

2001 ASSEMBLY BILL 746

January 28, 2002 – Introduced by Representatives MCCORMICK, STARZYK, HINES, KRAWCZYK, JESKEWITZ, HAHN, MILLER, OWENS, OTT, ALBERS and VRAKAS, cosponsored by Senators DARLING, HUELSMAN, ROSENZWEIG and HARSDFORF. Referred to Committee on Highway Safety.

1 **AN ACT** *to renumber* 346.65 (3m); and *to create* 343.10 (2) (dr), 346.65 (2d),
2 346.65 (3m) (b), 940.09 (1e) and 940.25 (1e) of the statutes; **relating to:**
3 withholding sentences in cases involving operating a motor vehicle while
4 intoxicated and eligibility for an occupational license authorizing the operation
5 of motor vehicles.

Analysis by the Legislative Reference Bureau

Under current law, if a person is convicted of operating a motor vehicle while intoxicated or while having a prohibited alcohol concentration (OWI), the court, in addition to imposing penalties, is required to order the person to submit to and comply with an assessment by an approved public treatment facility, to determine the person's use of alcohol or controlled substances, and a driver safety plan.

This bill permits the court to order the person to submit to and comply with an assessment and driver safety plan before the court imposes sentence. The court may withhold sentencing the person until it has reviewed the person's compliance with assessment.

Also under current law, if a court orders a person to submit to and comply with an assessment and driver safety plan, and the person has two or more prior OWI-related convictions, suspensions, or revocations, no occupational license (a license that permits limited operation of a motor vehicle for purposes of an occupational trade, including full-time or part-time study) may be issued to the person until he or she has completed the assessment and is complying with the driver safety plan.

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This bill provides that, if a court orders a person to submit to and comply with an assessment and driver safety plan and the person has one or no prior OWI-related convictions, suspensions, or revocations, the court may order that no occupational license be issued to the person until he or she has completed the assessment and is complying with the driver safety plan.

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 (2) (dr) of the statutes is created to read:

2 343.10 **(2)** (dr) If the court orders a person to submit to and comply with an
3 assessment and driver safety plan and if the person has one or no prior convictions,
4 suspensions, or revocations, as counted under s. 343.307 (1), the court may order that
5 no occupational license may be issued to the person until the person has completed
6 the assessment and is complying with the driver safety plan.

7 **SECTION 2.** 346.65 (2d) of the statutes is created to read:

8 346.65 **(2d)** Before imposing a sentence under sub. (2) for a violation of s. 346.63
9 (1) or a local ordinance in conformity therewith, the court may order the person to
10 submit to and comply with an assessment under s. 343.30 (1q). The court may
11 withhold sentence until it has reviewed the person's compliance with assessment.

12 **SECTION 3.** 346.65 (3m) of the statutes is renumbered 346.65 (3m) (a).

13 **SECTION 4.** 346.65 (3m) (b) of the statutes is created to read:

14 346.65 **(3m)** (b) Before imposing a sentence under par. (a) for a violation of s.
15 346.63 (2), the court may order the person to submit to and comply with an
16 assessment under s. 343.30 (1q). The court may withhold sentence until it has
17 reviewed the person's compliance with assessment.

18 **SECTION 5.** 940.09 (1e) of the statutes is created to read:

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1 940.09 **(1e)** Before imposing a sentence under sub. (1), the court may order the
2 person to submit to and comply with an assessment under s. 343.30 (1q). The court
3 may withhold sentence until it has reviewed the person’s compliance with
4 assessment.

5 **SECTION 6.** 940.25 (1e) of the statutes is created to read:

6 940.25 **(1e)** Before imposing a sentence under sub. (1), the court may order the
7 person to submit to and comply with an assessment under s. 343.30 (1q). The court
8 may withhold sentence until it has reviewed the person’s compliance with
9 assessment.

10 **SECTION 7. Initial applicability.**

11 (1) This act first applies to violations committed or refusals occurring on the
12 effective date of this subsection, but does not preclude the counting of other
13 convictions, suspensions, or revocations as prior convictions, suspensions, or
14 revocations for purposes of administrative action by the department of
15 transportation, sentencing by a court, or revocation or suspension of motor vehicle
16 operating privileges.

17 **SECTION 8. Effective date.**

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

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(END)