

2003 DRAFTING REQUEST

Bill

Received: **06/04/2003**

Received By: **phurley**

Wanted: **Today**

Identical to LRB:

For: **Senate Chief Clerk**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Prohibited blood alcohol concentration .08

Instructions:

See Attached

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>
/?	phurley 06/04/2003	wjackson 06/04/2003		_____			S&L
/1	phurley 06/04/2003		chaskett 06/04/2003 chaskett 06/04/2003 chaskett 06/04/2003	_____	lemery 06/04/2003	lemery 06/04/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **06/04/2003**

Received By: **phurley**

Wanted: **Today**

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 - alcohol level**
Drunk Driving - penalties

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibited blood alcohol concentration .08

Instructions:

See Attached

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>
/?	phurley 06/04/2003	wjackson 06/04/2003		_____			S&L
/1	phurley 06/04/2003		chaskett 06/04/2003	_____	lemery 06/04/2003	lemery 06/04/2003	
			chaskett 06/04/2003	_____			

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

chaskett _____
06/04/2003 _____

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **06/04/2003**

Received By: **phurley**

Wanted: **Today**

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 - alcohol level
Drunk Driving - penalties**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibited blood alcohol concentration .08

Instructions:

See Attached

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>
/?	phurley	/1 WLj EA		_____			

FE Sent For:

<END>

280511

LRB-136647

PJH:kj&ilchph

WLj

TODAY please

~~2003 ASSEMBLY BILL 88~~

FREEZE SECTIONS

February 20, 2003 - Introduced by Representatives AINSWORTH, BIES, BERCEAU, GOTTLIEB, J. LEHMAN, OLSEN, OWENS and TOWNSEND, cosponsored by Senator ROESSLER. Referred to Committee on Transportation.

REGEN

1 AN ACT *to repeal* 340.01 (46m) (b), 885.235 (1g) (a) 2., 885.235 (1g) (bd) and
 2 885.235 (1g) (cd); *to renumber* 885.235 (1g) (a) 1.; and *to amend* 23.33 (4c) (a)
 3 2., 23.33 (4c) (a) 3., 23.33 (4c) (b) 2., 23.33 (4c) (b) 4., 30.681 (1) (b) 1., 30.681 (1)
 4 (bn), 30.681 (2) (b) 1., 30.681 (2) (d) 1., 340.01 (46m) (a), 343.31 (1) (ar), 346.63
 5 (2m), 346.63 (5) (a), 346.63 (6) (a), 350.101 (1) (b), 350.101 (1) (c), 350.101 (2) (b),
 6 350.101 (2) (d), 885.235 (1g) (b), 885.235 (1g) (c), 885.235 (1m), 940.09 (1) (bm),
 7 940.09 (1) (e), 940.09 (1g) (b), 940.09 (1g) (d), 940.25 (1) (bm), 940.25 (1) (e),
 8 949.08 (2) (em) and 967.055 (1) (b) of the statutes; **relating to:** prohibited
 9 alcohol concentration.

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate a motor vehicle if he or she has an alcohol concentration of 0.1 or more. If a person has two convictions relating to operating a motor vehicle with a prohibited alcohol concentration, he or she may not operate a motor vehicle if he or she has an alcohol concentration of 0.08 or more. If a person has three or more convictions relating to operating a motor vehicle with a prohibited alcohol concentration, he or she may not operate a motor vehicle if he or she has an alcohol concentration of 0.02 or more.

Insert analysis

Sub-sub

Content of Engrossed 2003 Assembly Bill 88:

ASSEMBLY BILL 88

~~Also~~ under current law, a person may not operate an all-terrain vehicle, a snowmobile, or a boat if he or she has an alcohol concentration of 0.1 or more.

This bill changes the prohibited alcohol concentration from 0.1 to 0.08 for a person with one or no prior convictions relating to operating a motor vehicle with a prohibited alcohol concentration and from 0.1 to 0.08 for a person operating an all-terrain vehicle, a snowmobile, or a boat.

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. 23.33 (4c) (a) 2[√] of the statutes is amended to read:

2 23.33 (4c) (a) 2. 'Operating with alcohol concentrations at or above specified
3 levels.' No person may engage in the operation of an all-terrain vehicle while the
4 person has an alcohol concentration of ~~0.1~~ 0.08 or more.

5 SECTION 2. 23.33 (4c) (a) 3[√] of the statutes is amended to read:

6 23.33 (4c) (a) 3. 'Operating with alcohol concentrations at specified levels;
7 below age 19.' If a person has not attained the age of 19, the person may not engage
8 in the operation of an all-terrain vehicle while he or she has an alcohol concentration
9 of more than 0.0 but not more than ~~0.1~~ 0.08.

10 SECTION 3. 23.33 (4c) (b) 2[√] of the statutes is amended to read:

11 23.33 (4c) (b) 2. 'Causing injury with alcohol concentrations at or above
12 specified levels.' No person who has an alcohol concentration of ~~0.1~~ 0.08 or more may
13 cause injury to another person by the operation of an all-terrain vehicle.

14 SECTION 4. 23.33 (4c) (b) 4[√] of the statutes is amended to read:

15 23.33 (4c) (b) 4. 'Defenses.' In an action under this paragraph, the defendant
16 has a defense if he or she proves by a preponderance of the evidence that the injury
17 would have occurred even if he or she had been exercising due care and he or she had

ASSEMBLY BILL 88

1 not been under the influence of an intoxicant or did not have an alcohol concentration
2 of ~~0.1~~ 0.08 or more.

3 SECTION 5. 30.681 (1) (b) 1. of the statutes is amended to read:

4 30.681 (1) (b) 1. No person may engage in the operation of a motorboat while
5 the person has an alcohol concentration of ~~0.1~~ 0.08 or more. This subdivision does
6 not apply to commercial motorboats.

7 SECTION 6. 30.681 (1) (bn) of the statutes is amended to read:

8 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*
9 *legal drinking age.* A person who has not attained the legal drinking age, as defined
10 in s. 125.02 (8m), may not engage in the operation of a motorboat while he or she has
11 a blood alcohol concentration of more than 0.0 but less than ~~0.1~~ 0.08.

12 SECTION 7. 30.681 (2) (b) 1. of the statutes is amended to read:

13 30.681 (2) (b) 1. No person who has an alcohol concentration of ~~0.1~~ 0.08 or more
14 may cause injury to another person by the operation of a motorboat. This subdivision
15 does not apply to commercial motorboats.

16 SECTION 8. 30.681 (2) (d) 1. of the statutes is amended to read:

17 30.681 (2) (d) 1. In an action under this subsection for a violation of the
18 intoxicated boating law where the defendant was operating a motorboat that is not
19 a commercial motorboat, the defendant has a defense if he or she proves by a
20 preponderance of the evidence that the injury would have occurred even if he or she
21 had been exercising due care and he or she had not been under the influence of an
22 intoxicant or did not have an alcohol concentration of ~~0.1~~ 0.08 or more.

23 SECTION 9. 340.01 (46m) (a) of the statutes is amended to read:

23
Insert
AA1

ASSEMBLY BILL 88

SECTION 9

1 340.01 (46m) (a) If the person has ~~one or no~~ 2 or fewer prior convictions,
2 suspensions, or revocations, as counted under s. 343.307 (1), an alcohol
3 concentration of ~~0.1~~ 0.08 or more.

4 SECTION 10. 340.01 (46m) (b) of the statutes is repealed.

5 SECTION 11. 343.31 (1) (ar) of the statutes is amended to read:

6 343.31 (1) (ar) Injury by the operation of a commercial motor vehicle while the
7 person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08 and which
8 is criminal under s. 346.63 (6).

9 SECTION 12. 346.63 (2m) of the statutes is amended to read:

10 346.63 (2m) If a person has not attained the legal drinking age, as defined in
11 s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she
12 has an alcohol concentration of more than 0.0 but not more than ~~0.1~~ 0.08. One
13 penalty for violation of this subsection is suspension of a person's operating privilege
14 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10
15 at any time. If a person arrested for a violation of this subsection refuses to take a
16 test under s. 343.305, the refusal is a separate violation and the person is subject to
17 revocation of the person's operating privilege under s. 343.305 (10) (em).

18 SECTION 13. 346.63 (5) (a) of the statutes is amended to read:

19 346.63 (5) (a) No person may drive or operate a commercial motor vehicle while
20 the person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08.

21 SECTION 14. 346.63 (6) (a) of the statutes is amended to read:

22 346.63 (6) (a) No person may cause injury to another person by the operation
23 of a commercial motor vehicle while the person has an alcohol concentration of 0.04
24 or more but less than ~~0.1~~ 0.08.

25 SECTION 15. 350.101 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 88

1 350.101 (1) (b) *Operating with alcohol concentrations at or above specified*
2 *levels.* No person may engage in the operation of a snowmobile while the person has
3 an alcohol concentration of ~~0.1~~ 0.08 or more.

4 **SECTION 16.** 350.101 (1) (c)[✓] of the statutes is amended to read:

5 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
6 *age 19.* If a person has not attained the age of 19, the person may not engage in the
7 operation of a snowmobile while he or she has an alcohol concentration of more than
8 0.0 but not more than ~~0.1~~ 0.08.

9 **SECTION 17.** 350.101 (2) (b)[✓] of the statutes is amended to read:

10 350.101 (2) (b) *Causing injury with alcohol concentrations at or above specified*
11 *levels.* No person who has an alcohol concentration of ~~0.1~~ 0.08 or more may cause
12 injury to another person by the operation of a snowmobile.

13 **SECTION 18.** 350.101 (2) (d)[✓] of the statutes is amended to read:

14 350.101 (2) (d) *Defenses.* In an action under this subsection, the defendant has
15 a defense if he or she proves by a preponderance of the evidence that the injury would
16 have occurred even if he or she had been exercising due care and he or she had not
17 been under the influence of an intoxicant or did not have an alcohol concentration
18 of ~~0.1~~ 0.08 or more.

19 **SECTION 19.** 885.235 (1g) (a) 1.[✓] of the statutes is renumbered 885.235 (1g) (a).[✓]

20 **SECTION 20.** 885.235 (1g) (a) 2.[✓] of the statutes is repealed.

21 **SECTION 21.** 885.235 (1g) (b)[✓] of the statutes is amended to read:

22 885.235 (1g) (b) *Except with respect to the operation of a commercial motor*
23 *vehicle as provided in par. (d), the fact that the analysis shows that the person had*
24 *an alcohol concentration of more than 0.04 but less than ~~0.1~~ 0.08 is relevant evidence*

Ins
C
AAZ

ASSEMBLY BILL 88

1 on the issue of intoxication or an alcohol concentration of ~~0.1~~ 0.08 or more but is not
2 to be given any prima facie effect.

3 **SECTION 22.** 885.235 (1g) (bd) of the statutes is repealed.

4 **SECTION 23.** 885.235 (1g) (c) of the statutes is amended to read:

5 885.235 (1g) (c) The In cases involving persons who have 2 or fewer prior
6 convictions, suspensions, or revocations, as counted under s. 343.307 (1), the fact
7 that the analysis shows that the person had an alcohol concentration of ~~0.1~~ 0.08 or
8 more is prima facie evidence that he or she was under the influence of an intoxicant
9 and is prima facie evidence that he or she had an alcohol concentration of ~~0.1~~ 0.08
10 or more.

11 **SECTION 24.** 885.235 (1g) (cd) of the statutes is repealed.

12 **SECTION 25.** 885.235 (1m) of the statutes is amended to read:

13 885.235 (1m) In any action under s. 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m)
14 or (7), or 350.101 (1) (c), evidence of the amount of alcohol in the person's blood at the
15 time in question, as shown by chemical analysis of a sample of the person's blood or
16 urine or evidence of the amount of alcohol in the person's breath, is admissible on the
17 issue of whether he or she had an alcohol concentration in the range specified in s.
18 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m), or 350.101 (1) (c) or an alcohol
19 concentration above 0.0 under s. 346.63 (7) if the sample was taken within 3 hours
20 after the event to be proved. The fact that the analysis shows that the person had
21 an alcohol concentration of more than 0.0 but not more than ~~0.1~~ 0.08 is prima facie
22 evidence that the person had an alcohol concentration in the range specified in s.
23 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m), or 350.101 (1) (c) or an alcohol
24 concentration above 0.0 under s. 346.63 (7).

25 **SECTION 26.** 940.09 (1) (bm) of the statutes is amended to read:

ASSEMBLY BILL 88

1 940.09 (1) (bm) Causes the death of another by the operation of a commercial
2 motor vehicle while the person has an alcohol concentration of 0.04 or more but less
3 than ~~0.1~~ 0.08.

4 **SECTION 27.** 940.09 (1) (e) [✓] of the statutes is amended to read:

5 940.09 (1) (e) Causes the death of an unborn child by the operation of a
6 commercial motor vehicle while the person has an alcohol concentration of 0.04 or
7 more but less than ~~0.1~~ 0.08.

8 **SECTION 28.** 940.09 (1g) (b) [✓] of the statutes is amended to read:

9 940.09 (1g) (b) Causes the death of another by the operation or handling of a
10 firearm or airgun while the person has an alcohol concentration of ~~0.1~~ 0.08 or more.

11 **SECTION 29.** 940.09 (1g) (d) [✓] of the statutes is amended to read:

12 940.09 (1g) (d) Causes the death of an unborn child by the operation or
13 handling of a firearm or airgun while the person has an alcohol concentration of ~~0.1~~
14 0.08 or more.

15 **SECTION 30.** 940.25 (1) (bm) [✓] of the statutes is amended to read:

16 940.25 (1) (bm) Causes great bodily harm to another human being by the
17 operation of a commercial motor vehicle while the person has an alcohol
18 concentration of 0.04 or more but less than ~~0.1~~ 0.08.

19 **SECTION 31.** 940.25 (1) (e) [✓] of the statutes is amended to read:

20 940.25 (1) (e) Causes great bodily harm to an unborn child by the operation of
21 a commercial motor vehicle while the person has an alcohol concentration of 0.04 or
22 more but less than ~~0.1~~ 0.08.

23 **SECTION 32.** 949.08 (2) (em) [✓] of the statutes is amended to read:

24 949.08 (2) (em) Is an adult passenger in the offender's commercial motor
25 vehicle and the crime involved is specified in s. 346.63 (6) or 940.25 and the passenger

ASSEMBLY BILL 88

1 knew the offender was under the influence of an intoxicant, a controlled substance,
2 a controlled substance analog or any combination of an intoxicant, controlled
3 substance and controlled substance analog, or had an alcohol concentration of 0.04
4 or more but less than ~~0.1~~ 0.08. This paragraph does not apply if the victim is also a
5 victim of a crime specified in s. 940.30, 940.305, 940.31, or 948.30.

6 **SECTION 33.** 967.055 (1) (b) [✓] of the statutes is amended to read:

7 967.055 (1) (b) The legislature intends to encourage the vigorous prosecution
8 of offenses concerning the operation of motorboats by persons under the influence of
9 an intoxicant, a controlled substance, a controlled substance analog or any
10 combination of an intoxicant, controlled substance and controlled substance analog
11 to a degree which renders him or her incapable of operating a motorboat safely, or
12 under the combined influence of an intoxicant and any other drug to a degree which
13 renders him or her incapable of operating a motorboat safely or having an alcohol
14 concentration of ~~0.1~~ 0.08 or more.

15 **SECTION 34. Initial applicability.**

16 (1) This act first applies to offenses committed on the effective date of this
17 [✓] subsection.

18 **SECTION 35. Effective date.**

19 (1) This act takes effect on September 30, 2003.

20 (END)

Ins 1

¶ Current law requires a person who is convicted of operating a motor vehicle with a prohibited alcohol concentration to pay various court costs and fees in addition to the fine or forfeiture imposed for the violation.

Also ^(No P) ~~currently~~ under current law the Department of Transportation ^(DOT) maintains permanently a record of the person's violation as a part of his or her driving records.

Ins 2:

^(No P) This bill eliminates ^{the} various ^{additional} court costs and fees for a person who violates for the first time; the prohibition against operating a motor vehicle with a prohibited alcohol concentration if the person's ~~alcohol~~ alcohol concentration was between 0.008 and 0.0099 at the time of the

violation 0 ↑

↑ after 10 years; ↑

4 The bill also requires DOT to purge a person's driving record of a first violation for ~~driving~~ operating a motor vehicle with a prohibited alcohol concentration if the person had an alcohol concentration between 0.08 and 0.099 at the time of the violation and if the person is not convicted of another violation ~~related~~ related to operating a motor vehicle while intoxicated. ⊙

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 88**

May 29, 2003 - Offered by Representatives VAN ROY, AINSWORTH and VRUWINK.

LPS:
Please
restore
frozen section numbers.

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

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

3 ^{STET}
SECTION ~~87~~ 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 ^{STET}
~~87~~ 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

A

A
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:

B
12 ~~SECTION 10m.~~ ^{STET} 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, if the
22 person does not have a commercial driver license, and if the person has no other
23 suspension, revocation, or conviction that would be counted under s. 343.307 during
24 that 10-year period. The record of convictions for disqualifying offenses under s.

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

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

13 ~~SECTION 189.~~ ^{STEL} 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) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.33
 17 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
 18 committed the violation had a blood alcohol concentration between 0.08 and 0.099
 19 at the time of the violation, or for a violation of state laws or municipal or county
 20 ordinances involving nonmoving traffic violations or safety belt use violations under
 21 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount
 22 of 24% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty
 23 assessment shall be based upon the total fine or forfeiture for all offenses. When a

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

3 SECTION ^{STET} 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), (bm), or (br) or (5), for a first violation of s. 23.33 (4c) (a)
6 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
7 violation had a blood alcohol concentration between 0.08 and 0.099 at the time of the
8 violation, or for a violation of a safety belt use violation under s. 347.48 (2m).

9 SECTION ^{STET} 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 an action for a first
13 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
14 person who committed the violation had a blood alcohol concentration between 0.08
15 and 0.099 at the time of the violation, or for a safety belt use violation under s. 347.48
16 (2m), the county, town, city, village, town sanitary district or public inland lake
17 protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk
18 of circuit court.

19 SECTION ^{STET} 18p. 814.634 (1) (a) of the statutes is amended to read:

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

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

3 SECTION ^{STET} ~~184~~. 814.635 (1) of the statutes is amended to read:

4 814.635 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
5 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
6 had a blood alcohol concentration between 0.08 and 0.099 at the time of the violation,
7 or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall
8 charge and collect a \$9 justice information system fee from any person, including any
9 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a),
10 (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information
11 system fee is in addition to the other fees listed in this section.

12 SECTION ^{STET} ~~184~~. 814.65 (1) of the statutes is amended to read:

13 814.65 (1) COURT COSTS. In a municipal court action, except for an action for
14 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)
15 (b), if the person who committed the violation had a blood alcohol concentration
16 between 0.08 and 0.099 at the time of the violation, or for a violation of an ordinance
17 in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of not less
18 than \$15 nor more than \$23 on each separate matter, whether it is on default of
19 appearance, a plea of guilty or no contest, on issuance of a warrant or summons or
20 the action is tried as a contested matter. Of each fee received by the judge under this
21 subsection, the municipal treasurer shall pay monthly \$5 to the state treasurer for
22 deposit in the general fund and shall retain the balance for the use of the
23 municipality.

24 (END)

2003

LRB 2705/1

ENGROSS BILL

[or 2nd House Sub]

(To Be Printed for Legislature)

By: WLJ: _____

ENGROSSED 2003 AB BILL 88

(Date) June 4, 2003 Printed by direction of SENATE CHIEF CLERK

JOINT RULE 63. **Reproduction of engrossed measures.** Upon the finding by the chief clerk of either house that a bill, joint resolution, resolution or major amendment thereto has been amended in the house of origin to a considerable degree, the chief clerk may instruct the legislative reference bureau to prepare and have reproduced an engrossed copy of the measure. In preparing engrossed copy for a bill, joint resolution or resolution the legislative reference bureau shall, if time permits, provide it with a revised analysis. Upon receipt from the legislative reference bureau of the engrossed copy, the chief clerk shall enter that fact in the history file for the measure. Any subsequent amendments to a measure ordered reproduced with all adopted amendments engrossed therein shall be drafted to the reproduced engrossed text.

ADOPTED DOCUMENTS:

Orig SubAmdt _____

Amendments to above (if none, write "NONE"): AA1 ✓ 135611

Corrections - show date (if none, write "NONE"): _____

6-4-03 4:00
Date

Peggy Hurky
Drafter

WENDY JACKSON
Editor

ELECTRONIC PROCEDURE: Follow automatic or manual engrossing procedures in *TEXT2000 Reference Guide, Document Specific Procedures, Ch. 20, Engrossing and Enrolling.*

LEGISLATIVE PROCESSING SPECIALIST: Give paper copy of engrossed bill to drafter for final check before forwarding.

Make 15 copies of ENGROSSED BILL: Enter introductory information on engrossed bill cover sheet corresponding to the house of the chief clerk who directed the engrossed bill printed. Distribute copies and send copy of engrossed bill electronically to DOA for printing.

DISTRIBUTION:

DIRECTING CHIEF CLERK:

- Cover sheet and 9 copies

LRB:

- Drafting file original

- Drafting attorney 1 copy
- Legislative editors 1 copy each
- Bill index librarian 1 copy

BILL HISTORY FOR ASSEMBLY BILL 88 (LRB -1356)

An Act to repeal 340.01 (46m) (b), 885.235 (1g) (a) 2., 885.235 (1g) (bd) and 885.235 (1g) (cd); to renumber 885.235 (1g) (a) 1.; and to amend 23.33 (4c) (a) 2., 23.33 (4c) (a) 3., 23.33 (4c) (b) 2., 23.33 (4c) (b) 4., 30.681 (1) (b) 1., 30.681 (1) (bn), 30.681 (2) (b) 1., 30.681 (2) (d) 1., 340.01 (46m) (a), 343.31 (1) (ar), 346.63 (2m), 346.63 (5) (a), 346.63 (6) (a), 350.101 (1) (b), 350.101 (1) (c), 350.101 (2) (b), 350.101 (2) (d), 885.235 (1g) (b), 885.235 (1g) (c), 885.235 (1m), 940.09 (1) (bm), 940.09 (1) (e), 940.09 (1g) (b), 940.09 (1g) (d), 940.25 (1) (bm), 940.25 (1) (e), 949.08 (2) (em) and 967.055 (1) (b) of the statutes; relating to: prohibited alcohol concentration. (FE)

2003

- 02-20. A. Introduced by Representatives **Ainsworth, Bies, Berceau, Gottlieb, J. Lehman, Olsen, Owens and Townsend**; cosponsored by Senator **Roessler**.
- 02-20. A. Read first time and referred to committee on Transportation 72
- 03-19. A. Fiscal estimate received.
- 03-19. A. Fiscal estimate received.
- 04-10. A. Public hearing held.
- 04-24. A. Executive action taken.
- 05-01. A. Report passage recommended by committee on Transportation, Ayes 8, Noes 4 179
- 05-01. A. Referred to committee on Rules 179
- 05-22. A. Placed on calendar 5-29-2003 by committee on Rules.
- 05-29. A. Read a second time 223
- 05-29. A. Assembly amendment 1 offered by Representatives Van Roy, Ainsworth and Vruwink (**LRB a0547**) 223
- 05-29. A. Assembly amendment 1 **adopted** 223
- 05-29. A. Ordered to a third reading 223
- 05-29. A. Rules suspended 223
- 05-29. A. Read a third time and **passed**, Ayes 72, Noes 23 223
- 05-29. A. Ordered immediately messaged 223
- 05-30. S. Received from Assembly 202
- 05-30. S. Read first time and referred to committee on Transportation and Information Infrastructure 202
- 06-04. S. **Printed engrossed** by the direction of the Senate Chief Clerk.

Inset Analysis:

consists of the bill

Engrossment information:

The text of Engrossed 2003 Assembly Bill 88

as ~~passed~~ affected by the assembly on May 29, 2003; consists of the following documents adopted in the following documents adopted by the assembly

on May 29, 2003 Assembly Amendment 10

the bill as affected by

Sub-SUB