~ of a
9 person's operating privilege under s. 125.07 (4) (bs) or (c) or 938.344 (2), (2b) or (2d),
10 the suspension ~~or revocation~~ imposed shall be one of the following:

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

13 2. For a violation committed within 12 months of a previous violation,
14 suspension for not ~~more~~ less than one year nor more than 18 months.

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

17 **SECTION 20.** 343.305 (10) (b) 2. of the statutes is amended to read:

18 343.305 (10) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
19 improper refusal, the court shall ~~revoke~~ the person's operating privilege for not less
20 than one year nor more than 3 years. After the first 30 days of the revocation period,
21 the person is eligible for an occupational license under s. 343.10.

22 **SECTION 21.** 343.305 (10) (b) 3. of the statutes is amended to read:

23 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions,
24 suspensions and revocations within a 10-year period equals 2, the court shall revoke
25 the person's operating privilege for not less than 2 years nor more than 6 years. After

BILL**SECTION 21**

1 the first 90 days of the revocation period, the person is eligible for an occupational
2 license under s. 343.10 if he or she has completed the assessment and is complying
3 with the driver safety plan.

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

5 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions,
6 suspensions and revocations equals 3 or more, the court shall revoke the person's
7 operating privilege for not less than 3 years nor more than 12 years. After the first
8 120 days of the revocation period, the person is eligible for an occupational license
9 under s. 343.10 if he or she has completed the assessment and is complying with the
10 driver safety plan.

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

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

13 343.305 (10m) (a) If the person's operating privilege is revoked under sub. (10),
14 the procedure under s. 346.65 (6) shall be followed regarding the equipping of a motor
15 vehicle owned by the person with an ignition interlock device.

16 **SECTION 25.** 343.31 (3) (bm) 2. of the statutes is amended to read:

17 343.31 (3) (bm) 2. Except as provided in subd. 3., 4. ~~or 4m. or 4p.~~, for the first
18 conviction, the department shall suspend the person's operating privilege for not less
19 than 6 months nor more than 9 months. If an Indian tribal court in this state
20 suspends the person's privilege to operate a motor vehicle on tribal lands for not less
21 than 6 months nor more than 9 months for the conviction specified in par. (bm)
22 (intro.), the department shall impose the same period of suspension. The person is
23 eligible for an occupational license under s. 343.10 at any time.

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

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1 343.31 (3) (bm) 3. Except as provided in subd. 4m. or 4p., if the number of
2 suspensions, revocations and convictions within a 10-year period equals 2, the
3 department shall revoke the person's operating privilege for not less than one year
4 nor more than 18 months. If an Indian tribal court in this state revokes the person's
5 privilege to operate a motor vehicle on tribal lands for not less than one year nor more
6 than 18 months for the conviction specified in par. (bm) (intro.), the department shall
7 impose the same period of revocation. After the first 60 days of the revocation period,
8 the person is eligible for an occupational license under s. 343.10.

9 **SECTION 27.** 343.31 (3) (bm) 4. of the statutes is amended to read:

10 343.31 (3) (bm) 4. Except as provided in subd. 4m. or 4p., if the number of
11 suspensions, revocations and convictions equals 3 or more, the department shall
12 revoke the person's operating privilege for not less than 2 years nor more than 3
13 years. If an Indian tribal court in this state revokes the person's privilege to operate
14 a motor vehicle on tribal lands for not less than 2 years nor more than 3 years for the
15 conviction specified in par. (bm) (intro.), the department shall impose the same
16 period of revocation. After the first 90 days of the revocation period, the person is
17 eligible for an occupational license under s. 343.10.

18 **SECTION 28.** 343.31 (3) (bm) 4p. of the statutes is created to read:

19 343.31 (3) (bm) 4p. If he or she had an alcohol concentration of 0.15 to 0.199,
20 the applicable minimum and maximum suspension or revocation periods under
21 subd. ~~3.~~ 3. or 4. for the conviction are doubled. If the person convicted under a law
22 of a federally recognized American Indian tribe or band in this state in conformity
23 with s. 346.63 (1) had an alcohol concentration of 0.20 to 0.249, the applicable
24 minimum and maximum suspension or revocation periods under subd. ~~3.~~ 3. or 4. for
25 the conviction are tripled. If the person convicted under a law of a federally

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SECTION 28

~~any previous suspensions, revocations or convictions that would be counted under s. 343.307 (1) and had~~

1 recognized American Indian tribe or band in this state in conformity with s. 346.63

2 (1) had an alcohol concentration of 0.25 or above, the applicable minimum and
3 maximum suspension or revocation periods under subd. 3. or 4. for the conviction
4 are quadrupled.

5 **SECTION 29.** 343.31 (3) (c) of the statutes is amended to read:

6 343.31 (3) (c) Any person convicted under s. 940.09 (1) of causing the death of
7 another or of an unborn child by the operation or handling of a motor vehicle shall
8 have his or her operating privilege revoked for 5 years. If there was a minor
9 passenger under 16 years of age or an unborn child, as defined in s. 939.75 (1), in the
10 motor vehicle at the time of the violation that gave rise to the conviction under s.
11 940.09 (1), the revocation period is 10 years. If the person convicted under s. 940.09
12 (1) had an alcohol concentration of 0.15 to 0.199, the revocation period is 10 years.

13 If the person convicted under s. 940.09 (1) had an alcohol concentration of 0.20 to
14 0.249, the revocation period is 15 years. If the person convicted under s. 940.09 (1)
15 had an alcohol concentration of 0.25 or above, the revocation period is 20 years.

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

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

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*any previous suspensions, revocations
or convictions that would be counted
under s. 343.307 (1) and had*

1 concentration of 0.25 or above, the minimum and maximum revocation periods are
2 quadrupled.

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

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

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

14 346.65 (2) (a) Shall forfeit ~~not less than \$150 nor more than \$300~~, except as
15 provided in pars. (b) to (f) (g).

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

17 346.65 (2) (b) Except as provided in ~~par.~~ pars. (f) and (g), shall be fined not less
18 than \$300 nor more than \$1,000 and imprisoned for not less than ~~5~~ 30 days nor more
19 than 6 months if the total number of suspensions, revocations and convictions
20 counted under s. 343.307 (1) equals 2 within a 10-year period. Suspensions,
21 revocations or convictions arising out of the same incident or occurrence shall be
22 counted as one.

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

24 346.65 (2) (c) Except as provided in ~~par.~~ pars. (f) and (g), shall be fined not less
25 than \$600 nor more than \$2,000 and imprisoned for not less than ~~30~~ 60 days nor more

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1 than one year in the county jail if the total number of suspensions, revocations and
2 convictions counted under s. 343.307 (1) equals 3, except that suspensions,
3 revocations or convictions arising out of the same incident or occurrence shall be
4 counted as one.

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

6 346.65 (2) (d) Except as provided in ~~par.~~ pars. (f) and (g), shall be fined not less
7 than \$600 nor more than \$2,000 and imprisoned for not less than ~~60~~ 120 days nor
8 more than one year in the county jail if the total number of suspensions, revocations
9 and convictions counted under s. 343.307 (1) equals 4, except that suspensions,
10 revocations or convictions arising out of the same incident or occurrence shall be
11 counted as one.

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

13 346.65 (2) (e) Except as provided in ~~par.~~ pars. (f) and (g), shall be fined not less
14 than \$600 nor more than \$2,000 and imprisoned for not less than 6 months nor more
15 than 5 years if the total number of suspensions, revocations and convictions counted
16 under s. 343.307 (1) equals 5 or more, except that suspensions, revocations or
17 convictions arising out of the same incident or occurrence shall be counted as one.

18 **SECTION 37.** 346.65 (2) (g) of the statutes is created to read:

19 346.65 (2) (g) Shall, if he or she had an alcohol concentration of 0.15 to 0.199,
20 be penalized double the applicable minimum and maximum forfeitures, fines or
(21) imprisonments under pars. ^(b)~~(a)~~ to (e). If the person had an alcohol concentration of
22 0.20 to 0.249, he or she shall be penalized triple the applicable minimum and
(23) maximum forfeitures, fines or imprisonments under pars. ^(b)~~(a)~~ to (e). If the person had
24 an alcohol concentration of 0.25 or above, he or she shall be penalized four times the
25 applicable minimum and maximum forfeitures, fines or imprisonments under pars.

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(b)

1 (b) to (e). An offense under s. 346.63 (1) that subjects a person to a penalty under par.
2 (c), (d) or (e) when the person had an alcohol concentration of 0.15 or above is a felony
3 and the place of imprisonment shall be determined under s. 973.02. An offense under
4 s. 346.63 (1) that subjects a person to a penalty under par. (b), (c), (d) or (e) when the
5 person had an alcohol concentration of 0.20 or more is a felony and the place of
6 imprisonment shall be determined under s. 973.02.

7 **SECTION 38.** 346.65 (2e) of the statutes is amended to read:

8 346.65 (2e) If the court determines that a person does not have the ability to
9 pay the costs and fine or forfeiture imposed under sub. (2) (a), ~~(b), (c), (d), (e) or (f)~~ to
10 (g), the court may reduce the costs, fine and forfeiture imposed and order the person
11 to pay, toward the cost of the assessment and driver safety plan imposed under s.
12 343.30 (1q) (c), the difference between the amount of the reduced costs and fine or
13 forfeiture and the amount of costs and fine or forfeiture imposed under sub. (2) (a),
14 ~~(b), (c), (d), (e) or (f)~~ to (g).

15 **SECTION 39.** 346.65 (2g) (a) of the statutes is amended to read:

16 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)
17 to provide that a defendant perform community service work for a public agency or
18 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.
19 (2) (b) to ~~(f)~~ (g), the court may provide that a defendant perform community service
20 work for a public agency or a nonprofit charitable organization in lieu of part or all
21 of a forfeiture under sub. (2) (a) or may require a person who is subject to sub. (2) to
22 perform community service work for a public agency or a nonprofit charitable
23 organization in addition to the penalties specified under sub. (2). Notwithstanding
24 s. 973.05 (3) (b), an order may only apply if agreed to by the organization or agency.
25 The court shall ensure that the defendant is provided a written statement of the

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1 terms of the community service order and that the community service order is
2 monitored. Any organization or agency acting in good faith to which a defendant is
3 assigned pursuant to an order under this subsection has immunity from any civil
4 liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.
5 The issuance or possibility of the issuance of a community service order under this
6 subsection does not entitle an indigent defendant who is subject to sub. (2) (a) to
7 representation by counsel under ch. 977.

8 **SECTION 40.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) 1g. and
9 amended to read:

10 346.65 (6) (a) 1g. Except as provided in this paragraph, the court may order a
11 law enforcement officer to seize a motor vehicle, or, if the motor vehicle is not ordered
12 seized, shall order a law enforcement officer to equip the motor vehicle with an
13 ignition interlock device or immobilize any motor vehicle owned by the person whose
14 operating privilege is revoked under s. 343.305 (10) or who committed a violation of
15 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),
16 (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10) or
17 who is convicted of the violation has 2 or more prior suspensions, revocations or
18 convictions that would be counted under s. 343.307 (1). The court shall not order a
19 motor vehicle equipped with an ignition interlock device or immobilized if that would
20 result in undue hardship or extreme inconvenience or would endanger the health
21 and safety of a person.

22 **SECTION 41.** 346.65 (6) (a) 1d. of the statutes is created to read:

23 346.65 (6) (a) 1d. Except as provided in this subdivision, the court may order
24 a law enforcement officer to equip with an ignition interlock device a motor vehicle
25 owned by the person whose operating privilege is revoked under s. 343.305 (10) or

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1 who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a),
2 (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d). The court shall not order a motor vehicle
3 equipped with an ignition interlock device if that would result in undue hardship or
4 extreme inconvenience or would endanger the health or safety of a person.

5 **SECTION 42.** 346.65 (6) (a) 2. of the statutes is repealed.

6 **SECTION 43.** 346.65 (6) (a) 2m. of the statutes is amended to read:

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

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1 **SECTION 44.** 346.65 (6) (c) of the statutes is amended to read:

2 346.65 (6) (c) The district attorney of the county where the motor vehicle was
3 seized, or of the county where the owner's operating privilege was revoked under s.
4 343.305 (10) or where the owner committed the violation under s. 346.63 (1) (a) or
5 (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d), shall
6 commence an action to forfeit the motor vehicle within 30 days after the motor vehicle
7 is seized. The action shall name the owner of the motor vehicle and all lienholders
8 of record as parties. The forfeiture action shall be commenced by filing a summons,
9 complaint and affidavit of the law enforcement agency with the clerk of circuit court.
10 Upon service of an answer, the action shall be set for hearing within 60 days after
11 the service of the answer. If no answer is served or no issue of law or fact joined and
12 the time for that service or joining of issues has expired, the court may render a
13 default judgment as provided in s. 806.02.

14 **SECTION 45.** 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 46.** 346.93 (2g) of the statutes is created to read:

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1 346.93 (2g) Any person violating this section may be required to forfeit not less
2 than \$20 nor more than \$400 and shall have his or her operating privilege:

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

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

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

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

9 346.95 (2) Any person violating s. 346.89 (1), ~~346.93~~ or 346.94 (2), (4) or (7) may
10 be required to forfeit not less than \$20 nor more than \$400.

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

12 938.344 (2) (intro.) If a court finds a juvenile committed a violation under s.
13 ~~125.07 (4) (b) or~~ 125.09 (2), or a local ordinance that strictly conforms to ~~one of these~~
14 statutes that statute, the court shall order one or any combination of the following
15 penalties:

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

17 938.344 (2) (c) For a violation committed within 12 months of 2 or more
18 previous violations, a forfeiture of not more than \$500, ~~revocation~~ suspension of the
19 juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
20 participation in a supervised work program or other community service work under
21 s. 938.34 (5g).

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

23 938.344 (2b) If a court finds a juvenile committed a violation under s. 125.07
24 (4) (a) or (b), or a local ordinance which strictly conforms to s. 125.07 (4) (a) or (b), the
25 court shall order one or any combination of the following penalties:

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1 (a) For a first violation, a forfeiture of not less than \$250 nor more than \$500,
2 ~~suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.~~
3 or the juvenile's participation in a supervised work program or other community
4 service work under s. 938.34 (5g). In addition to any penalty imposed under this
5 paragraph, the court shall suspend the juvenile's operating privilege as provided in
6 s. 343.30 (6) (b) 1.

7 (b) For a violation committed within 12 months of a previous violation, a
8 forfeiture of not less than \$300 nor more than \$500, ~~suspension of the juvenile's~~
9 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's
10 participation in a supervised work program or other community service work under
11 s. 938.34 (5g). In addition to any penalty imposed under this paragraph, the court
12 shall suspend the juvenile's operating privilege as provided in s. 343.30 (6) (b) 2.

13 (c) For a violation committed within 12 months of 2 or more previous violations,
14 a forfeiture of \$500, ~~revocation of the juvenile's operating privilege as provided under~~
15 ~~s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work program or
16 other community service work under s. 938.34 (5g). In addition to any penalty
17 imposed under this paragraph, the court shall suspend the juvenile's operating
18 privilege as provided in s. 343.30 (6) (b) 3.

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

20 938.344 (2d) (c) For a violation committed within 12 months of 2 or more
21 previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's
22 operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
23 participation in a supervised work program or other community service work under
24 s. 938.34 (5g).

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

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any previous suspensions, revocations or convictions that would be counted under s. 343.307 (c) and had

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1 **SECTION 53.** 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 54.** 940.25 (1c) of the statutes is created to read:

(a), (b), (c) or (d)

6 (6) 940.25 (1c) If the person convicted under ~~§ 940.25~~ ^{sub.} (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 ~~§ 940.25~~ ^{sub.} (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 ~~§ 940.25~~ ^{sub.} (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 55.** 940.25 (1d) of the statutes is renumbered 940.25 (1d) (b).

14 **SECTION 56.** 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 57.** 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 (1b), 940.25 (1b) and 961.48 and

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

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

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

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

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

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

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

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

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

13 **SECTION 67. Initial applicability.**

14 (1) **MANDATORY OPERATING PRIVILEGE SUSPENSIONS.** The treatment of sections
15 125.07 (4) (bs), (c) and (e) 2. (intro.), 343.30 (6) (b), 346.93 (2g), 346.95 (2) and 938.344
16 (2) (intro.) and (c), (2b) and (2d) (c) of the statutes first applies to violations committed
17 on the effective date of this subsection, but does not preclude the counting of other
18 violations as prior violations for sentencing a person or for suspending or revoking
19 a person's operating privilege.

20 (2) **INTOXICATED DRIVER PROGRAMS.** The treatment of sections 20.395 (5) (er),
21 85.55, 340.01 (46m) (b) and (c), 342.12 (4) (a) and (c) 1. (intro.), 343.10 (5) (a) 3. and
22 (6) (b), 343.21 (1) (j) 2., 343.30 (1q) (b) ~~3.~~ 3., 4. and 4p., 343.305 (10) (b) ~~3.~~ 3. and 4.
23 and (10m) (a), 343.31 (3) (bm) ~~3.~~ 3., 4. and 4p., (c), (e) and (f), 346.65 (2) ~~(b)~~ (b), (c),
24 (d), (e) and (g), (2e), (2g) (a) and (6) (a) 1., 1d., 2. and 2m. and (d), 940.09 (1d) (a),
25 940.25 (1c) and (1d) (a) and 971.17 (1) of the statutes, the renumbering of sections

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1 343.305 (10m), 940.09 (1d) and 940.25 (1d) of the statutes and the renumbering and
2 amendment of sections 343.10 (6) and 343.21 (1) (j) of the statutes first apply to
3 violations committed or refusals occurring on the effective date of this subsection, but
4 does not preclude the counting of other convictions, suspensions or revocations as
5 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 68. Effective date.**

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

11

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/11/99

To: Representative Stone

Relating to LRB drafting number: LRB-2141

Topic

Comprehensive operating while intoxicated legislation

Subject(s)

Drunk Driving - alcohol level, Drunk Driving - penalties, Drunk Driving - procedures, Transportation - motor vehicles, Beverages - miscellaneous

1. **JACKET** the draft for introduction 

in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction 

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

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

Sent for
9MB