

2001 DRAFTING REQUEST

Bill

Received: 09/05/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Russell Decker (608) 266-2502

By/Representing: Pat

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - law enforcement  
Drunk Driving - procedures  
Nat. Res. - boats snomos ATVs

Extra Copies: ARG, PJH, TNF,  
RLR, RNK, MGG

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Passive alcohol sensors

Instructions:

Draft budget bill section 2882m as separate bill

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> |
|--------------|----------------------|--------------------|-------------------------|----------------|----------------------------|----------------------------|-----------------|
| /?           | mdsida<br>10/08/2001 | jdye<br>10/09/2001 |                         | _____          |                            |                            | S&L             |
| /1           |                      |                    | pgreconsl<br>10/10/2001 | _____          | lrb_docadmin<br>10/10/2001 | lrb_docadmin<br>10/11/2001 |                 |

FE Sent For:

L Az intro

<END>

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| /?           | mdsida<br>10/08/2001 | jdyer<br>10/09/2001 |                        | _____          |                            |                 | S&L             |
| /1           |                      |                     | pgreensl<br>10/10/2001 | _____          | lrb_docadmin<br>10/10/2001 |                 |                 |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1?           | mdsida         | 1/10 jld        | 1/10 PG      | 1/10 SELF      |                  |                 |                 |

FE Sent For:

<END>



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3719(?)

MGD: ^:....

jld  
①

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

1 AN ACT ...; relating to: passive alcohol sensors. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, a person may not operate a motor vehicle, a snowmobile, an all-terrain vehicle while under the influence of an intoxicant or with a blood or breath alcohol concentration in excess of a certain level. This bill prohibits a law enforcement officer from using a passive alcohol sensor for the purpose of detecting alcohol in a person's breath unless the person consents to its use. The bill defines "passive alcohol sensor" as a device that is used to determine the presence of alcohol in the air but that does not require a person to breathe directly into it through a mouthpiece, tube, or similar device.

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:*

2

(END)

Insert

LFB:.....Dyck - Passive alcohol sensors (Motion #1030, #27)

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

*Insert*

1 ~~At the locations indicated, amend the bill as follows:~~

2 ~~1. Page 1339, line 23: after that line insert:~~

3 ~~SECTION 2882m.~~ <sup>#</sup> 175.50 <sup>✓</sup> of the statutes is created to read:

4 **175.50 Use of passive alcohol sensors.** (1) In this section:

5 (a) "Law enforcement officer" means a Wisconsin law enforcement officer, as  
6 defined in s. 175.46 (1) (g).

7 (b) "Passive alcohol sensor" means a device that is used to determine the  
8 presence of alcohol in the air but that does not require a person to breathe directly  
9 into it through a mouthpiece, tube, or similar device.



INSERT  
CONT

1           (2) A law enforcement officer may not use a passive alcohol sensor for the  
2 purpose of detecting the presence of alcohol in a person's breath unless the person  
3 consents to its use.



~~END~~

(end insert)

4



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

October 10, 2001

### MEMORANDUM

To: Senator Decker

From: Michael Dsida, Legislative Attorney

Re: LRB-3719/1 Passive alcohol sensors

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

\_\_\_ JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9867 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Tuesday, October 16, 2001 11:14 AM  
**To:** Walsh, Patrick  
**Subject:** LRB-3719/1 (attached as requested)

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)  
(E-Mail: lynn.emery@legis.state.wi.us) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street 5th Floor  
Madison, WI 53703

10/16/2001