

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB221)

Received: 05/13/99

Received By: nelsorpl

Wanted: 05/14/99

Identical to LRB:

For: Legislative Fiscal Bureau 6-9919

By/Representing: Jon Dyck

This file may be shown to any legislator: NO

Drafter: nelsorpl

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Omnibus drunk driving bill

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Tvped</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /P1 | nelsorp 1 | jgeller | lrb_compile | | | | |
| | 05/13/99 | 05/14/99 | 05/13/99 | _____ | | | |
| | nelsorp 1 | | | _____ | | | |
| | 05/14/99 | | | _____ | | | |
| /1 | | | hhagen | | gretskl | lrb_docadmin | |
| | | | 05/14/99 | _____ | 05/14/99 | 05/14/99 | |

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB221)

Received: **05/13/99**

Received By: **nelSORpl**

Wanted: **05/14/99**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9919**

By/Representing: **Jon Dyck**

This file may be shown to any legislator: **NO**

Drafter: **nelSORpl , PEN, JED**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Omnibus drunk driving bill

Instructions:

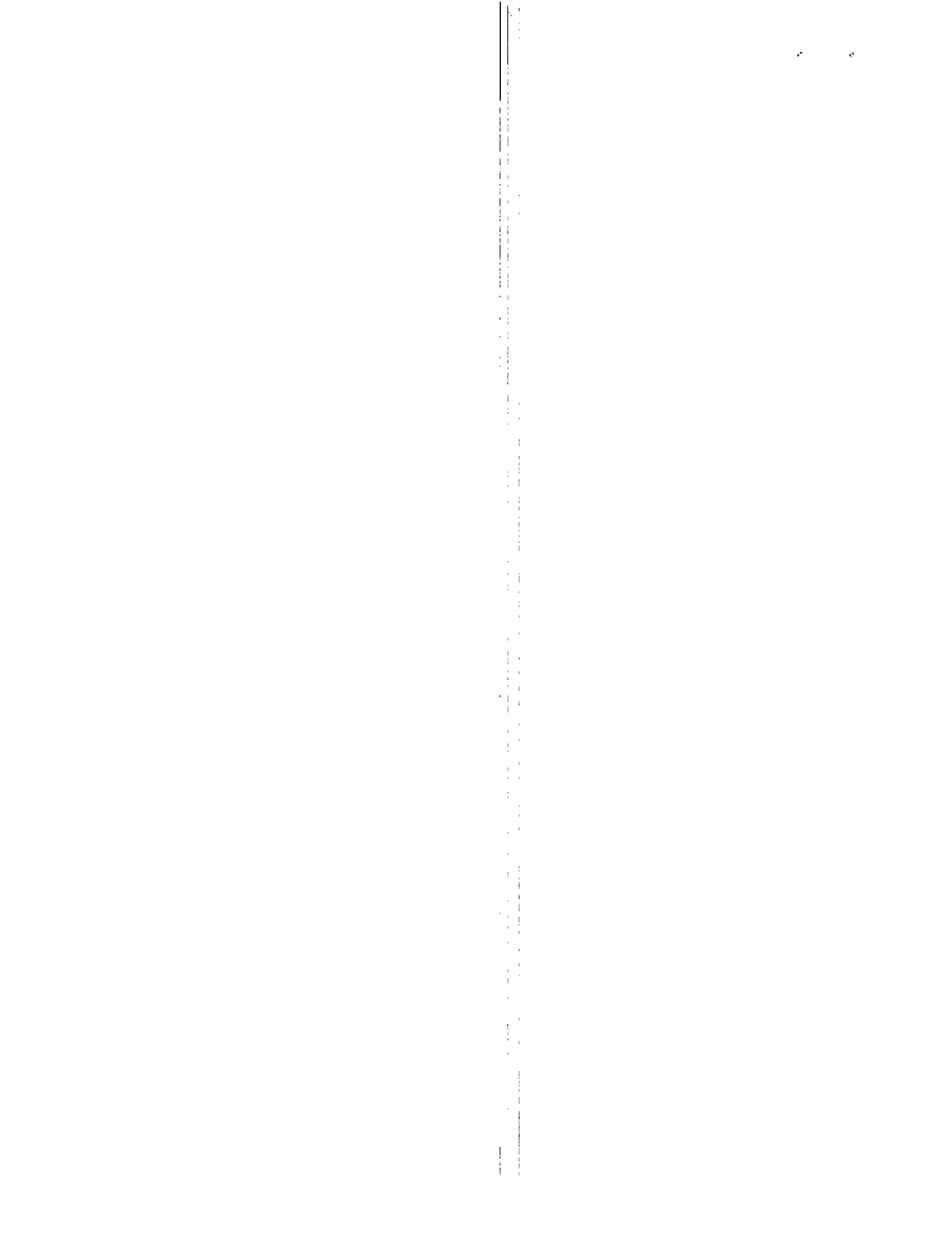
See Attached

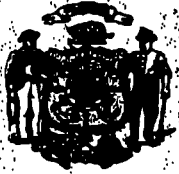
Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | nelSORpl 1 | 1 5/14 jlg | 5/14 | 5/14 | | | |

FE Sent For:

<END>





Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 5-13-99

DELIVER TO:

Bob Nelson

Addressee Fax #:

4-8522

Addressee Phone #:

of Pages, Including Cover:

2

Sender's Initials:

JN

From:

Jon Dyck

Message:



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703

Steve Miller (LRB)
100 N. Hamilton St. • Madison, WI 53703 (3)

May 12, 1999

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Materials for the Committee's May 13 Meeting

RPN
&
PEN

Attached are papers, prepared by this office, on those bills which are scheduled for the Committee's May 13 meeting. The meeting is scheduled for 11 :00 a.m. in Room 411 South, State Capitol.

Assembly **Bill** 22 1
Senate Bill 3

BL/sas
Attachments

||

3

A

B

||

**ASSEMBLY AMENDMENT 2,
TO 1999 ASSEMBLY BILL 221**

April 14, 1999 - Offered by **COMMITTEE ON HIGHWAY SAFETY.**

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

2 ✓ 1. Page 4, line 1: delete lines 1 to 4.

3 ✓ 2. Page 4, line 5: before that line insert:

4 (4) SECTION ~~ln.~~ 20.395 (5) (ek) of the statutes is created to read:

5 20.395 (5) (ek) *Safe-ride grant program; state finds.* From the general fund,
6 all moneys transferred from the appropriation account under s. 20.435 (6) (hx) for the
7 purpose of awarding grants under s. 85.55.

8 (8) SECTION ~~ln.~~ 20.435 (6) (hx) of the statutes is amended to read:

9 20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the
10 schedule for services related to drivers. All moneys received by the state treasurer
11 from the driver improvement surcharge on court fines and forfeitures authorized
12 under s. 346.655 shall be credited to this appropriation. The secretary of
13 administration shall annually transfer to the appropriation account under s. 20.395

insert
4-4



1-4 cont.

↑

1 (5) (di) ~~31.29%~~ 30.12% of all moneys credited to this appropriation. The secretary of
 2 administration shall annually transfer to the appropriation account under s. 20.395
 3 (5) (ek) 3.76% of all moneys credited to this appropriation. The moneys remaining
 4 may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)
 5 (ci) and 20.455 (5) (h) by the secretary of administration after consultation with the
 6 secretaries of health and family services and transportation, the superintendent of
 7 public instruction, the attorney general and the president of the university of
 8 Wisconsin system.”

9 **3.** Page 5, line 7: delete “(er)” and substitute “(ek)”.

10 4. Page 9, line 6: delete the material beginning with that line and ending with
11 page 10, line 2.

12 **5.** Page 20, line 15: after that line insert:

13 **SECTION 41g.** 346.655 (1) of the statutes is amended to read:

14 346.655 (1) ~~On or after July 1, 1988, if~~ If a court imposes a fine or a forfeiture
 15 for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or
 16 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
 17 vehicle, it shall impose a driver improvement surcharge in an amount of ~~\$340~~ \$345
 18 in addition to the fine or forfeiture, penalty assessment, jail assessment and crime
 19 laboratories and drug law enforcement assessment.

20 **SECTION 41m.** 346.655 (2) (a) of the statutes is amended to read:

21 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and
 22 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40
 23 (2) (m). The county treasurer shall then make payment of ~~37.6%~~ 38.5% of the amount
 24 to the state treasurer as provided in s. 59.25 (3) (f) 2.

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 221**

April 14, 1999 - Offered by COMMITTEE ON HIGHWAY SAFETY.

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

2 1. Page 5, line 6: after "service." insert "The liability of a provider of a safe-ride
3 program to persons transported under the program is limited to the amounts
4 required for an automobile liability policy under s. 344.15 (1).".

5 (END)

**ASSEMBLY AMENDMENT 3,
TO 1999 ASSEMBLY BILL 221**

April 14, 1999 - Offered by **COMMITTEE ON HIGHWAY SAFETY.**

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

2 1. Page 2, line 8: after "intoxicant;" insert "restrictions on prisoner release
3 from jail or prison;"

4 **2.** Page 4, line 4: after that line insert:

5 **"SECTION 1m.** 51.30 (4) (b) 25. of the statutes is created to read:

6 51.30 (4) (b) 25. To the department of corrections or to a sheriff, to determine
7 if a person incarcerated is complying with the assessment or the driver safety plan
8 ordered under s. 343.30 (1q) (c)."

9 **3.** Page 7, line 16: after that line insert:

10 **"SECTION 5d.** 303.065 (2m) of the statutes is created to read:

11 303.065 **(2m)** The department may not grant work release privileges to a
12 prisoner who is imprisoned for a violation of s. 346.63 (1), (2), (5) or (6) and who fails
13 to obtain the assessment or to comply with the driver safety plan ordered under s.

1 343.30 (lq) (c) related to the violation for which he or she was imprisoned. This
2 subsection does not apply if the prisoner does not have sufficient funds to make any
3 payments necessary to obtain the assessment or to comply with the driver safety
4 plan.

5 **SECTION 5g.** 303.08 (1) (cg) of the statutes is created to read:

6 303.08 (1) (cg) Attendance at an assessment ordered by a court under s. 343.30
7 (1q) (c);

8 **SECTION 5m.** 303.08 (1) (cm) of the statutes is created to read:

9 303.08 (1) (cm) Attendance at a treatment program required by a driver safety
10 plan under s. 343.30 (lq) (c);

11 **SECTION 5r.** 303.08 (10m) of the statutes is created to read:

12 303.08 (10m) The sheriff may not permit a prisoner who is imprisoned for a
13 **violation of s. 346.63 (1), (2), (5) or (6) to leave the jail under sub. (1) if the prisoner**
14 **fails to obtain the assessment or to comply with the driver safety plan ordered under**
15 **s. 343.30 (lq) (c). This subsection does not apply if the prisoner does not have**
16 **sufficient funds to make any payments necessary to obtain the assessment or to**
17 **comply with the driver safety plan.“.**

18 **(END)**

**ASSEMBLY AMENDMENT 4,
TO 1999 ASSEMBLY BILL 221**

April 14, 1999 - Offered by COMMITTEE ON HIGHWAY SAFETY.

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

2 **1.** Page 2, line 9: after "program;" insert "creating an ignition interlock device
3 program;".

4 **2.** Page 2, line 10: after "age;" insert "granting rule-making authority;".

5 3. Page 5, line 7: after that line insert:

6 **"SECTION 2m.** 110.10 of the statutes is created to read:

7 **110.10 Ignition interlock device program.** . The department shall
8 promulgate rules providing for the implementation of a statewide ignition interlock
9 device program. The rules shall include provisions regarding all of following:

10 **(1)** The selection of persons to install, service and remove ignition interlock
11 devices from motor vehicles.

12 **(2)** The periodic review of the fees charged to the owner of a vehicle for the
13 installation, service and removal of an ignition interlock device.

1 (3) Requiring ignition interlock device providers operating in this state to
 2 establish pilot programs involving the voluntary use of ignition interlock devices.

3 (4) Requiring ignition interlock device providers operating in this state to
 4 provide the department and law enforcement agencies designated by the department
 5 with installation, service, tampering and failure reports in a timely manner.“.

6 (END)



ASSEMBLY AMENDMENT,

~~TO 1999 ASSEMBLY BILL 183~~
TO 1999 AB 221

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

2 ✓ ***a0227/1.1*** 1. Page 2, line 8: after "intoxicant;" insert "restrictions on
3 prisoner release from jail or prison;".

4 ✓ ***a0269/1.1*** 2. Page 2, line 9: after "program;" insert "creating an ignition
5 interlock device program;".

6 ✓ ***a0269/1.2*** 3. Page 2, line 10: after "age;" insert "granting rule-making
7 authority;".

8 ✓ ***a0278/1.1*** 4. Page 4, line 1: delete lines 1 to 4.

9 ✓ ***a0227/1.2*** 5. Page 4, line 4: after that line insert:

10 ***a0227/1.2*** "SECTION 1m. 51.30 (4) (b) 25. of the statutes is created to read:
11 51.30 (4) (b) 25. To the department of corrections or to a sheriff, to determine
12 if a person incarcerated is complying with the assessment or the driver safety plan
13 ordered under s. 343.30 (lq) (c).".

1 ✓*a0278/1.2* **6.** Page 4, line 5: before that line insert:

2 *a0278/1.2* “SECTION 1m. 20.395 (5) (ek) of the statutes is created to read:

3 20.395 (5) (ek) *Safe-ride grant program; state funds.* From the general fund,
4 all moneys transferred from the appropriation account under s. 20.435 (6) (hx) for the
5 purpose of awarding grants under s. 85.55.

6 ✓*a0278/1.2* SECTION 1r. 20.435 (6) (hx) of the statutes is amended to read:

7 20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the
8 schedule for services related to drivers. All moneys received by the state treasurer
9 from the driver improvement surcharge on court fines and forfeitures authorized
10 under s. 346.655 shall be credited to this appropriation. The secretary of
11 administration shall annually transfer to the appropriation account under s. 20.395
12 (5) (di) ~~31.29%~~ 30.12% of all moneys credited to this appropriation. The secretary of
13 administration shall annually transfer to the appropriation account under s. 20.395
14 (5) (ek) 3.76% of all moneys credited to this appropriation. The moneys remaining
15 may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)
16 (ci) and 20.455 (5) (h) by the secretary of administration after consultation with the
17 secretaries of health and family services and transportation, the superintendent of
18 public instruction, the attorney general and the president of the university of
19 Wisconsin system.“.

20 ✓*a0279/1.1* **7.** Page 5, line 6: after “service.” insert “The liability of a provider
21 of a safe-ride program to persons transported under the program is limited to the
22 amounts required for an automobile liability policy under s. 344.15 (1).”.

23 ✓*a0269/1.3* **8.** Page 5, line 7: after that line insert:

24 *a0269/1.3* “SECTION 2m. 110.10 of the statutes is created to read:

1 **110.10 Ignition interlock device program.** The department shall
2 promulgate rules providing for the implementation of a statewide ignition interlock
3 device program. The rules shall include provisions regarding all of following:

4 (1) The selection of persons to install, service and remove ignition interlock
5 devices from motor vehicles.

6 (2) The periodic review of the fees charged to the owner of a vehicle for the
7 installation, service and removal of an ignition interlock device.

8 (3) Requiring ignition interlock device providers operating in this state to
9 establish pilot programs involving the voluntary use of ignition interlock devices.

10 (4) Requiring ignition interlock device providers operating in this state to
11 provide the department and law enforcement agencies designated by the department
12 with installation, service, tampering and failure reports in a timely manner.“.

13 ✓ *a0278/1.3*⁹ . Page 5, line 7: delete “(er)” and substitute “(ek)“.

14 ✓ *a0227/1.3* 10 . Page 7, line 16: after that line insert:

15 ***a0227/1.3* “SECTION 5d.** 303.065 (2m) of the statutes is created to read:

16 303.065 **(2m)** The department may not grant work release privileges to a
17 prisoner who is imprisoned for a violation of s. 346.63 (l), (2), (5) or (6) and who fails
18 to obtain the assessment or to comply with the driver safety plan ordered under s.
19 343.30 (lq) (c) related to the violation for which he or she was imprisoned. This
20 subsection does not apply if the prisoner does not have **sufficient** funds to make any
21 payments necessary to obtain the assessment or to comply with the driver safety
22 plan.

23 ***a0227/1.3* SECTION 5g.** 303.08 (1) (cg) of the statutes is created to read:

1 303.08 (1) (cg) Attendance at an assessment ordered by a court under s. 343.30
2 (1q) (c);

3 ✓ ***a0227/1.3* SECTION 5m.** 303.08 (1) (cm) of the statutes is created to read:

4 303.08 (1) (cm) Attendance at a treatment program required by a driver safety
5 plan under s. 343.30 (1q) (c);

6 ✓ ***a0227/1.3* SECTION 5r.** 303.08 (10m) of the statutes is created to read:

7 303.08 (10m) The sheriff may not permit a prisoner who is imprisoned for a
8 violation of s. 346.63 (1), (2), (5) or (6) to leave the jail under sub. (1) if the prisoner
9 fails to obtain the assessment or to comply with the driver safety plan ordered under
10 s. 343.30 (1q) (c). This subsection does not apply if the prisoner does not have
11 sufficient funds to make any payments necessary to obtain the assessment or to
12 comply with the driver safety plan.”.

13 ✓ ***a0278/1.4* 11.** Page 9, line 6: delete the material beginning with that line
14 and ending with page 10, line 2.

15 ✓ ***a0278/1.5* 12.** Page 20, line 15: after that line insert:

16 ***a0278/1.5* “SECTION 41g.** 346.655 (1) of the statutes is amended to read:

17 346.655 (1) ~~On or after July 1, 1988, if~~ **If** a court imposes a fine or a forfeiture
18 for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or
19 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
20 vehicle, it shall impose a driver improvement surcharge in an amount of ~~\$340~~ **\$345**
21 in addition to the fine or forfeiture, penalty assessment, jail assessment and crime
22 laboratories and drug law enforcement assessment.

23 ✓ ***a0278/1.5* SECTION 41m.** 346.655 (2) (a) of the statutes is amended to read:

1 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and
2 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40
3 (2)(m). **The county treasurer shall then make payment of ~~37.6%~~ 38.5% of the amount**
4 **to the state treasurer as provided in s. 59.25 (3) (f) 2.**

5 ✓ ***a0278/1.5*** SECTION 41r. 346.655 (2) (b) of the statutes is amended to read:

6 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
7 transmit the amount to the treasurer of the county, city, town or village, and that
8 treasurer shall make payment of ~~37.6%~~ 38.5% of the amount to the state treasurer
9 as provided in s. 66.12 (1) (b). The treasurer of the city, town or village shall transmit
10 the remaining ~~62.4%~~ 61.5% of the amount to the treasurer of the county.“.

11 ✓ ***a0278/1.6*** **13.** Page 24, line 16: delete “20.395 (5) (er),”.

12 ✓ ***a0278/1.7*** **14.** Page 24, line 17: delete “343.10 (5) (a) 3. and” and substitute
13 “343.10 (5) (a) 3.“.

14 ✓ ***a0278/1.8*** **15.** Page 24, line 18: delete “(6) (b), 343.21 (1) (j) 2.“.

15 ✓ ***a0278/1.9*** **16.** Page 24, line 21: delete “statutes,” and substitute “statutes
16 and”.

17 ✓ ***a0278/1.10*** **17.** Page 24, line 22: delete the material beginning with “and
18 the” and ending with “statutes” on line 23.

19 ✓ ***a0278/1.11*** **18.** Page 25, line 3: after that line insert:

20 ✓ ***a0278/1.11*** **“(3c) INTOXICATED DRIVER IMPROVEMENT SURCHARGE.** The
21 treatment of sections 20.395 (5) (ek), 20.435 (6) (hx) and 346.655 (1) and (2) (a) and
22 (b) of the statutes first applies to intoxicated driver improvement surcharges
23 imposed for violations committed on the effective date of this subsection.“.

24 (END)

Sorted Item List

| <u>Store File Name</u> | <u>Text</u> |
|------------------------|---|
| a0227.1 | Page 2, line 8: after “intoxicant;” insert “restrictions on prisoner release from jail or prison;”. |
| a0269.1 | Page 2, line 9: after “program;” insert “creating an ignition interlock device program;”. |
| a0269.2 | Page 2, line 10: after “age;” insert “granting rule-making authority;”. |
| a0278.1 | Page 4, line 1: delete lines 1 to 4. |
| a0227.2 | Page 4, line 4: after that line insert: |
| a0278.2 | Page 4, line 5: before that line insert: |
| a0279.1 | Page 5, line 6: after “service.” insert “The liability of a provider of a safe-ride program to persons transported under the program is limited to the amounts required for an automobile liability policy under s. 344.15 (l).”. |
| a0269.3 | Page 5, line 7: after that line insert: |
| a0278.3 | Page 5, line 7: delete “(er)” and substitute “(ek)”. |
| a0227.3 | Page 7, line 16: after that line insert: |
| a0278.4 | Page 9, line 6: delete the material beginning with that line and ending with , line 2. |
| a0278.5 | Page 20, line 15: after that line insert: |
| a0278.6 | Page 24, line 16: delete “20.395 (5) (er),”. |
| a0278.7 | Page 24, line 17: delete “343.10 (5) (a) 3. and” and substitute “343.10 (5) (a) 3.”. |
| a0278.8 | Page 24, line 18: delete “(6) (b), 343.21 (1) (j) 2.”. |
| a0278.9 | Page 24, line 21: delete “statutes,” and substitute “statutes and”. |
| a0278.10 | Page 24, line 22: delete the material beginning with “and the” and ending with “statutes” on line 23. |
| a0278.11 | Page 25, line 3: after that line insert: |

— 0191/2

50074/121

ASSEMBLY BILL 221

Eliminate the Changes to the Terms of Incarceration for OWI

Motion:

Move to eliminate the provisions of the bill that would: (a) increase the minimum terms of imprisonment for a second, third or fourth OWI offense; (b) double, triple and quadruple the minimum and maximum terms of imprisonment, fines and periods of license revocation for second or subsequent OWI offenses, including the offense of causing great bodily harm; and (c) increase the periods of license revocation for the failure to provide a sample of blood, urine or breath upon request for testing.

Q. For high BAC?
A: Jan v - yes.

16-0

—

—

—

=====

.

1 11. Page 16, line 18: on lines 18 and 20, delete "(c), (d) or (e)" and substitute
2 "(c) or (d)".

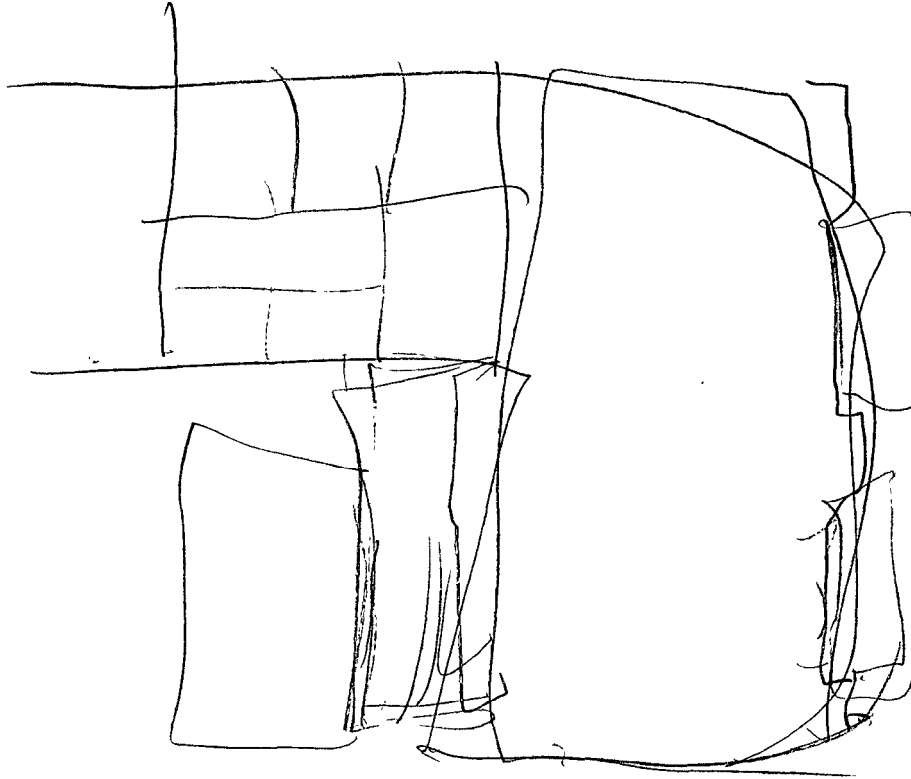
3 ✓ **12.** Page 19, line 19: after "was" insert "ordered".

4 ✓ **13.** Page 20, line 8: after "person" insert "whose onerating privilege was
5 ordered revoked under s. 343.305 (10) or".

6 ✓ **14.** Page 20, line 10: delete ", if the seizure is under par. (a) ~~1.~~ 1g.," and
7 substitute ", if the seizure is under par. (a) 1.".

8 ✓ **15.** Page 24, line 20: after "2m." insert ", (c)".

9 (END)



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

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

2 1. Page 10, line 18: delete "he or she" and substitute "the person".

3 **2.** Page 10, line 19: on lines 19 and 22, delete "suspension or".

4 3. Page 11, line 1: delete "suspension".

5 4. Page 11, line 2: delete "or revocation" and substitute "revocation".

6 **5.** Page 13, line 2: delete "he or she" and substitute "the person".

7 6. Page 13, line 3: on lines 3 and 7, delete "suspension or".

8 **7.** Page 13, line 10: delete "suspension".

9 8. Page 13, line 11: delete "or revocation" and substitute "revocation".

10 **9.** Page 16, line 10: delete "he or she" and substitute "the person".

11 10. Page 16, line 11: on lines 11, 14 and 16, delete "forfeitures, ".



RPN
PEN
all
!

PRELIMINARY **DRAFT - NOT READY FOR INTRODUCTION**

JEO

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 1999 ASSEMBLY BILL 221

Eds: No need to re-edit. This doc created
by autogrossing 999999/9 into

AB ~~221~~
221

SCOTT

But - I am changing
this, so must edit my
changes. RPN

Re-edit.

1 AN ACT ~~to amend~~ **346.65 (6) (a) 2** ~~number~~ **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) (c), 125.07 (4) (e) 2. (intro.), 340.01
4 (46m) (b), 342.12 (4) (c) 1. (intro.), 343.10 (5) (a) 3., 343.30 (1q) (b)
5 3., 343.30 (1q) (b) 4., 343.30 (6) (b), 343.305 (10) (b) 3., 343.305 (10) (b) 4., 343.31
6 (3) (bm) 3., 343.31 (3) (bm) 4., 343.31 (3) (c), 343.31 (3) (e), 343.31 (3) (f), 346.65
7 (2) (b), 346.65 (2) (c), 346.65 (2) (d), 346.65 (2) (e), 346.65 (2e), 346.65 (2g) (a),
8 346.65 (6) (a) 2m., 346.65 (6) (c), 346.65 (6) (d), 346.95 (2), 938.344 (2) (intro.),
9 938.344 (2) (c), 938.344 (2b), 938.344 (2d) (c) and 971.17 (1); **to create 20.395**
10 (5) (er), 85.55, 340.01 (46m) (c), 343.10 (6) (b), 343.21 (1) (j) 2., 343.30 (1q) (b)
11 4p., 343.305 (10m) (a), 343.31 (3) (bm) 4p., 346.65 (2) (g), 346.65 (6) (a) Id.,
12 346.93 (2g), 940.09 (1d) (a), 940.25 (1c) and 940.25 (1d) (a) of the statutes; and

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

15 **SECTION 1.** 51.30 (4) (b) 25. of the statutes is created to read:

16 51.30 (4) (b) 25. To the department of corrections or to a sheriff, to determine
 17 if a person incarcerated is complying with the assessment or the driver safety plan
 18 ordered under s. 343.30 (1q) (c).

Insert 3-13

move to p 3, L. 13

19 **SECTION 2.** 20.395 (5) (ek) of the statutes is created to read:

20 20.395 (5) (ek) ***Safe-ride grant program; state funds.*** From the general fund,
 21 all moneys transferred from the appropriation account under s. 20.435 (6) (hx) for the
 22 purpose of awarding grants under s. 85.55.

23 **SECTION 3.** 20.435 (6) (hx) of the statutes is amended to read:

1 20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the
 2 schedule for services related to drivers. All moneys received by the state treasurer
 3 from the driver improvement surcharge on court fines and forfeitures authorized
 4 under s. 346.655 shall be credited to this appropriation, The secretary of
 5 administration shall annually transfer to the appropriation account under s. 20.395
 6 (5) (di) ~~31.29%~~ 30.12% ~~6.11~~ moneys credited to this appropriation. The secretary of
 7 administration shall annually transfer to the appropriation account under s. 20.395
 8 (5) (ek) 3.76% of all moneys credited to this appropriation. The moneys remaining
 9 may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)
 10 (ci) and 20.455 (5) (h) by the secretary of administration after consultation with the
 11 secretaries of health and family services and transportation, the superintendent of
 12 public instruction, the attorney general and the president of the university of

13 Wisconsin system.

From P. 2

→ insert 3-13 ✓ ←
 14 **SECTION 4.** ~~85.55~~ of the statutes is created to read:

15 **85.55 Safe-ride grant program.** The department may award grants to any
 16 county or municipality to cover the costs of transporting persons suspected of having
 17 a prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises
 18 licensed under ch. 125 to sell alcohol beverages to their places of residence. The
 19 amount of a grant under this section may not exceed 50% of the costs necessary to
 20 provide the service. The liability of a provider of a safe-ride program to persons
 21 transported under the program is limited to the amounts required for an automobile
 22 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid
 23 from the appropriation under s. 20.395 (5) (ek).

24 **SECTION 5.** 110.10 of the statutes is created to read:

1 110.10 **Ignition interlock device program.** The department shall
2 promulgate rules providing for the implementation of a statewide ignition interlock
3 device program. The rules shall include provisions regarding all of following:

4 (1) The selection of persons to install, service and remove ignition interlock
5 devices from motor vehicles.

6 (2) The periodic review of the fees charged to the owner of a vehicle for the
7 installation, service and removal of an ignition interlock device.

8 (3) Requiring ignition interlock device providers operating in this state to
9 establish pilot programs involving the voluntary use of ignition interlock devices.

10 (4) Requiring ignition interlock device providers operating in this state to
11 provide the department and law enforcement agencies designated by the department
12 with installation, service, tampering and failure reports in a timely manner.

13 **SECTION 6.** 125.07 (4) (bs) of the statutes is amended to read:

14 125.07 (4) (bs) Any person violating par. (a) ~~is subject to the following penalties~~
15 shall be penalized as follows:

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

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

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

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

9 4. For a violation committed within 12 months of 3 or more previous violations,
10 the person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In
11 addition, the person is subject to either a forfeiture of not less than \$750 nor more
12 than \$1,000, ~~revocation of the person's operating privilege under s. 343.30 (6) (b) 2.,~~
13 participation in a supervised work program or other community service work under
14 par. (cg) or any combination of these penalties.

15 **SECTION 7.** 125.07 (4) (c) of the statutes is amended to read:

16 125.07 (4) (c) Any person violating par. (b) ~~is subject to the following~~ penalties
17 shall be penalized as follows:

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

23 2. For a violation committed within 12 months of a previous violation, the
24 person's operating privilege shall be suspended under s. 343.30 (6) (b) 2. In addition,
25 the person is subject to either a forfeiture of not less than \$200 nor more than \$300,

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

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

10 4. For a violation committed within 12 months of 3 or more previous violations,
11 the uerson's operating: orivileee shall be susoended under s. 343.30 (6) (b) 3. In
12 addition. the nerson is subject to either a forfeiture of not less than \$500 nor more
13 than \$1,000, ~~revocation of the person's operating privilege under s. 343.30 (6) (b) 3.,~~
14 participation in a supervised work program or other community service work under
15 par. (cg) or any combination of these penalties.

16 **SECTION 8.** 125.07 (4) (e) 2. (intro.) of the statutes is amended to read:

17 125.07 (4) (e) 2. (intro.) After ordering a penalty under par. (bs) or (c), the court,
18 with the agreement of the defendant, may enter an additional order staying the
19 execution of the penalty order and suspending or modifying the penalty imposed,
20 except that the court mav not stav, suspend or modifv the susnension of a person's
21 operating privilege reauired under nar. (bs) or (c). The order under this subdivision
22 shall require the defendant to do any of the following:

23 **SECTION 9.** 303.065 (2m) of the statutes is created to read:

24 303.065 (2m) The department may not grant work release privileges to a
25 prisoner who is imprisoned for a violation of s. 346.63 (1), (2), (5) or (6) and who fails

1 to obtain the assessment or to comply with the driver safety plan ordered under s.
2 343.30 (lq) (c) related to the violation for which he or she was imprisoned. This
3 subsection does not apply if the prisoner does not have sufficient funds to make any
4 payments necessary to obtain the assessment or to comply with the driver safety
5 plan.

6 **SECTION 10.** 303.08 (1) (cg) of the statutes is created to read:

7 303.08 (1) (cg) Attendance at an assessment ordered by a court under s. 343.30
8 (1q) (c);

9 **SECTION 11.** 303.08 (1) (cm) of the statutes is created to read:

10 303.08 (1) (cm) Attendance at a treatment program required by a driver safety
11 plan under s. 343.30 (lq) (c);

12 **SECTION 12.** 303.08 (10m) of the statutes is created to read:

13 303.08 (10m) The sheriff may not permit a prisoner who is imprisoned for a
14 violation of s. 346.63 (l), (2), (5) or (6) to leave the jail under sub. (1) if the prisoner
15 fails to obtain the assessment or to comply with the driver safety plan ordered under
16 s. 343.30 (lq) (c). This subsection does not apply if the prisoner does not have
17 sufficient funds to make any payments necessary to obtain the assessment or to
18 comply with the driver safety plan.

19 **SECTION 13.** 340.01 (46m) (b) of the statutes is amended to read:

20 340.01 (46m) (b) If the person has 2 or more prior convictions, suspensions or
21 revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

22 **SECTION 14.** 340.01 (46m) (c) of the statutes is created to read:

23 340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or
24 revocations, as counted under s. 343.307 (1), an alcohol concentration of more than
25 0.02.

1 SECTION 15. 342.12 (4) (a) of the statutes is amended to read:

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

10 SECTION 16. 342.12 (4) (c) 1. (intro.) of the statutes is amended to read:

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

17 SECTION 17. 343.10 (5) (a) 3. of the statutes is amended to read:

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

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

7 **SECTION 18.** 343.30 (1q) (b) 3. of the statutes is amended to read:

8 343.30 (1q) (b) 3. Except as provided in subd. 4m. or 4p., if the number of
9 convictions, suspensions and revocations within a 10-year period equals 2, the court
10 shall revoke the person's operating privilege for not less than one year nor more than
11 18 months. After the first 60 days of the revocation period, the person is eligible for
12 an occupational license under s. 343.10 if he or she has completed the assessment and
13 is complying with the driver safety plan ordered under par. (c).

14 **SECTION 19.** ~~343.30 (1q) (b) 4. of the statutes is amended to read:~~

15 ~~343.30 (1q) (b) 4. Except as provided in subd. 4m. or 4p., if the number of~~
16 ~~convictions, suspensions and revocations equals 3 or more, the court shall revoke the~~
17 ~~person's operating privilege for not less than 2 years nor more than 3 years. After~~
18 ~~the first 90 days of the revocation period, the person is eligible for an occupational~~
19 ~~license under s. 343.10 if he or she has completed the assessment and is complying~~
20 ~~with the driver safety plan ordered under par. (c).~~

21 **SECTION 20.** 343.30 (1q) (b) 4p. of the statutes is created to read:

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

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

6 SECTION 21. 343.30 (6) (b) of the statutes is amended to read:

7 343.30 (6) (b) ~~If Whenever~~ a court imposes suspension ~~or revocation~~ of a
8 person's operating privilege under s. 125.07 (4) (bs) or (c) or 938.344 (2), (2b) or (2d),
9 the suspension ~~or revocation~~ imposed shall be one of the following:

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

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

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

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

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

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

24 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions,
25 suspensions and revocations equals 3 or more, the court shall revoke the person's

1 operating privilege for ~~not less than 3 years nor more than 12 years~~. After the first
2 **120 days of the revocation period**, the person is eligible for an occupational license
3 under s. 343.10 if he or she has ~~completed the assessment and~~ is complying with the
4 driver safety plan.

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

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

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

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

11 343.31 (3) (bm) 3. Except as provided in subd. 4m. or 4p., if the number of
12 suspensions, revocations and convictions within a lo-year period equals 2, the
13 department shall revoke the person's operating privilege for not less than one year
14 nor more than 18 months. If an Indian tribal court in this state revokes the person's
15 privilege to operate a motor vehicle on tribal lands for not less than one year nor more
16 than 18 months for the conviction specified in par. (bm) (intro.), the department shall
17 impose the same period of revocation. After the first 60 days of the revocation period,
18 the person is eligible for an occupational license under s. 343.10.

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

20 343.31 (3) (bm) 4. Except as provided in subd. 4m. or 4p., if the number of
21 suspensions, revocations and convictions equals 3 or more, the department shall
22 revoke the person's operating privilege for not less than 2 years nor more than 3
23 years. If an Indian tribal court in this state revokes the person's privilege to operate
24 a motor vehicle on tribal lands for not less than 2 years nor more than 3 years for the
25 conviction specified in par. (bm) (intro.), the department shall impose the same

1 period of revocation. After the first 90 days of the revocation period, the person is
2 eligible for an occupational license under s. 343.10.

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

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

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

15 343.31 (3) (c) Any person convicted under s. 940.09 (1) of causing the death of
16 another or of an unborn child by the operation or handling of a motor vehicle shall
17 have his or her operating privilege revoked for 5 years. If there was a minor
18 passenger under 16 years of age or an unborn child, as defined in s. 939.75 (1), in the
19 motor vehicle at the time of the violation that gave rise to the conviction under s.
20 940.09 (1), the revocation period is 10 years. If the person convicted under s. 940.09
21 (1) had any previous suspensions, revocations or convictions that would be counted
22 under s. 343.307 (1) and had an alcohol concentration of 0.15 to 0.199, the revocation
23 period is 10 years. If the person convicted under s. 940.09 (1) had any previous
24 suspensions, revocations or convictions that would be counted under s. 343.307 (1)
25 and had an alcohol concentration of 0.20 to 0.249, the revocation period is 15 years.

1 If the person convicted under s. 940.09 (1) had any previous suspensions, revocations
2 or convictions that would be counted under s. 343.307 (1) and had an alcohol
3 concentration of 0.25 or above, the revocation period is 20 years.

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

5 343.31 (3) (e) Any person convicted under s. 346.63 (2) shall have his or her
6 operating privilege revoked for not less than one year nor more than 2 years. If there
7 was a minor passenger under 16 years of age in the motor vehicle at the time of the
8 violation that gave rise to the conviction under s. 346.63 (2), the minimum and
9 maximum revocation periods are doubled. If the person convicted under s. 346.63
10 (2) had any previous suspensions, revocations or convictions that would be counted
11 under s. 343.307 (1) and had an alcohol concentration of 0.15 to 0.199, the minimum
12 and maximum revocation periods are doubled. If the person convicted under s.
13 346.63 (2) had any previous suspensions, revocations or convictions that would be
14 counted under s. 343.307 (1) and had an alcohol concentration of 0.20 to 0.249, the
15 minimum and maximum revocation periods are tripled. If the person convicted
16 under s. 346.63 (2) had any previous suspensions, revocations or convictions that
17 would be counted under s. 343.307 (1) and had an alcohol concentration of 0.25 or
18 above, the minimum and maximum revocation periods are quadrupled.

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

20 343.31 (3) (f) Any person convicted under s. 940.25 shall have his or her
21 operating privilege revoked for 2 years. If there was a minor passenger under 16
22 years of age or an unborn child, as defined in s. 939.75 (l), in the motor vehicle at the
23 time of the violation that gave rise to the conviction under s. 940.25, the revocation
24 period is 4 years. If the person convicted under s. 940.25 had any previous
25 suspensions, revocations or convictions that would be counted under s. 343.307 (1)

1 and had an alcohol concentration of 0.15 to 0.199, the revocation period is 4 years.
 2 If the person convicted under s. 940.25 had any previous suspensions, revocations
 3 or convictions that would be counted under s. 343.307 (1) and had an alcohol
 4 concentration of 0.20 to 0.249, the revocation period is 6 years. If the person
 5 convicted under s. 940.25 had any previous suspensions, revocations or convictions
 6 that would be counted under s. 343.307 (1) and had an alcohol concentration of 0.25
 7 or above, the revocation period is 8 years.

8 SECTION 32. 346.65 (2) (b) of the statutes is amended to read:

9 346.65 (2) (b) ~~Except as provided in par. pars. (f) and (g),~~ shall be fined not less
 10 than \$300 nor more than \$1,000 and imprisoned for not less than ~~5~~ 30 days nor more
 11 than 6 months if the total number of suspensions, revocations and convictions
 12 counted under s. 343.307 (1) equals ~~2~~ within a 10-year period. Suspensions,
 13 revocations or convictions arising out of the same incident or occurrence shall be
 14 counted as one.

15 SECTION 33. 346.65 (2) (c) of the statutes is amended to read:

16 346.65 (2) (c) ~~Except as provided in par. pars. (f) and (g),~~ shall be fined not less
 17 than \$600 nor more than \$2,000 and imprisoned for not less than ~~30~~ 60 days nor more
 18 than one year in the county jail if the total number of suspensions, revocations and
 19 convictions counted under s. 343.307 (1) equals 3, except that suspensions,
 20 revocations or convictions arising out of the same incident or occurrence shall be
 21 counted as one.

22 SECTION 34. 346.65 (2) (d) of the statutes is amended to read:

23 346.65 (2) (d) ~~Except as provided in par. pars. (f) and (g),~~ shall be fined not less
 24 than \$600 nor more than \$2,000 and imprisoned for not less than ~~60~~ 120 days nor
 25 more than one year in the county jail if the total number of suspensions, revocations

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

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

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

10 **SECTION 36.** 346.65 (2) (g) of the statutes is created to read:

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

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

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

8 **SECTION 38.** 346.65 (2g) (a) of the statutes is amended to read:

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

1 **SECTION 39.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) lg. and
2 amended to read:

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

15 **SECTION 40.** 346.65 (6) (a) 1d. of the statutes is created to read:

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

23 **SECTION 41.** 346.65 (6) (a) 2. of the statutes is repealed.

24 **SECTION 42.** 346.65 (6) (a) 2m. of the statutes is amended to read:

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

20 SECTION 43. 346.65 (6) (c) of the statutes is amended to read:

21 346.65 (6) (c) The district attorney of the county where the motor vehicle was
 22 seized, or of the county where the owner's operating privilege was ^{ordered} revoked under s.
 23 343.305 (10) or where the owner committed the violation under s. 346.63 (1) (a) or
 24 (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
 25 commence an action to forfeit the motor vehicle within 30 days after the motor vehicle

1 is seized. The action shall name the owner of the motor vehicle and all lienholders
 2 of record as parties. The forfeiture action shall be commenced by filing a summons,
 3 complaint and affidavit of the law enforcement agency with the clerk of circuit court.
 4 Upon service of an answer, the action shall be set for hearing within 60 days after
 5 the service of the answer. If no answer is served or no issue of law or fact joined and
 6 the time for that service or joining of issues has expired, the court may render a
 7 default judgment as provided in s. 806.02.

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

9 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of
 10 proving to a reasonable certainty by the greater weight of the credible evidence that
 11 whose operating privilege was ordered revoked under s. 343.305 (1) or
 the motor vehicle is a motor vehicle owned by a person who committed a violation of
 12 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),
 13 (b), (c) or (d) and ^{strike} ~~is under par. (a) 1. (b), (c) or (d)~~ that the person had 2 or more
 14 prior convictions, suspensions or revocations, as counted under s. 343.307 (1) ~~or, if~~
 15 ~~the seizure is under par. 2., 3. or more prior convictions, suspensions or~~
 16 ~~revocations, as counted under s. 343.307 (1).~~ If the ~~,, (c) or (d) ,, (c) or (d)~~ state fails
 17 to meet the burden of proof required under this paragraph, the motor vehicle shall
 18 be returned to the owner upon the payment of storage costs.

19 **SECTION 45.** 346.655 (1) of the statutes is amended to read:

20 346.655 (1) ~~On or after July 1, 1988, if~~ If a court imposes a fine or a forfeiture
 21 for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or
 22 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
 23 vehicle, it shall impose a driver improvement surcharge in an amount of \$346 \$345
 24 in addition to the fine or forfeiture, penalty assessment, jail assessment and crime
 25 laboratories and drug law enforcement assessment.

1 SECTION 46. 346.655 (2) (a) of the statutes is amended to read:

2 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and
3 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40
4 (2) (m). The county treasurer shall then make payment of ~~37.6%~~ 38.5% of the amount
5 to the state treasurer as provided in s. 59.25 (3) (f) 2.

6 SECTION 47. 346.655 (2) (b) of the statutes is amended to read:

7 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
8 transmit the amount to the treasurer of the county, city, town or village, and that
9 treasurer shall make payment of ~~37.6%~~ 38.5% of the amount to the state treasurer
10 as provided in s. 66.12 (1) (b). The treasurer of the city, town or village shall transmit
11 the remaining ~~62.4%~~ 61.5% of the amount to the treasurer of the county.

12 SECTION 48. 346.93 (2g) of the statutes is created to read:

13 346.93 (2g) Any person violating this section may be required to forfeit not less
14 than \$20 nor more than \$400 and shall have his or her operating privilege:

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

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

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

20 SECTION 49. 346.95 (2) of the statutes is amended to read:

21 346.95 (2) Any person violating s. 346.89 (1), ~~346.93~~ or 346.94 (2), (4) or (7) may
22 be required to forfeit not less than \$20 nor more than \$400.

23 SECTION 50. 938.344 (2) (intro.) of the statutes is amended to read:

24 938.344 (2) (intro.) If a court finds a juvenile committed a violation under s.
25 ~~125.07 (4) (b) or~~ 125.09 (2), or a local ordinance that strictly conforms to ~~one of these~~

1 ~~statutes that statute~~, the court shall order one or any combination of the following
2 penalties:

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

4 938.344 (2) (c) For a violation committed within 12 months of 2 or more
5 previous violations, a forfeiture of not more than \$500, ~~revocation~~ suspension of the
6 juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
7 participation in a supervised work program or other community service work under
8 s. 938.34 (5g).

9 **SECTION 52.** 938.344 (2b) of the statutes is amended to read:

10 938.344 (2b) If a court finds a juvenile committed a violation under s. 125.07
11 (4) (a) or (b), or a local ordinance which strictly conforms to s. 125.07 (4) (a) or (b), the
12 court shall order one or any combination of the following penalties:

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

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

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

7 **SECTION 53.** 938.344 (2d) (c) of the statutes is amended to read:

8 938.344 (2d) (c) For a violation committed within 12 months of 2 or more
 9 previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's
 10 operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
 11 participation in a supervised work program or other community service work under
 12 s. 938.34 (5g).

13 **SECTION 54.** 940.09 (Id) of the statutes is renumbered 940.09 (1d) (b).

14 **SECTION 55.** 940.09 (1d) (a) of the statutes is created to read:

15 940.09 (1d) (a) If a person commits an offense under sub. (1) (a), (b), (c) or (d),
 16 the procedure under s. 346.65 (6) may be followed regarding the equipping of a motor
 17 vehicle owned by the person with an ignition interlock device.

18 **SECTION 56.** 940.25 (1c) of the statutes is created to read:

19 940.25 (1c) If the person convicted under sub. (1) (a), (b), (c) or (d) had any
 20 previous suspensions, revocations or convictions that would be counted under s.
 21 343.307 (1) and had an alcohol concentration of 0.15 to 0.199, the applicable
 22 maximum fine or imprisonment for the conviction is doubled. If the person convicted
 23 under sub. (1) (a), (b), (c) or (d) had any previous suspensions, revocations or
 24 convictions that would be counted under s. 343.307 (1) and had an alcohol
 25 concentration of 0.20 to 0.249, the applicable maximum fine or imprisonment for the

1 conviction is tripled. If the person convicted under sub. (1) (a), (b), (c) or (d) had any
2 previous suspensions, revocations or convictions that would be counted under s.
3 343.307 (1) and had an alcohol concentration of 0.25 or above, the applicable
4 maximum fine or imprisonment for the conviction is quadrupled.

5 **SECTION 67.** 940.25 (Id) of the statutes is renumbered 940.25 (1d) (b).

6 **SECTION 58.** 940.25 (Id) (a) of the statutes is created to read:

7 940 . 25 **(1d)** (a) If a person commits an offense under sub. (1) (a), (b), (c) or (d),
8 the procedure under s. 346.65 may be followed regarding the equipping of a motor
9 vehicle owned by the person with an ignition interlock device.

10 **SECTION 59.** 971.17 (1) of the statutes is amended to read:

11 **971.17 (1) COMMITMENT PERIOD.** When a defendant is found not guilty by reason
12 of mental disease or mental defect, the court shall commit the person to the
13 department of health and family services for a specified period not exceeding
14 two-thirds of the maximum term of imprisonment that could be imposed under s.
15 973.15 (2) (a) against an offender convicted of the same crime or crimes, including
16 imprisonment authorized by ss. 346.65 (2) (f) or (g), (2j) (d) or (3m), 939.62, 939.621,
17 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b) and 961.48 and
18 other penalty enhancement statutes, as applicable, subject to the credit provisions
19 of s. 973.155. If the maximum term of imprisonment is life, the commitment period
20 specified by the court may be life, subject to termination under sub. (5).

21 **SECTION 60.** 1997 Wisconsin Act 84, section 2 is repealed.

22 **SECTION 61.** 1997 Wisconsin Act 84, section 3 is repealed.

23 **SECTION 62.** 1997 Wisconsin Act 84, section 4 is repealed.

24 **SECTION 63.** 1997 Wisconsin Act 84, section 5 is repealed.

25 **SECTION 64.** 1997 Wisconsin Act 84, section 30 is repealed.

11

2

11

11

11

1 SECTION 65. 1997 Wisconsin Act 84, section 31 is repealed.

2 SECTION 66. 1997 Wisconsin Act 84, section 160 is repealed.

3 SECTION 67. 1997 Wisconsin Act 84, section 161 is repealed.

4 SECTION 68. 1997 Wisconsin Act 84, section 162 is repealed.

5 SECTION 69. Initial applicability.

6 (1) MANDATORY OPERATING PRIVILEGE SUSPENSIONS. The treatment of sections
7 125.07 (4) (bs), (c) and (e) 2. (intro.), 343.30 (6) (b), 346.93 (2g), 346.95 (2) and 938.344
8 (2) (intro.) and (c), (2b) and (2d) (c) of the statutes first applies to violations committed
9 on the effective date of this subsection, but does not preclude the counting of other
10 violations as prior violations for sentencing a person or for suspending or revoking
11 a person's operating privilege.

12 (2) INTOXICATED DRIVER PROGRAMS. The treatment of sections 85.55, 340.01'
13 (46m) (b) and (c), 342.12 (4) (a) and (c) 1. (intro.), 343.10 (5) (a) 3., 343.30 (1g) (b) 3.,
14 1. and 4., 343.305 (10) (b) 3. and 4. and (10m) (a), 343.31 (3) (bm) 3., 4. and 4p., (c),
15 (e) and (f), 346.65 (2) (b), (c), (d), (e) and (g), 2e., 2g., (a) and (6) (a) 1., Id., 2. and 2m.,
16 and (d), 940.09 (1d) (a), 940.25 (1c) and (1d) (a) and 971.17 (13) of the statutes and the
17 renumbering of sections 343.30% (10m), 940.09 (Id) and 940.25 (Id) of the statutes
18 first apply to violations committed or refusals occurring on the effective date of this
19 subsection, but does not preclude the counting of other convictions, suspensions or
20 revocations as prior convictions, suspensions or revocations for purposes of
21 administrative action by the department of transportation, sentencing by a court,
22 revocation or suspension of operating privileges or determining the prohibited
23 alcohol concentration.

24 (3) INTOXICATED DRIVER IMPROVEMENT SURCHARGE. The treatment of sections
25 20.395 (5) (ek), 20.435 (6) (hx) and 346.655 (1) and (2) (a) and (b) of the statutes first

1 applies to intoxicated driver improvement surcharges imposed for violations
2 committed on the effective date of this subsection.

3 **SECTION 70. Effective date.**

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

6 (END)

)

Vertical line with faint markings and a small cluster of marks in the center.