

**ASSEMBLY BILL 92 (LRB -1256)**

An Act to amend 885.235 (1g) (c) of the statutes; relating to: evidence of being under the influence of an intoxicant.

**2005**

03-16.	A.	Introduced by Representatives <b>Gundrum, Molepske, Staskunas, Ziegelbauer, Gielow, Ainsworth, Bies, Hines and Stone</b> ; cosponsored by Senators <b>Roessler, Kedzie and Lassa</b> .	
02-08.	A.	Read first time and referred to committee on Judiciary .....	64
02-10.	A.	Public hearing held.	
02-15.	A.	Executive action taken.	
02-22.	A.	Report passage recommended by committee on Judiciary, Ayes 5, Noes 2 .....	88
02-22.	A.	Referred to committee on Rules .....	88
03-10.	A.	Placed on calendar 3-16-2005 by committee on Rules.	
03-16.	A.	Read a second time .....	140
03-16.	A.	Ordered to a third reading .....	140
03-16.	A.	Rules suspended .....	140
03-16.	A.	Read a third time and <b>passed</b> .....	140
03-16.	A.	Ordered immediately messaged .....	140
03-18.	S.	Received from Assembly .....	134
03-18.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy .....	134
04-04.	S.	Public hearing held.	
04-05.	S.	Executive action taken.	
04-06.	S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1 ....	152
04-06.	S.	Available for scheduling.	
04-12.	S.	Placed on calendar 4-13-2005 by committee on Senate Organization.	
04-13.	S.	Read a second time.	
04-13.	S.	Ordered to a third reading.	
04-13.	S.	Rules suspended.	
04-13.	S.	Read a third time and <b>concurred in</b> .	
04-13.	S.	Ordered immediately messaged.	
04-15.	A.	Received from Senate concurred in.	

**2005  
ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

Orig     Engr     SubAmdt

05-1256 1

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

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

Topic relax

4/18/05                      [Signature]  
Date                                      Enrolling Drafter

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## 2005 ASSEMBLY BILL 92

February 8, 2005 - Introduced by Representatives GUNDRUM, MOLEPSKE, STASKUNAS, ZIEGELBAUER, GIELOW, AINSWORTH, BIES, HINES and STONE, cosponsored by Senators ROESSLER, KEDZIE and LASSA. Referred to Committee on Judiciary.

1 **AN ACT to amend** 885.235 (1g) (c) of the statutes; **relating to:** evidence of being  
2 under the influence of an intoxicant.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person may not operate a motor vehicle while under the influence of an intoxicant (OWI) or operate a motor vehicle with a prohibited alcohol concentration. 2003 Wisconsin Act 30 changed the prohibited alcohol concentration, for most drivers, from 0.10 to 0.08. Before 2003 Wisconsin Act 30, the fact that a person had an alcohol concentration that was over the legal limit could be admitted as prima facie evidence that the person was under the influence of an intoxicant. Under 2003 Wisconsin Act 30, the fact that a person had an alcohol concentration that was over the legal limit may only be admitted as prima facie evidence that the person was under the influence of an intoxicant if the person has two or fewer prior OWI-related convictions.

Under this bill, the fact that a person had an alcohol concentration that is over the legal limit may be admitted as prima facie evidence that the person was under the influence of an intoxicant, regardless of the number of prior OWI-related convictions.

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

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

