

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB171)

Received: 03/26/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-0656

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **TNF, ARG**

Pre Topic:

No specific pre topic given

Topic:

Suspension of drivers license to begin when driver is eligible for license

Instructions:

Eliminate "and applies" from "is eligible and applies for a drivers license"

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	phurley 03/27/2001	jdye 03/27/2001	martykr 03/27/2001	_____	gretskl 03/27/2001	lrb_docadmin 03/27/2001	

FE Sent For:

<END>

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1?	phurley		<i>km³/₂₇</i>	<i>Ch³/₂₇</i>			
				<i>km³/₂₇</i>			

FE Sent For:

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0381/1

PJH:.....

SOON

Jld

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 171

3-27-01

D-note

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

2 1. Page 3, line 1: delete “, and”. ✓

3 2. Page 3, line 2: delete “applies,”. ✓

4 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB0381/ld
PJH:~:~
Jld

Representative Leibham:

Under this amendment, the period of operating privilege suspension begins when an offender is eligible for an operator's license, regardless of whether the person applies for a license.

Peggy Hurley
Legislative Attorney
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2001 ASSEMBLY BILL 171

March 6, 2001 - Introduced by Representatives LEIBHAM, KESTELL, STARZYK, RHOADES, SUDER, GARD, GRONEMUS, GUNDERSON, POWERS, SYKORA, ALBERS, TOWNSEND, STONE and JESKEWITZ, cosponsored by Senators DARLING, WELCH and ROSENZWEIG. Referred to Committee on Transportation.

1 AN ACT *to amend* 343.10 (1) (a) and 343.31 (3) (a); and *to create* 343.31 (2s),
2 938.34 (14q) and 973.137 of the statutes; **relating to:** mandatory operating
3 privilege suspension for certain firearms offenses and bomb scares involving
4 school premises.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from making a bomb scare (intentionally conveying or causing to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives). Making a bomb scare is a Class E felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both.

Current law prohibits, with exceptions, any person from knowingly possessing a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone. Such a violation is a Class A misdemeanor, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

Current law prohibits, with exceptions, any person from knowingly, or with reckless disregard for the safety of another, discharging or attempting to discharge a firearm at a place the individual knows is a school zone. Such a violation is a Class D felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed ten years, or both.

This bill requires a court that convicts a person of one of the firearms offenses described above or of a bomb scare involving the threatened destruction of school

ASSEMBLY BILL 171

premises, or that adjudicates a juvenile delinquent for one of those offenses, to notify the department of transportation (DOT) of the person's conviction or adjudication. Upon receiving the notice, DOT must suspend the person's operating privilege for two years. If the person's operating privilege is already suspended or revoked at the time of the violation, or if the person is not eligible for an operator's license at the time of the violation, the period of suspension does not begin to run until the person is eligible and applies for an operator's license.

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.** 343.10 (1) (a) of the statutes is amended to read:

2 343.10 (1) (a) If a person's license or operating privilege is revoked or
3 suspended under this chapter or s. 767.303, 938.34 (14q), or 961.50 and if the person
4 is engaged in an occupation, including homemaking or full-time or part-time study,
5 or a trade making it essential that he or she operate a motor vehicle, the person, after
6 payment of the fee provided in sub. (6), may file an application with the department
7 setting forth in detail the need for operating a motor vehicle. No person may file more
8 than one application with respect to each revocation or suspension of the person's
9 license or operating privilege under this chapter or s. 767.303, 938.34 (14q), or
10 961.50, except that this limitation does not apply to an application to amend an
11 occupational license restriction.

12 **SECTION 2.** 343.31 (2s) of the statutes is created to read:

13 343.31 (2s) The department shall suspend a person's operating privilege for 2
14 years upon receiving a record of conviction under s. 973.137. If the department
15 receives a record of conviction under s. 973.137 or a notice of suspension under s.
16 938.34 (14q) for a person whose license or operating privilege is currently suspended
17 or revoked or for a person who does not currently possess a valid operator's license,

ASSEMBLY BILL 171

1 the suspension is first effective on the date on which the person is first eligible, and
2 applies, for issuance, renewal, or reinstatement of an operator's license.

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

4 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m) or
5 (2s), all revocations or suspensions under this section shall be for a period of one year.

6 **SECTION 4.** 938.34 (14q) of the statutes is created to read:

7 **938.34 (14q) VIOLATIONS INVOLVING BOMB SCARES OR FIREARMS AT SCHOOL.** In
8 addition to any other disposition imposed under this section, if the juvenile is found
9 to have violated s. 947.015 and the property involved is a school premises, as defined
10 in s. 948.61 (1) (c), or is found to have violated s. 948.605, the court shall immediately
11 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for 2 years.
12 The court shall immediately forward to the department of transportation the notice
13 of suspension, clearly stating that the suspension is for a violation of s. 947.015
14 involving school premises, or for a violation of s. 948.605. If otherwise eligible, the
15 juvenile is eligible for an occupational license under s. 343.10.

16 **SECTION 5.** 973.137 of the statutes is created to read:

17 **973.137 Courts to report convictions to the department of**
18 **transportation.** Upon conviction of a person for any of the following offenses, the
19 clerk of the court in which such conviction occurred shall promptly forward the record
20 of conviction to the department of transportation:

21 (1) A violation of s. 947.015, if the property involved is a school premises, as
22 defined in s. 948.61 (1) (c).

23 (2) A violation of s. 948.605.

24 **SECTION 6. Initial applicability.**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0381/1dn
PJH:jld:km

March 27, 2001

Representative Leibham:

Under this amendment, the period of operating privilege suspension begins when an offender is eligible for an operator's license, regardless of whether the person applies for a license.

Peggy Hurley
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