

2003 DRAFTING REQUEST

Bill

Received: 02/04/2003

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: J.A. Hines (608) 266-7746

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copics: TNE, ARG

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Leaving the scene of an accident - penalties

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>
/?							Crime
/1	phurley 03/17/2003	jdye 03/17/2003	pgreensl 03/17/2003		sbasford 03/17/2003		Crime
	phurley 04/29/2003	jdye 04/29/2003					

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2			rschluet 04/29/2003	_____ _____ _____ _____	sbasford 04/29/2003	sbasford 04/30/2003 sbasford 04/30/2003	

FE Sent For:

*None
Needed*

<END>

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Received: 02/04/2003

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For: Steven Foti (608) 266-2401

By/Representing:

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Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: TNF, ARG

Submit via email: YES

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

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/?							Crime
/1	phurley 03/17/2003	jdye 03/17/2003	pgreensl 03/17/2003		sbasford 03/17/2003		

FE Sent For:

Handwritten notes and signatures:

- 1/2 4/29 jld
- Large handwritten initials/signatures: S, S, P, 6
- Handwritten date: 4-29-03

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Wanted: As time permits

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For: Steven Foti (608) 266-2401

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1?	phurley	1/3/17 jld	3/17 ps	3/17 seb			

FE Sent For:

<END>

Hurley, Peggy

From: Raschka, Adam
Sent: Tuesday, February 04, 2003 3:19 PM
To: Hurley, Peggy
Subject: FW: Hit and Run

-----Original Message-----

From: Hurley, Peggy
Sent: Wednesday, January 08, 2003 1:51 PM
To: Raschka, Adam
Subject: RE: Hit and Run

Hi Adam,

I am not sure, but I believe that included in the budget adjustment bill were several "truth in sentencing" adjustments. Mike Dsida, who drafted the truth in sentencing provisions, may have more information.

Peggy J. Hurley
Legislative Reference Bureau
100 North Hamilton Street
Madison, Wisconsin 53701-2037
608 266 8906

-----Original Message-----

From: Raschka, Adam
Sent: Wednesday, January 08, 2003 1:38 PM
To: Hurley, Peggy
Subject: Hit and Run

D felony as per 3-1303 1/c

Peggy,

Rep. Foti would like to change the penalty for violating 346.07 by amending 346.74 (5)(d) from a Class H felony to a Class C felony.

The intent of this legislation is to make death caused by hit and run to be more severe than homicide by intoxicated use of a vehicle. If I interpret the statutes correctly, the penalty for homicide by intoxicated use of a vehicles 15 years (a Class D felony) and the penalty for homicide via hit and run is currently 7 years and six months (Class F), but will be reduced to three years next month (Class H). As Rep. Foti sees it, current law provides people with more incentive to flee the scene of the crime than stay, especially if they are intoxicated. If I am interrupting this wrong please let me know.

Also, I see the downgrade from a Class F to a Class H felony happened in the budget adjustment bill last session. Do you happen to know the reasoning behind this?

Please give me a call if you have any questions.

Thanks,

Adam

*940 291 (10) causes death by intox = class D 100,000 25 yrs
IF 1 or more priors = Class C 100,000 40 yrs*

Adam Raschka
Office of Majority Leader Steve Foti
608-264-8516
adam.raschka@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1931/1

PJH: x:...

Jld

2003 BILL

1 ^{Gen} AN ACT ...; **relating to:** leaving the scene of an accident, ^{and providing} ~~creating~~ a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the operator of a vehicle involved in an accident resulting in injury to or death of any person or in damage to a vehicle must remain at the scene of the accident to give or summon aid to a person who is injured and to give his or her identifying information to the other person involved in the accident. Penalties for failure to remain at the scene of an accident vary, depending on whether a person was ~~injured~~ injured in the accident and the severity of injuries.

Currently, a person who fails to remain at the scene of an accident resulting in ~~the death~~ the death of any person is guilty of a Class H felony and may be fined no more than \$10,000, imprisoned for no more than ~~6~~ 3 years, or both.

Under this bill, a person who fails to remain at the scene of an accident resulting in the death of any person is guilty of a Class D felony and may be fined no more than \$100,000, imprisoned for no more than 25 years, or both.

CRIME

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

2 SECTION 1. 346.74 (5) (d) ^{is} of the statutes ^{as affected by 2001 Wisconsin Act 109,} is amended to read:
3 346.74 (5) (d) Is guilty of a Class ~~H~~ D felony if the accident involved death to
4 a person.

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note - new requester

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/?							Crime
/1	phurley 03/17/2003 phurley	jdyer 03/17/2003	pgreensl 03/17/2003		sbasford 03/17/2003		

FE Sent For:

<END>



SOON

2003 BILL

Regen

1 AN ACT to amend 346.74 (5) (d) of the statutes; relating to: leaving the scene
2 of an accident and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the operator of a vehicle involved in an accident resulting in injury to or death of any person or in damage to a vehicle must remain at the scene of the accident to give or summon aid to a person who is injured and to give his or her identifying information to the other person involved in the accident. Penalties for failure to remain at the scene of an accident vary, depending on whether a person was injured in the accident and the severity of injuries.

Currently, a person who fails to remain at the scene of an accident resulting in the death of any person is guilty of a Class H felony and may be fined no more than \$10,000, imprisoned for no more than six years, or both.

Under this bill, a person who fails to remain at the scene of an accident resulting in the death of any person is guilty of a Class D felony and may be fined no more than \$100,000, imprisoned for no more than 25 years, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

Insert A ✓
Insert B ✓

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

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1931/2ins
PJH:jld:pg

1

INSERT A:

~~NO~~ ~~PH~~ great bodily harm to any person is guilty of a Class I felony and may be fined no more than \$10,000, imprisoned for no more than ~~3~~ ^{three} years and ~~6~~ ^{six} months, or both. A person who fails to remain at the scene of an accident resulting in ~~NO~~ ~~PH~~

INSERT B:

~~NO~~ ~~PH~~ in great bodily harm to any person is guilty of a Class E [✓] felony and may be fined ^{NO} more than \$50,000, imprisoned for no more than 15 years, or both. A person who fails to remain at the scene of an accident resulting ~~NO~~ ~~PH~~

INSERT C:

2

~~NO~~ ~~PH~~ SECTION [✓] 346.74 (5) (c) of the statutes, as affected by 2003 Wisconsin Act 2001

3

^{autonumber} Wisconsin Act 109, is amended to read:

4

346.74 (5) (c) Is guilty of a Class I [✓] E felony if the accident involved injury to a

5

person and the person suffered great bodily harm.

Basford, Sarah

From: Hughes, Carolyn
Sent: Tuesday, April 29, 2003 5:34 PM
To: LRB.Legal
Subject: Draft review: LRB 03-1931/2 Topic: Leaving the scene of an accident - penalties

It has been requested by <Hughes, Carolyn> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1931/2 Topic: Leaving the scene of an accident - penalties