

**2003 DRAFTING REQUEST**

**Assembly Amendment (AA-AB88)**

Received: **05/24/2003**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - penalties  
Drunk Driving - alcohol level**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Foti@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Penalties and record keeping for .08 to .99

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**Instructions:**

See Attached

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**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>
/1	phurley 05/24/2003	csicilia 05/27/2003	jfrantze 05/27/2003	_____	lemery 05/27/2003	lemery 05/27/2003	
	phurley 05/29/2003	csicilia 05/29/2003		_____			
/2			jfrantze 05/29/2003	_____	sbasford 05/29/2003	sbasford 05/29/2003	

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

<END>

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/1	phurley 05/24/2003	csicilia 05/27/2003	jfrantze 05/27/2003	_____	lemery 05/27/2003	lemery 05/27/2003	

FE Sent For:

1/2 cps 5/29/03 J/ch 5/29/03 <END>

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/1	phurley	1 yr 5/27/03	6/9/03	J/pe 3/27			

FE Sent For:

<END>

Cindy @ Foti - 68551

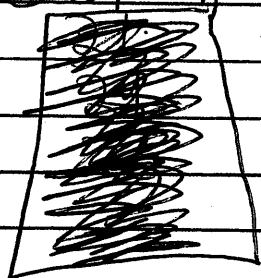
.08

As and AMD to  
AB 88

- .08 to .099 concerns
- no surcharges from .08 to .9 if first offense
- assessments - ditto
- fines: maintain at current standards for all offenses

- modify how records are kept:  
if no further OWI w/in 10 yrs of first .08 to .09, the ~~first OWI~~ ~~OWI~~ OWI gets wiped off record.

- Oct 1, 2023 effective date



by next Tuesday

D-note: driving only

not injury or death  
not underage  
not comm. vehicle



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBa0547/1

PJH:f:....

ys

ASSEMBLY AMENDMENT,  
TO 2003 ASSEMBLY BILL 88

by 5-27-03  
pm

SA ✓

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

2 1. Page 3, line 22: after that line insert:

3 "SECTION 8g. 165.755 (1) (b) of the statutes is amended to read:

4 165.755 (1) (b) A court may not impose the crime laboratories and drug law  
5 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1.,  
6 (ar), (bm), or (br) or (5) (b), ~~or for a first violation of s. 23.33 (4c) (a) 2., 30.861 (1) (b),~~  
7 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood  
8 alcohol concentration between .08 and .099 at the time of the violation, or for a  
9 violation of a state law or 0.08 municipal or county ordinance involving a nonmoving  
10 traffic violation or a safety belt use violation under s. 347.48 (2m).

681

1.

History: 1997 a. 27; 1999 a. 9, 72; 1999 a. 150 s. 672; 2001 a. 16.

11 SECTION 8r. 302.46 (1) (a) of the statutes is amended to read:

12 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture  
13 for a violation of state law or for a violation of a municipal or county ordinance except

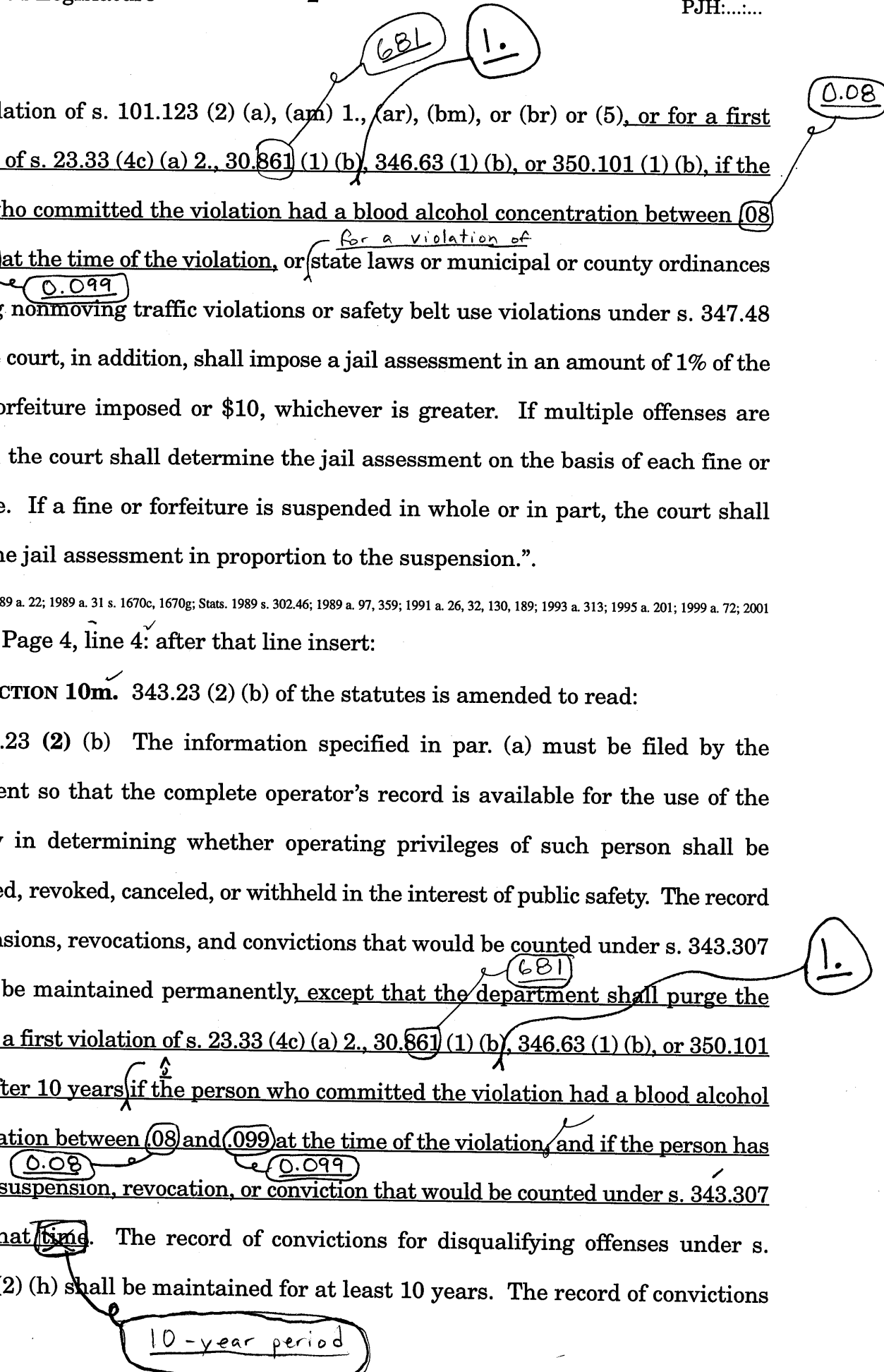
1 for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first  
 2 violation of s. 23.33 (4c) (a) 2., 30.861 (1) (b), 346.63 (1) (b), or 350.101 (1) (b), if the  
 3 person who committed the violation had a blood alcohol concentration between .08  
 4 and .099 at the time of the violation, or <sup>for a violation of</sup> state laws or municipal or county ordinances  
 5 involving nonmoving traffic violations or safety belt use violations under s. 347.48  
 6 (2m), the court, in addition, shall impose a jail assessment in an amount of 1% of the  
 7 fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are  
 8 involved, the court shall determine the jail assessment on the basis of each fine or  
 9 forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall  
 10 reduce the jail assessment in proportion to the suspension.”

History: 1987 a. 27; 1989 a. 22; 1989 a. 31 s. 1670c, 1670g; Stats. 1989 s. 302.46; 1989 a. 97, 359; 1991 a. 26, 32, 130, 189; 1993 a. 313; 1995 a. 201; 1999 a. 72; 2001 a. 16.

11 **2.** Page 4, line 4: after that line insert:

12 “SECTION 10m. 343.23 (2) (b) of the statutes is amended to read:

13 343.23 (2) (b) The information specified in par. (a) must be filed by the  
 14 department so that the complete operator’s record is available for the use of the  
 15 secretary in determining whether operating privileges of such person shall be  
 16 suspended, revoked, canceled, or withheld in the interest of public safety. The record  
 17 of suspensions, revocations, and convictions that would be counted under s. 343.307  
 18 (2) shall be maintained permanently, except that the department shall purge the  
 19 record of a first violation of s. 23.33 (4c) (a) 2., 30.861 (1) (b), 346.63 (1) (b), or 350.101  
 20 (1) (b) after 10 years if the person who committed the violation had a blood alcohol  
 21 concentration between .08 and .099 at the time of the violation, and if the person has  
 22 no other suspension, revocation, or conviction that would be counted under s. 343.307  
 23 during that time. The record of convictions for disqualifying offenses under s.  
 24 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions



1 for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be maintained for at  
 2 least 3 years. The record of convictions for disqualifying offenses under s. 343.315  
 3 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee  
 4 transfers residency to another state such record may be transferred to another state  
 5 of licensure of the licensee if that state accepts responsibility for maintaining a  
 6 permanent record of convictions for disqualifying offenses. Such reports and records  
 7 may be cumulative beyond the period for which a license is granted, but the secretary,  
 8 in exercising the power of suspension granted under s. 343.32 (2) may consider only  
 9 those reports and records entered during the 4-year period immediately preceding  
 10 the exercise of such power of suspension.”

11 **Cross Reference:** Cross Reference: Cross Reference: See also ch. Trans 100, Wis. adm. code. **Cross Reference:**  
 History: 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 331; 1981 c. 178; 1983 a. 74; 1987 a. 3; 1989 a. 31, 105, 133, 359; 1991 a. 277; 1993 a. 65; 1995 a. 113, 184,  
 338; 1997 a. 35, 84, 237; 1999 a. 32, 109; 2001 a. 38, 109.

12 **3.** Page 5, line 18: after that line insert:

13 “SECTION 18c. 757.05 (1) (a) of the statutes is amended to read:

14 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
 15 state law or for a violation of a municipal or county ordinance except for a violation  
 16 of s. 101.123 (2) (a), (am) <sup>(bbl)</sup> 1., (ar), (bm), or (br) or (5), <sup>(L)</sup> or for a first violation of s. 23.33  
 17 (4c) (a) 2., 30.861 (1) (b), 346.63 (1) (b), or 350.101 (1) (b), if the person who committed  
 18 the violation had a blood alcohol concentration between .08 and .099 at the time of  
 19 the violation, or <sup>for a violation of</sup> state laws or municipal or county ordinances involving nonmoving  
 20 traffic violations or safety belt use violations under s. 347.48 (2m), there shall be  
 21 imposed in addition a penalty assessment in an amount of 24% of the fine or  
 22 forfeiture imposed. If multiple offenses are involved, the penalty assessment shall  
 23 be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture



1 is suspended in whole or in part, the penalty assessment shall be reduced in  
2 proportion to the suspension.

History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672; 2001 a. 16.

3 **SECTION 18g.** 814.63 (1) (c) of the statutes is amended to read:

4 814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
5 101.123 (2) (a), (am) 1., (ar), (br), or (br) or (5), or for a first violation of s. 23.33 (4c)  
6 (a) 2., 30.861 (1) (b), 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
7 violation had a blood alcohol concentration between .08 and .099 at the time of the  
8 violation, or for a safety belt use violation under s. 347.48 (2m).  
*Handwritten notes: (681), 1., 0.08, 0.099*

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16.

9 **SECTION 18L.** 814.63 (2) of the statutes is amended to read:

10 814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
11 violation of a county, town, city, village, town sanitary district or public inland lake  
12 protection and rehabilitation district ordinance, except for a first violation of s. 23.33  
13 (4c) (a) 2., 30.861 (1) (b), 346.63 (1) (b), or 350.101 (1) (b), if the person who committed  
14 the violation had a blood alcohol concentration between .08 and .099 at the time of  
15 the violation, or for an action for a safety belt use violation under s. 347.48 (2m), the  
16 county, town, city, village, town sanitary district or public inland lake protection and  
17 rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.  
*Handwritten notes: (681), 1., 0.08, 0.099*

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16.

18 **SECTION 18p.** 814.634 (1) (a) of the statutes is amended to read:

19 814.634 (1) (a) Except for a first violation of s. 23.33 (4c) (a) 2., 30.861 (1) (b),  
20 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood  
21 alcohol concentration between .08 and .099 at the time of the violation, or for an  
22 action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court  
23 shall charge and collect a \$52 court support services fee from any person, including  
*Handwritten notes: (681), 1., 0.08, 0.099*

1 any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1)  
2 (a), (3), or (8) (am) or 814.63 (1).

3 History: 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109.

SECTION 18t. 814.635 (1) of the statutes is amended to read:

4 814.635 (1) Except for a first violation of s. 23.33 (4c) (a) 2., 30.861 (1) (b), 346.63  
5 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood  
6 alcohol concentration between .08 and .099 at the time of the violation, or for an  
7 action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court  
8 shall charge and collect a \$9 justice information system fee from any person,  
9 including any governmental unit as defined in s. 108.02 (17), paying a fee under s.  
10 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice  
11 information system fee is in addition to the other fees listed in this section.

12 History: 1987 a. 27; 1989 a. 22; 1991 a. 26, 89; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9.

SECTION 18x. 814.65 (1) of the statutes is amended to read:


13 814.65 (1) COURT COSTS. In a municipal court action, except for a first violation  
14 of s. 23.33 (4c) (a) 2., 30.861 (1) (b), 346.63 (1) (b), or 350.101 (1) (b), if the person who  
15 committed the violation had a blood alcohol concentration between .08 and .099 at  
16 the time of the violation, or for an action for violation of an ordinance in conformity  
17 with s. 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor  
18 more than \$23 on each separate matter, whether it is on default of appearance, a plea  
19 of guilty or no contest, on issuance of a warrant or summons or the action is tried as  
20 a contested matter. Of each fee received by the judge under this subsection, the  
21 municipal treasurer shall pay monthly \$5 to the state treasurer for deposit in the  
22 general fund and shall retain the balance for the use of the municipality." ✓

23 History: 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 403; 1989 a. 22; 1991 a. 26; 1997 a. 27.

(END)

LRBa05471<sup>2</sup>  
PJH:cjs:je  

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Stays

**ASSEMBLY AMENDMENT ,  
TO 2003 ASSEMBLY BILL 88**

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

2 **1.** Page 3, line 22: after that line insert:

3 **"SECTION 8g.** 165.755 (1) (b) of the statutes is amended to read:

4 165.755 (1) (b) A court may not impose the crime laboratories and drug law  
5 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1.,  
6 (ar), (bm), or (br) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1.,  
7 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood  
8 alcohol concentration between 0.08 and 0.099 at the time of the violation, or for a  
9 violation of a state law or municipal or county ordinance involving a nonmoving  
10 traffic violation or a safety belt use violation under s. 347.48 (2m).

11 **SECTION 8r.** 302.46 (1) (a) of the statutes is amended to read:

12 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture  
13 for a violation of state law or for a violation of a municipal or county ordinance except

1 for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first  
2 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the  
3 person who committed the violation had a blood alcohol concentration between 0.08  
4 and 0.099 at the time of the violation, or for a violation of state laws or municipal or  
5 county ordinances involving nonmoving traffic violations or safety belt use violations  
6 under s. 347.48 (2m), the court, in addition, shall impose a jail assessment in an  
7 amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater. If  
8 multiple offenses are involved, the court shall determine the jail assessment on the  
9 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,  
10 the court shall reduce the jail assessment in proportion to the suspension.”.

11 **2.** Page 4, line 4: after that line insert:

12 “SECTION 10m. 343.23 (2) (b) of the statutes is amended to read:

13 343.23 (2) (b) The information specified in par. (a) must be filed by the  
14 department so that the complete operator’s record is available for the use of the  
15 secretary in determining whether operating privileges of such person shall be  
16 suspended, revoked, canceled, or withheld in the interest of public safety. The record  
17 of suspensions, revocations, and convictions that would be counted under s. 343.307  
18 (2) shall be maintained permanently, except that the department shall purge the  
19 record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or  
20 350.101 (1) (b) after 10 years, if the person who committed the violation had a blood  
21 alcohol concentration between 0.08 and 0.099 at the time of the violation, and if the  
22 person has no other suspension, revocation, or conviction that would be counted  
23 under s. 343.307 during that 10-year period. The record of convictions for  
24 disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10

if the person does  
not have a commercial  
driver license,

1 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) and  
2 (j) shall be maintained for at least 3 years. The record of convictions for disqualifying  
3 offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that  
4 5 years after a licensee transfers residency to another state such record may be  
5 transferred to another state of licensure of the licensee if that state accepts  
6 responsibility for maintaining a permanent record of convictions for disqualifying  
7 offenses. Such reports and records may be cumulative beyond the period for which  
8 a license is granted, but the secretary, in exercising the power of suspension granted  
9 under s. 343.32 (2) may consider only those reports and records entered during the  
10 4–year period immediately preceding the exercise of such power of suspension.”.

11 **3.** Page 5, line 18: after that line insert:

12 “SECTION 18c. 757.05 (1) (a) of the statutes is amended to read:

13 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
14 state law or for a violation of a municipal or county ordinance except for a violation  
15 of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.33  
16 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who  
17 committed the violation had a blood alcohol concentration between 0.08 and 0.099  
18 at the time of the violation, or for a violation of state laws or municipal or county  
19 ordinances involving nonmoving traffic violations or safety belt use violations under  
20 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount  
21 of 24% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty  
22 assessment shall be based upon the total fine or forfeiture for all offenses. When a  
23 fine or forfeiture is suspended in whole or in part, the penalty assessment shall be  
24 reduced in proportion to the suspension.

1           **SECTION 18g.** 814.63 (1) (c) of the statutes is amended to read:

2           814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
3 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), for a first violation of s. 23.33 (4c) (a)  
4 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
5 violation had a blood alcohol concentration between 0.08 and 0.099 at the time of the  
6 violation, or for a violation of a safety belt use violation under s. 347.48 (2m).

7           **SECTION 18L.** 814.63 (2) of the statutes is amended to read:

8           814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
9 violation of a county, town, city, village, town sanitary district or public inland lake  
10 protection and rehabilitation district ordinance, except for an action for a first  
11 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the  
12 person who committed the violation had a blood alcohol concentration between 0.08  
13 and 0.099 at the time of the violation, or for a safety belt use violation under s. 347.48  
14 (2m), the county, town, city, village, town sanitary district or public inland lake  
15 protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk  
16 of circuit court.

17           **SECTION 18p.** 814.634 (1) (a) of the statutes is amended to read:

18           814.634 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
19 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
20 violation had a blood alcohol concentration between 0.08 and 0.099 at the time of the  
21 violation, or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit  
22 court shall charge and collect a \$52 court support services fee from any person,  
23 including any governmental unit as defined in s. 108.02 (17), paying a fee under s.  
24 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

25           **SECTION 18t.** 814.635 (1) of the statutes is amended to read:

