

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

LRB-3047/P3dn

PJH:kmg:pg

October 17, 2001

Ron:

I have redrafted 3047/P2 as you requested. I remain concerned, however, about the proposed changes to s. 346.65 (2) (g). As we discussed, the creation of s. 346.65 (2) (g) 4., as proposed by the committee, could actually work to reward someone for having a minor in his or her vehicle while he or she is under the influence of an intoxicant or operating with a prohibited alcohol level concentration.

Section 346.65 (2) (f) doubles fines for having a minor passenger in the vehicle at the time of the OWI violation. Section 346.65 (2) (g) doubles, triples, or quadruples fines for having an increasingly high alcohol concentration.

As written in this draft, s. 346.65 (2) (g) 4. states that a person's fine will NOT be doubled, tripled, or quadrupled, regardless of the level of intoxication, if the person is already subject to a double fine for having a minor in his or her vehicle. Therefore, if someone would otherwise be subject to a triple fine for a very high alcohol concentration, he or she would be better off having a minor in the vehicle, and being subject therefore to only a double fine.

You have indicated that the committee considered this and wants to draft this section in that way. I have changed the draft accordingly; please contact Tim if you want further changes, as I will be on maternity leave until mid-January.

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