

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB221)

Received: **05/12/99**

Received By: **nelsorpl**

Wanted: **Today**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing:

This file may be shown to any legislator: NO

Drafter: **nelsorpl**

May Contact:

Alt. Drafters:

Subject: **Drunk Driving - alcohol level
Drunk Driving - penalties**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Reduce increased imprisonment for offenses with high BAC

Instructions:

For .15 to .199, add 60 days imprisonment, for .20 to .249, add 90 days, for .25, add 120 days. keep 2X, 3X and 4X for financial and license increased penalties

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp 1 05/12/99	gilfokm 05/12/99	jfrantze 05/13/99	_____	gretskl 05/13/99	gretskl 05/13/99	
				_____		lrb_docadmin	
				_____		05/13/99	

FE Sent For:

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/1	nelsorp 1	1-5-12-99 KMG	7/5/13	7/6/KM 5/13			

FE Sent For:

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20.395 (s) (jr)
remember to (ja)

Senator Burke
Decker

TRANSPORTATION - OTHER DIVISIONS

60289

Pretrial Intoxicated Driver Intervention Grant Program

Motion:

Move to increase funding for the pretrial intoxicated driver intervention grant program by \$265,000 SEG in 1999-00 and \$464,700 SEG in 2000-01. Eliminate the \$500,000 limit on the total amount of grants DOT may make under the program.

85.53 (3)

Note:

The pretrial intoxicated driver intervention grant program provides grants to local governments or nonprofit organizations to administer programs that enroll defendants who are arrested for a second or subsequent operating while intoxicated offense, prior to the trial for that offense. The programs must, among other things, monitor and treat the defendant's use of intoxicants in order to reduce the incidence of abuse. Defendants are required to pay a reasonable fee to participate in the program.

The state grant program was created by 1997 Act 27, and funded at \$150,000 SEG annually. A limit of \$500,000 was placed on the amount of grants that could be made under the program. This motion would provide funding sufficient to replace federal alcohol incentive grant funds that are currently being provided to grant recipients and to provide for anticipated growth in the programs administered by these recipients. DOT indicates that because of changes in the federal grant criteria, it is uncertain whether the state will continue to be able to use these federal funds during the biennium.

There are currently five counties (Eau Claire, Kenosha, Marathon, Milwaukee and Waukesha) that are receiving funds to administer pretrial intervention programs. If additional funds are provided and the state does receive federal alcohol incentive grant funds, the additional funds could be used to provide grants to local governments or nonprofit organizations who are not currently receiving the grants.

[Change to Base: \$729,700 SEG]
[Change to Bill: \$729,700 SEG]

Motion #466

NOT
Burke
Decker
Jansch
Moore
Stephens
Pietras
Combes
Panzel
Card
Porter
Kaufert
Adams
Duff
Ward
Huber
Alley

11-5

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Section #. 85.53 (3) of the statutes is amended to read:

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

History: 1997 a. 27.

Transfer - when can be used to ensure
in the appropriation account on the date of the
from SE } transfer remainder subsection is
transferred to s. 20.395(5)(ja).



**ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 221**

D-NOTE

1 At the locations indicated, amend the bill as follows:

- 2 ✓ 1. Page 2, line 9: after "program" insert "pretrial intoxicated driver
3 intervention grants". requiring a report on incarceration alternatives;
- 4 ✓ 2. Page 2, line 10: delete "an appropriation" and substitute "appropriations".
- 5 ✓ 3. Page 4, line 1: before that line insert:

6 "SECTION 1d. 20.005 (3) (schedule) of the statutes: at the appropriate place,
7 insert the following amounts for the purposes indicated:

8		1999-00	2000-01
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9 **20.395 Transportation, department of**

10 (5) MOTORVEHICLESERVICESANDENFORCEMENT

11 (ja) Pretrial intoxicated driver inter-

12	vention grants, state funds	GPR	A	265,000	464,700" •
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11

1 ✓4. Page 4, line 1: delete "SECTION 1" and substitute "SECTION 1g".

2 ✓5. Page 4, line 4: after that line insert:

3 "SECTION 1m. 20.395 (5) (ja) of the statutes is created to read:

4 20.395 (5) (ja) *Pretrial intoxicated driver intervention grants, state funds.* The
5 amounts in the schedule for the purpose of awarding grants under s. 85.53.

6 SECTION 1k. 20.395 (5) (jr) of the statutes is repealed.

7 ✓ SECTION 1v. 85.53 (3) of the statutes is amended to read:

8 85.53 (3) Grants under this section shall be paid from the appropriation under
9 s. 20.395 (5) (ja). The amount of a grant may not exceed 80% of the amount
10 expended by an eligible applicant for services related to the program. ~~The total~~

11 ~~amount of grants awarded under this section may not exceed \$500,000.~~ plain

History: 1997 a. 27.

12 ✓6. Page 16, line 11: delete "forfeitures, fines or" and substitute "fines".

13 ✓7. Page 16, line 12: delete "imprisonments under pars. (b) to (e)" and substitute
14 "under pars. (b) to (e) and have his or her imprisonment increased by 60 days."

15 ✓8. Page 16, line 14: delete "forfeitures, fines or imprisonments under pars. (b)
16 to (e)" and substitute "fines under pars. (b) to (e) and have his or her imprisonment
17 increased by 90 days."

18 ✓9. Page 16, line 16: delete "forfeitures, fines or imprisonments under pars."
19 and substitute "fines under pars. (b) to (e) and have his or her imprisonment
20 increased by 120 days."

21 ✓10. Page 16, line 17: delete "(b) to (e)."

22 ✓11. Page 23, line 1: on lines 1, 4 and 8, delete "or imprisonment".

23 ✓12. Page 25, line 4: delete lines 4 to 6 and substitute:

Insert 2-22

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SECTION 64. Effective dates. This act takes effect on the first day of the 4th month beginning after publication, except as follows:

2

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(1) The treatment of sections 20.395 (5) (ja) and (jr) and 85.53 (3) of the statutes takes effect ~~on July 1, 1999, or~~ on the effective date of the 1999-2001 biennial budget act, ~~whichever is later~~.

4

5

6

(END)

day after the general

1 insert 2-22:

2 1. Page 24, line 8: after that line insert:

3 **“SECTION 62m. Nonstatutory provisions.**

4 (1) The department of corrections shall study and evaluate the desirability of
5 using treatment programs and other alternatives to incarceration as a way to reduce
6 the length of incarceration or the need for incarceration of persons convicted of a
7 ~~violation~~^{and} or subsequent violation of operating a motor vehicle while under the influence
8 on an intoxicant, controlled substance or other drug. No later than the first day of
9 the 9th month beginning after the effective date of this subsection, the department
10 of corrections shall submit a report to the legislature in the manner provided under
11 section 13.172 (2) of the statutes that contains the conclusions of ~~its~~^{the department's} study and
12 evaluation and any recommendations concerning implementation of its
13 conclusions.”

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

LRBa0399/1dn

RPN.../...
King

Please note that s. 16.47 (2), stats., states that neither house may pass any bill containing an appropriation, increasing the cost of state government or decreasing state revenues by more than \$10,000 annually until both houses pass the executive budget bill, except that the governor or joint committee on finance or, under certain circumstances, the committee on organization of either house may enact emergency appropriation bills prior to the passage of the executive budget bill.

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

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Vertical line of text or markings on the left side.

Vertical line of text or markings on the left side.

Vertical line of text or markings on the left side.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0399/1dn
RPN:kmg:jf

May 13, 1999

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