

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0313/1dn
TNF:hmh:jf

February 11, 2002

ATTN: Rep. Terri McCormick

This substitute amendment incorporates changes discussed in our meeting of January 30, 2002, and in follow-up discussions with Don Dyke of the Legislative Council. The substitute amendment differs from the bill as follows:

1. The substitute amendment permits a court to order assessment as the first stage in imposing any penalty or order. That is, the assessment order is not made prior to imposition of the rest of the sentence (criminal cases) or forfeiture. In addition, the substitute amendment uses "penalty or order" instead of "sentence" because sentencing refers to criminal cases, whereas first-time OWI is a civil case (forfeiture).
2. The substitute amendment requires the assessment order to be entered under s. 343.30 (1q) (c) so that other relevant provisions of s. 343.30 (1q), such as notification to DOT of the assessment order and operating privilege revocation for noncompliance with the assessment or driver safety plan, apply.
3. The substitute amendment requests the Wisconsin supreme court to promulgate a rule requiring the retention of all court records relating to assessments for at least 10 years. See s. 757.54 (1), stats.

Finally, the substitute amendment does not address the issue of the confidentiality of court records relating to such assessments. Current court procedures will apply to these assessments. If you think this needs to be addressed in some way, please let me know.

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us