

## 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:

