

2003 DRAFTING REQUEST

Senate Amendment (SA-SA1-AB88)

Received: 06/30/2003

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Tim Carpenter (608) 266-8535

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Drunk Driving - penalties

Extra Copies: ARG, TNf

Submit via email: YES

Requester's email: Sen.Carpenter@legis.state.wi.us ✓

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Driver improvement surcharge and alcohol assessment

Instructions:

Require assessment and surcharge for all OWIs

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 06/30/2003	wjackson 06/30/2003	jfrantze 06/30/2003	_____	mbarman 06/30/2003	mbarman 06/30/2003	

FE Sent For:

<END>

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/1	phurley	1 Wlj 6/30	6/30	Self 6/30			

FE Sent For:

<END>

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

June 26, 2003 – Offered by Senator ROESSLER.

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

2 **1.** Page 4, line 16: delete “between 0.08 and 0.099” and substitute “of 0.08 or
3 more but less than 0.1”.

4 **2.** Page 4, line 24: delete “between” and substitute “of”.

5 **3.** Page 4, line 25: delete “and 0.099” and substitute “or more but less than 0.1”.

6 **4.** Page 5, line 21: delete “between 0.08 and 0.099” and substitute “of 0.08 or
7 more but less than 0.1”.

8 **5.** Page 5, line 22: after “license,” insert “if the violation was not committed by
9 a person operating a commercial motor vehicle,”.

10 **6.** Page 6, line 10: after that line insert:

11 “**SECTION 10r.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

12 343.30 (1q) (c) 1. (intro.) Except as provided in subd. 1. a. or b., and except for
13 a first violation of s. 346.63 (1) (b), if the person who committed the violation had a

1 blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
2 violation, the court shall order the person to submit to and comply with an
3 assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for
4 examination of the person's use of alcohol, controlled substances or controlled
5 substance analogs and development of a driver safety plan for the person. The court
6 shall notify the department of transportation of the assessment order. The court
7 shall notify the person that noncompliance with assessment or the driver safety plan
8 will result in revocation of the person's operating privilege until the person is in
9 compliance. The assessment order shall:".

10 **7.** Page 7, line 6: after that line insert:

11 "SECTION 14m. 346.655 (1) of the statutes is amended to read:

12 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
13 (1) or (5), except for a first violation of s. 346.63 (1) (b), if the person who committed
14 the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at
15 the time of the violation, or a local ordinance in conformity therewith, or s. 346.63
16 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
17 impose a driver improvement surcharge in an amount of \$355 in addition to the fine
18 or forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
19 enforcement assessment, and, if required by s. 349.04, truck driver education
20 assessment.".

21 **8.** Page 8, line 6: on lines 6 and 18, delete "between 0.08 and 0.099" and
22 substitute "of 0.08 or more but less than 0.1".

23 **9.** Page 8, line 25: delete "between" and substitute "of".



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0771/1

PJH:f:....

Wlj

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

to say
delete

- 1 At the locations indicated, amend the amendment as follows:
- 2 **1.** Page 1, line 10: delete the material beginning with that line and ending with
- 3 page 2, line 20.
- 4 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0771/1dn

PJH.:f:...

Wlj

Stuart:

This amendment to SA¹ restores current law to require every driver convicted of an OWI to pay a driver improvement surcharge and to attend an alcohol/drug assessment. SA¹ sought to remove these requirements for first-time offenders who had a blood alcohol level between 0.08 and 0.099 at the time of the violation.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0771/1dn
PJH:wlj:jf

June 30, 2003

Stuart:June 30, 2003

This amendment to SA-1 restores current law to require every driver convicted of an OWI to pay a driver improvement surcharge and to attend an alcohol/drug assessment. SA-1 sought to remove these requirements for first-time offenders who had a blood alcohol level between 0.08 and 0.099 at the time of the violation.

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