

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 746**

February 19, 2002 – Offered by Representative McCORMICK.

1 **AN ACT** *to renumber* 346.65 (3m); and *to create* 343.10 (2) (dr), 343.30 (1q) (i),
2 343.30 (1q) (j), 346.65 (2d), 346.65 (3m) (b), 757.54 (3), 940.09 (1e) and 940.25
3 (1e) of the statutes; **relating to:** alcohol or other drug abuse assessments in
4 cases involving the intoxicated operation of a motor vehicle, eligibility for an
5 occupational license authorizing the operation of motor vehicles, and
6 requesting the supreme court to promulgate a rule on the retention of certain
7 court records.

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

8 **SECTION 1.** 343.10 (2) (dr) of the statutes is created to read:
9 343.10 **(2)** (dr) If the court orders a person to submit to and comply with an
10 assessment and driver safety plan and if the person has one or no prior convictions,
11 suspensions, or revocations, as counted under s. 343.307 (1), the court may order that

1 no occupational license may be issued to the person until the person has completed
2 the assessment and is complying with the driver safety plan.

3 **SECTION 2.** 343.30 (1q) (i) of the statutes is created to read:

4 343.30 **(1q)** (i) If a court enters an order under par. (c) pursuant to s. 346.65 (2d)
5 or (3m) (b), 940.09 (1e), or 940.25 (1e), the court may request information from the
6 facility regarding the person's compliance with assessment. Any information
7 provided to a court under this paragraph shall be confidential and may not be made
8 available to any person except upon specific authorization of the court.

9 **SECTION 3.** 343.30 (1q) (j) of the statutes is created to read:

10 343.30 **(1q)** (j) If the supreme court promulgates the rule specified under s.
11 757.54 (3), the court shall retain all court records relating to assessments under this
12 subsection for at least 10 years.

13 **SECTION 4.** 346.65 (2d) of the statutes is created to read:

14 346.65 **(2d)** Prior to imposing any other penalty or order under sub. (2) for a
15 violation of s. 346.63 (1) or a local ordinance in conformity therewith, the court may
16 enter an order under s. 343.30 (1q) (c) requiring the person to submit to and comply
17 with an assessment. The court may postpone imposing any other penalty or order
18 until it has requested and reviewed information from the facility provided under s.
19 343.30 (1q) (i) regarding the person's compliance with assessment.

20 **SECTION 5.** 346.65 (3m) of the statutes is renumbered 346.65 (3m) (a).

21 **SECTION 6.** 346.65 (3m) (b) of the statutes is created to read:

22 346.65 **(3m)** (b) Prior to imposing any other penalty or order under par. (a) for
23 a violation of s. 346.63 (2), the court may enter an order under s. 343.30 (1q) (c)
24 requiring the person to submit to and comply with an assessment. The court may
25 postpone imposing any other penalty or order until it has requested and reviewed

1 information from the facility provided under s. 343.30 (1q) (i) regarding the person's
2 compliance with assessment.

3 **SECTION 7.** 757.54 (3) of the statutes is created to read:

4 757.54 (3) The supreme court is requested to promulgate a rule under sub. (1)
5 that provides for the retention of all court records relating to assessments under s.
6 343.30 (1q) for at least 10 years.

7 **SECTION 8.** 940.09 (1e) of the statutes is created to read:

8 940.09 (1e) Prior to imposing any other penalty or order under sub. (1), the
9 court may enter an order under s. 343.30 (1q) (c) requiring the person to submit to
10 and comply with an assessment. The court may postpone imposing any other penalty
11 or order until it has requested and reviewed information from the facility provided
12 under s. 343.30 (1q) (i) regarding the person's compliance with assessment.

13 **SECTION 9.** 940.25 (1e) of the statutes is created to read:

14 940.25 (1e) Prior to imposing any other penalty or order under sub. (1), the
15 court may enter an order under s. 343.30 (1q) (c) requiring the person to submit to
16 and comply with an assessment. The court may postpone imposing any other penalty
17 or order until it has requested and reviewed information from the facility provided
18 under s. 343.30 (1q) (i) regarding the person's compliance with assessment.

19 **SECTION 10. Initial applicability.**

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

