

2005 DRAFTING REQUEST

Bill

Received: 02/16/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**
Transportation - traffic laws

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Operating after revocation

Instructions:

First time OAR offenses a civil penalty

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 02/23/2005	jdye 02/26/2005	jfrantze 02/28/2005	_____	sbasford 02/28/2005	Inorthro 03/17/2005	
	phurley 04/04/2005	rschluet 04/04/2005		_____			
/2			rschluet 04/04/2005	_____	sbasford 04/04/2005	sbasford 04/04/2005	

FE Sent For:

<END>

none
needed



sent
10-17-2005



see
attached

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2 4/4 jld
4 4 5 **<END>**

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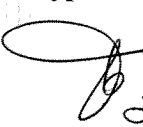
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/?	phurley	1 2/26 jld		3/2/28			

FE Sent For:

<END>

Jld

2005 BILL

22305

Gen

1

AN ACT ...; relating to: operating a vehicle after revocation of a person's

2

operating privilege, and ^{providing} creating a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who operates a motor vehicle when his or her operating privilege is revoked may be fined not more than \$2,500, jailed for not more than one year, or both. However, a person who operated a motor vehicle when his or her operating privilege was revoked before May 1, 2002, and who had not been convicted of a previous violation of operating a motor vehicle when his or her operating privilege had been revoked within the previous 5 years, may be required to forfeit not more than \$600.

Under this bill, any person who operates a motor vehicle when his or her operating privilege is revoked may be required to forfeit not more than \$600 unless the person has been convicted previously of operating a motor vehicle while his or her operating privilege is revoked.

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

3

SECTION 1. 343.44 (2) (am) of the statutes is amended to read:

4

343.44 (2) (am) Any person who violates sub. (1) (b) before ~~May 1, 2002~~, may

5

be required to forfeit not more than \$600, except that, if the person has been

BILL

SECTION 1

1 convicted of a previous violation of sub. (1) (b), or of operating a motor vehicle in
2 violation of s. 343.44 (1), 1997 stats., with an operating privilege that is revoked,
3 ~~within the preceding 5-year period,~~ the penalty under par. (b) shall apply.

History: 1971 c. 164 s. 83; 1971 c. 280, 307; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a); 1977 c. 165, 272; 1979 c. 221; 1981 c. 20; 1983 a. 535; 1989 a. 12, 105, 336; 1991 a. 39, 64, 189, 277; 1995 a. 113; 1997 a. 84; 1999 a. 9, 32, 143; 2003 a. 33.

History: 1971 c. 164 s. 83; 1971 c. 280, 307; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a); 1977 c. 165, 272; 1979 c. 221; 1981 c. 20; 1983 a. 535; 1989 a. 12, 105, 336; 1991 a. 39, 64, 189, 277; 1995 a. 113; 1997 a. 84; 1999 a. 9, 32, 143; 2003 a. 33.

4

(END)

Basford, Sarah

From: Gruber, Ryan
Sent: Thursday, March 17, 2005 11:19 AM
To: LRB.Legal
Subject: Please jacket LRB 2158/1 as an Assembly Bill. Thanks!

Ryan Gruber
Research Assistant
Office of Rep. Sheryl Albers

15 North, State Capitol
Madison, WI 53708-8952
608.266.8531
877.947.0050 (in Wisconsin)
608.282.3650 (fax)

Hurley, Peggy

From: Gruber, Ryan
Sent: Tuesday, March 29, 2005 10:11 AM
To: Hurley, Peggy
Subject: LRB 2158/1 - question

Hi Peggy,

Could you please review the following email from a judge in Rep. Loeffelholz's district and let me know if, in fact, we need a change in the language to make sure that we don't turn operating after suspension into a disqualifying offense in terms of eligibility for a civil forfeiture. Feel free to give me a call if necessary. Thanks!

Ryan Gruber
Research Assistant
Office of Rep. Sheryl Albers

15 North, State Capitol
Madison, WI 53708-8952
608.266.8531
877.947.0050 (in Wisconsin)
608.282.3650 (fax)

yes - should change to be clear. email sent 4-2-05

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

From: George Curry [mailto:George.Curry@wicourts.gov]
Sent: Thursday, March 24, 2005 5:32 PM
To: Mueller, Virginia (Legislature)
Subject: Re: FW: Cosponsor ship: LRB 2158/1 - Decriminalization of first time OAR - Deadline 3 p.m., March 30th

Thank you for the opportunity to review the bill decriminalizing first time OAR. The bill looks fine to me. This may lighten up the court's case load. You may want to look at the language on page 2 lines 1 and 2 starting with the words "or of operating a motor vehicle..." That wording may mean that a prior OAS (operating after suspension) is also sufficient to kick the first OAR out of the forfeiture class into the status of a traffic crime. So anyone with their first OAR would not be entitled to the forfeiture status if they had either a prior OAS or OAR conviction. If that is the case then the number of first time OAR cases that will be forfeitures instead of crimes may not be reduced as much as expected since in many cases the OAR is charged after 4 OAS convictions.

>>> "Mueller, Virginia (Legislature)" <Virginia.Mueller@legis.state.wi.us> 3/24/2005 11:31:13 AM >>>

Judge VandeHey and Judge Curry,

Rep. Loeffelholz asked if you would please be willing to look at the following cosponsorship and share your expertise. He appreciates your assistance.

Sincerely,

Virginia Mueller Keleher
Research Assistant
Rep. Loeffelholz

> -----Original Message-----
> From: Rep.Albers

2

2005 BILL

by
4-6-05

Regen

1 **AN ACT to amend** 343.44 (2) (am) of the statutes; **relating to:** operating a vehicle
2 after revocation of a person's operating privilege and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who operates a motor vehicle when his or her operating privilege is revoked may be fined not more than \$2,500, jailed for not more than one year, or both. However, a person who operated a motor vehicle when his or her operating privilege was revoked before May 1, 2002, and who had not been convicted of a previous violation of operating a motor vehicle when his or her operating privilege had been revoked within the previous 5 years, may be required to forfeit not more than \$600.

Under this bill, any person who operates a motor vehicle when his or her operating privilege is revoked may be required to forfeit not more than \$600 unless the person has been previously convicted of operating a motor vehicle while his or her operating privilege is revoked.

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

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5 be required to forfeit not more than \$600, except that, if the person has been

BILL

SECTION 1

1 convicted of a previous violation of sub. (1) (b), [✓]~~or of operating a motor vehicle in~~
2 ~~violation of s. 343.44 (1), 1997 stats., with an operating privilege that is revoked,~~
3 ~~within the preceding 5-year period,~~ the penalty under par. (b) shall apply.

4 (END)

Barman, Mike

From: Waldrop, Joyce
Sent: Monday, October 17, 2005 9:26 AM
To: Barman, Mike
Subject: Fiscal Note for AB 331

Mike,

Would you please have the State courts and the Office of the Public Defender prepare a fiscal note for AB 331. The bill is scheduled for hearing October 19, 2005.

Joyce Waldrop
Chief of Staff/Committee Clerk
jwaldrop@legis.state.wi.us

Representative Sheryl Albers
50th Assembly District
Property Rights and Land Management
15 North State Capitol
PO Box 8952
Madison, WI 53708
Ph. 608/266-8531
Fax 608/282-3650

Barman, Mike

From: Hurley, Peggy
Sent: Monday, October 17, 2005 9:27 AM
To: Barman, Mike
Subject: AB 331

Upon further review, I agree that AB 331 should contain a state fiscal estimate.

Peggy Hurley
Legislative Reference Bureau
1 East Main Street
Madison, WI 53703
608 266 8906

I agree. Please
Pete / Dykum

Barman, Mike

From: Barman, Mike
Sent: Monday, October 17, 2005 11:01 AM
To: 'fes@doa.state.wi.us'; LaBelle, Vicky
Cc: Waldrop, Joyce; Rep.Albers
Subject: FW: Prepare fiscal estimate for: <05-2158/2 AB-331>

Importance: High

This bill did not originally require an FE ... the sponsor's office has requested that fiscal estimate(s) be prepared (SPD & CTS ???) ... the drafting attorney and General Council agree. There is a hearing on this bill latter this week. Thanks

Mike Barman (Senior Program Assistant)

State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200
Madison, WI 53703

(608) 266-3561 / mike.barman@legis.state.wi.us

From: System Administrator
Sent: Monday, October 17, 2005 10:52 AM
To: *DOA Fiscal Estimates
Subject: Delivered:Prepare fiscal estimate for: <05-2158/2 AB-331>

Your message

To: fes@doa.state.wi.us
Subject: Prepare fiscal estimate for: <05-2158/2 AB-331>
Sent: 10/17/2005 10:51 AM

was delivered to the following recipient(s):

*DOA Fiscal Estimates on 10/17/2005 10:51 AM