

2005 DRAFTING REQUEST

Bill

Received: **01/12/2005**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Percy**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **PJH**

Submit via email: **NO**

Pre Topic:

DOA:.....Percy, BB0414 -

Topic:

Operating after revocation

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>
/?				_____			State
/1	agary 01/12/2005	kfollett 01/12/2005	rschluet 01/12/2005	_____	lemery 01/12/2005		State
/2	agary 01/26/2005	lkunkel 01/26/2005	jfrantze 01/26/2005	_____	lnorthro 01/26/2005		

FE Sent For:

<END>

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1/2 mk 1/26

J. Bell
1/26
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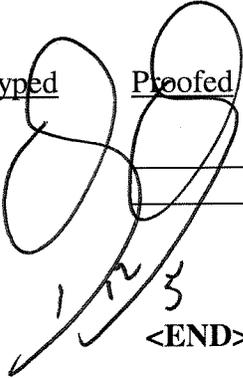
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/?	agary	1/12 1/12					
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FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Operating after revocation
- Tracking Code: *BB0414*
- SBO team: Tax and Justice
- SBO analyst: Doug Percy
 - Phone: 266-1039
 - Email: doug.percy@doa.state.wi.us
- Agency acronym: Public Defender
- Agency number: 550

CORRESPONDENCE MEMORANDUM**STATE OF WISCONSIN
Department of Administration**

Date: January 11, 2005

To: Steve Miller, Chief
Legislative Reference Bureau

From: Doug Percy, Executive Budget and Policy Analyst
State Budget Office

Subject: Additional Justice Statutory Language Budget Drafts

The following are additional justice budget items that need drafting. If you have any questions, please contact me at 266-1039.

<u>Issue</u>	<u>Status</u>	<u>Analyst</u>	<u>Priority</u>
Make 1st offense operating after revocations noncriminal for revocations that have a base offense that is not alcohol or drug related	Not submitted to LRB	Doug	High
Double the fees for filing a petition in the estate of a deceased person	Not submitted to LRB	Doug	High

1/12 or 1/13

2005 - 2006 LEGISLATURE

LRB-1652/1

ARG: [Signature]

DOA:.....Percy, BB0414 - Operating after revocation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

D-Note

Editors: AM s. 343.44(2)(b) is not double drafted despite 2003 Act 33 because there is no conflict - revisor can merge treatments ARG

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Current law prohibits a person from operating a motor vehicle on the highway during any period in which the person's motor vehicle operating privilege is revoked (operating while revoked). A person convicted of operating while revoked on or after May 1, 2002, is subject to a criminal penalty and must be fined not more than \$2,500 or imprisoned for not more than one year or both.

*

This bill makes first offense operating while revoked a civil penalty, under which a person must forfeit not more than \$2,500 but may not be imprisoned, if the underlying operating privilege revocation does not result from specified alcohol or controlled substance-related traffic violations.

For further information see the state 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:

2 SECTION 1. 343.44 (2) (as) of the statutes is created to read:

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

LRB-1652/1dn

ARG: *le...*

Date

ATTN: Doug Percy

In the attached draft, I have assumed that you want the amount of the penalty to remain the same. Accordingly, a forfeiture amount of up to \$2,500 is specified. If you would like to reduce the forfeiture amount, perhaps to the \$600 amount described in s. 343.44 (2) (am), please let me know.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

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

LRB-1652/1dn
ARG:kjf:rs

January 12, 2005

ATTN: Doug Percy

In the attached draft, I have assumed that you want the amount of the penalty to remain the same. Accordingly, a forfeiture amount of up to \$2,500 is specified. If you would like to reduce the forfeiture amount, perhaps to the \$600 amount described in s. 343.44 (2) (am), please let me know.

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Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

File w/ Doug Perry

1/26/05

per "1" de note, change forfeiture

amount from \$2,500 to \$600



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-16521# 2

ARG:kif: [initials]

RMR

Today

DOA:.....Percy, BB0414 - Operating after revocation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT CH

1 AN ACT ...; relating to: the budget.

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\$600 This bill makes first offense operating while revoked a civil penalty, under which a person must forfeit not more than ~~\$2,500~~ but may not be imprisoned, if the underlying operating privilege revocation does not result from specified alcohol or controlled substance-related traffic violations.

For further information see the *state* 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:

2 SECTION 1. 343.44 (2) (as) of the statutes is created to read:

1 343.44 (2) (as) Any person who violates sub. (1) (b) after the effective date of
2 this paragraph [revisor inserts date], shall forfeit not more than ~~\$2,500~~^{\$600}, except
3 that, if the person has been convicted of a previous violation of sub. (1) (b) within the
4 preceding 5-year period or if the revocation identified under sub. (1) (b) resulted from
5 an offense that may be counted under s. 343.307 (2), the penalty under par. (b) shall
6 apply.

7 **SECTION 2.** 343.44 (2) (b) (intro.) of the statutes is amended to read:

8 343.44 (2) (b) (intro.) Except as provided in ~~par.~~ pars. (am) and (as), any person
9 who violates sub. (1) (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned
10 for not more than one year in the county jail or both. In imposing a sentence under
11 this paragraph, or a local ordinance in conformity with this paragraph, the court
12 shall review the record and consider the following:

13

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1652/2
ARG:kjf:jf

DOA:.....Percy, BB0414 - Operating after revocation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

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