

2001 DRAFTING REQUEST

Bill

Received: **05/21/2001**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **tom kelly**

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - penalties**

Extra Copies: **TNF, ARg**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Drunken driving surcharge

Instructions:

See Attached

*Please notify TNF
if supplemental fiscal
estimate requested.*

Thanks!

TNF

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 08/29/2001	gilfokm 08/29/2001	kfollet 08/30/2001		lrb_docadmin 08/30/2001		Local
/2	phurley 08/31/2001	gilfokm 09/04/2001	kfollet 09/04/2001		lrb_docadmin 09/04/2001	lrb_docadminLocal 10/11/2001 lrb_docadmin 10/11/2001	

FE Sct For:

At Intro.

<END>

*"State" FE's
Requested
10-30-2001
see attached*

2001 DRAFTING REQUEST

Bill

Received: 05/21/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Tony Staskunas (608) 266-0620

By/Representing: tom kelly

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - penalties**

Extra Copies: **TNF, ARg**

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Drunken driving surcharge

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>
/1	phurley 08/29/2001	gilfokm 08/29/2001	kfollet 08/30/2001	_____	lrb_docadmin 08/30/2001		Local
/2	phurley 08/31/2001	gilfokm 09/04/2001	kfollet 09/04/2001	_____	lrb_docadmin 09/04/2001		Local

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 05/21/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Tony Staskunas (608) 266-0620

By/Representing: tom kelly

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Drunk Driving - penalties

Extra Copies: TNF, ARg

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Drunken driving surcharge

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>
/1	phurley 08/29/2001	gilfokm 08/29/2001	kfollet 08/30/2001		lrb_docadmin 08/30/2001		Local
FE Sent For:		12-9/4-01 KMG	18/4 9/4	18/4 9/4			<END>

2001 DRAFTING REQUEST

Bill

Received: **05/21/2001**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **tom kelly**

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

Drafter: **phurley**

May Contact:

Alt. Drafters:

Subject: **Drunk Driving - penalties**

Extra Copies: **TNF, ARg**

Pre Topic:

No specific pre topic given

Topic:

Drunken driving surcharge

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>
1?	phurley	1-8/Kmg /29	KJ 8/30	KJ/HF 8/30			

FE Sent For:

<END>

Nelson, Robert P.

From: Kellyx, Tom
Sent: Monday, May 21, 2001 1:27 PM
To: Nelson, Robert P.
Subject: Bill Drafting Request for Staskunas

Sensitivity: Confidential

Dear Mr. Nelson:

My name is Tom Kelly. I have a bill drafting request for Rep. Staskunas which I think is in your area of expertise.

We were contacted by a constituent who would like to see Wisconsin adopt a law similar to Illinois Statutes section 625 ILCS 5/11-501 (j).

Illinois Statutes section 625 ILCS 5/11-501 (j) created a \$100 surcharge for each drunk driving conviction. That money is then passed on to the arresting agency to be used to purchase and maintain equipment that will improve drunk driving convictions by better recording incidents of drunk driving. This equipment is defined as including, but not being limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

Rep. Staskunas would like to introduce bill that would have the same effect as this section of Illinois law.

For your use, here is a copy of section 625 ILCS 5/11-501 (j):

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined \$100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the \$100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

If you would like to see a full copy of Illinois' driving while intoxicated law, please access the following link:
<http://www.legis.state.il.us/ilcs/ch625/ch625act5articles/ch625act5Sub50.htm>

This request has no higher priority than any of Rep. Staskunas's other drafting requests.

Thank you for your help. If you have any questions, please do not hesitate to call or email me or my co-worker, Adrienne Ramirez.

Sincerely,

Tom Kelly
Rep. Staskunas's Office
124-N / 266-0620
tom.kellyx@legis.state.wi.us

7-27-01 3338

346.655

driver improvement surcharge

- OWI offenses

- \$345

- in addition to jail assessment, crime lab & drug law enforcement penalty

- Ifc to Tom Kelly - does rep want to cap off \$100 of this \$ or does he want an additional \$100 for the law enforcement equip?

Ifc says an additional \$100, Lt Drink that \$345 surcharge already exists.

look at

619.61: taking \$ of the top

346.65 (6): paying \$ to law enforcement



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3338/1

PJH:1/...

King

2001 BILL

in 8-29-01
by 8-30-01

Gen. Asst.

1 AN ACT relating to: a surcharge for convictions related to operating a vehicle
2 while intoxicated.

as changed by the 2001 budget act

Analysis by the Legislative Reference Bureau

Under current law, a person who is convicted of certain violations relating to operating a vehicle while intoxicated must pay a driver improvement surcharge of \$345 in addition to any applicable forfeiture or fine, assessments, and costs. The driver improvement surcharge is distributed between the municipality or county where the conviction occurs and the state.

This bill increases the driver improvement surcharge to \$445. Under the bill, \$100 of that amount is given to the law enforcement agency that arrested the person convicted of the violation relating to operating a vehicle while intoxicated. The bill requires the law enforcement agency to use the money to purchase law enforcement equipment that will be used to prevent alcohol-related criminal activity. The remaining \$345 is distributed, as under current law, between the municipality or county where the conviction occurs and the state.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

5

who is

5

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

, as affected by 2001

3

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

Wisconsin Act
... (Senate bill 55)

Proof w/01 SB-55 amended

5

346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge in an amount of \$345 ⁵ \$445 in addition to the fine or forfeiture, penalty assessment, jail assessment ~~and~~ crime laboratories and drug law enforcement assessment, *and, if required by s. 349.04, truck driver education assessment*

History: 1981 c. 20; 1981 c. 314; 1983 a. 27 s. 2202 (20); 1985 a. 29, 337; 1987 a. 3, 27, 399; 1989 a. 31, 105; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 109; 1999 a. 150 s. 672.

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

paid by each person

346.655 (2) (a) Except as provided in (b), the clerk of circuit court shall collect ~~the amount~~ ^{\$355 of} ~~that each person pays~~ and transmit ~~the amount~~ under sub. (1) to the county treasurer as provided in s. 59.40 (2) (m). ^{\$355} The county treasurer shall then make payment of 38.5% ^{plain}

Sort; out of order

of ~~the amount~~ to the state treasurer as provided in s. 59.25 (3) (f) 2.

(b) If the forfeiture is imposed by a municipal court, the court shall transmit ^{plain} ~~the amount~~ ^{SEC. #. AM; 346.655(2)(b), as affected by 2001 Wisconsin Act ...} to the treasurer of the county, city, town or village, and that treasurer ^{346.655(2) 2(B)} shall make payment of 38.5% of ^{paid by each person} ~~the amount~~ ⁵ \$345 to the state treasurer as provided

in s. 66.0114 (1) (b). The treasurer of the city, town or village shall transmit the remaining 61.5% of ^{plain} ~~the amount~~ ^{\$355} to the treasurer of the county.

Senate Bill 55

History: 1981 c. 20; 1981 c. 314; 1983 a. 27 s. 2202 (20); 1985 a. 29, 337; 1987 a. 3, 27, 399; 1989 a. 31, 105; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 109; 1999 a. 150 s. 672.

SECTION 3. 346.655 (2) (am) of the statutes is created to read:

346.655 (2) (am) The clerk of circuit court or the municipal court shall collect ^{of the amount} and transmit \$100 ^{paid} ~~under sub. (1)~~ ^{by each person} to the law enforcement agency that arrested the person for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle. The law enforcement agency shall use any amounts received under

BILL

1

this paragraph to purchase law enforcement equipment that will assist in the
prevention of alcohol^v-related violations.

2

3

(END)

2
RMR

2001 BILL

7-31-d

by
9-11-01

Gen. Cat.

1 AN ACT to amend 346.655 (1), 346.655 (2) (a) and 346.655 (2) (b); and to create
2 346.655 (2) (am) of the statutes; relating to: a surcharge for convictions related
3 to operating a vehicle while intoxicated.

Analysis by the Legislative Reference Bureau

Under current law, as changed by the 2001 budget act, a person who is convicted of certain violations relating to operating a vehicle while intoxicated must pay a driver improvement surcharge of \$355 in addition to any applicable forfeiture or fine, assessments, and costs. The driver improvement surcharge is distributed between the municipality or county where the conviction occurs and the state.

This bill increases the driver improvement surcharge to \$455. Under the bill, \$100 of that amount is given to the law enforcement agency that arrested the person who is convicted of the violation relating to operating a vehicle while intoxicated. The bill requires the law enforcement agency to use the money to purchase law enforcement equipment that will be used to prevent alcohol-related criminal activity. The remaining \$355 is distributed, as under current law, between the municipality or county where the conviction occurs and the state.

and maintain

For further information see the *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:

related and other drug

BILL

1 SECTION 1. 346.655 (1) of the statutes, as affected by 2001 Wisconsin Act *WU*

2 ~~Senate Bill 554~~ ¹⁶ is amended to read:

3 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
4 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25,
5 or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver
6 improvement surcharge in an amount of \$355 \$455 in addition to the fine or
7 forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
8 enforcement assessment, and, if required by s. 349.04, truck driver education
9 assessment.

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

11 346.655 (2) (a) Except as provided in (b), the clerk of circuit court shall collect
12 and transmit \$355 of the amount paid by each person under sub. (1) to the county
13 treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make
14 payment of 38.5% of the amount \$355 to the state treasurer as provided in s. 59.25
15 (3) (f) 2.

16 SECTION 3. 346.655 (2) (am) of the statutes is created to read:

17 346.655 (2) (am) The clerk of circuit court or the municipal court shall collect
18 and transmit \$100 of the amount paid by each person under sub. (1) to the law
19 enforcement agency that arrested the person for a violation of s. 346.63 (1) or (5), or
20 a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09
21 where the offense involved the use of a vehicle. The law enforcement agency shall
22 use any amounts received under this paragraph to purchase law enforcement
23 equipment that will assist in the prevention of alcohol ~~related~~ violations.

24 SECTION 4. 346.655 (2) (b) of the statutes, as affected by 2001 Wisconsin Act *WU*

25 ~~Senate Bill 554~~ ¹⁶ is amended to read:

related and other drugs

and maintain

BILL

1 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
2 transmit \$355 of the amount paid by each person to the treasurer of the county, city,
3 town, or village, and that treasurer shall make payment of 38.5% of the ~~amount~~ \$355
4 to the state treasurer as provided in s. 66.0114 (1) (bm). The treasurer of the city,
5 town, or village shall transmit the remaining 61.5% of the ~~amount~~ \$355 to the
6 treasurer of the county.

7

(END)

Basford, Sarah

From: Ramirez, Adrienne
Sent: Thursday, October 11, 2001 11:45 AM
To: LRB.Legal
Subject: Jacket request

Would you please jacket LRB-3338/2, relating to a surcharge for convictions related to operating a vehicle while intoxicated as an Assembly proposal.

Thank you for your assistance. Please feel free to call if you have any questions.

Adrienne Ramirez
Office of Rep. Tony Staskunas
6-0620

Barman, Mike

From: Pirlot, R.J.
Sent: Monday, October 29, 2001 4:46 PM
To: Uecker, Deborah
Cc: Barman, Mike; Staskunas, Tony

Ms. Uecker,

Representative Staskunas has brought to my attention 2001 Assembly Bill 566, relating to a surcharge for convictions related to operating a vehicle while intoxicated, lacks a requirement for a *state* fiscal estimate. He believes a *state* fiscal estimate would be substantially different than the prepared *local* fiscal estimate; Speaker Jensen concurs.

Therefore, pursuant to Joint Rule 41(3)(b), please secure a supplemental *state* fiscal estimate relating to ASSEMBLY BILL 579, to be prepared by the appropriate state agency.

R.J. Pirlot

Policy Director and Legal Counsel
Office of Assembly Speaker Scott R. Jensen
Direct: 608-261-9482
Fax: 608-266-5123