

2005 DRAFTING REQUEST

Senate Amendment (SA-SB530)

Received: 02/13/2006

Received By: agary

Wanted: Today

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Mike Wagner (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Drunk Driving - penalties

Extra Copies: PJH

Submit via email: YES

Requester's email: Sen.Roessler@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Winnebago County pilot program changes

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>
/1	agary 02/13/2006	wjackson 02/13/2006	pgreensl 02/13/2006	_____	mbarman 02/13/2006	mbarman 02/13/2006	

FE Sent For:

<END>

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/1	agary 02/13/2006	lrb_editor 1/13/2/13	7/13 PS	7/13 see			

FE Sent For:

<END>

2/13 3:00

He of Mike - Sen. Roessler

SB-530 → drunk driving

· need amendment for 9:00 am
hearing tomorrow

a 2324

Gary, Aaron

From: Wagner, Mike
Sent: Monday, February 13, 2006 2:52 PM
To: Gary, Aaron
Subject: SB530 Amendment for Tomorrow

Aaron,

Below is what I sent Peggy. Thanks for your help on this.

Peggy,

It's me, again. Please expedite this request in front of the other requests that I have pending in front of you. (Once again, I'm sorry I keep piling stuff on). Please make the changes detailed below (e-mail from Ron Sklansky) for an amendment to SB 530. Specifically, on point #2, the ___ days should be the current legal minimum for OWI second offense (which I believe is 5 days). Ron also told me to convey that he is able to discuss drafting questions that you may have from the technical end.

Thanks,
Mike

From: Sklansky, Ron
Sent: Friday, February 10, 2006 10:53 AM
To: Wagner, Mike
Subject: RE: Senate Bill 530

Mike:

Here are all the points we discussed:

1. Ask the drafter to include in appropriate places that the alternative in the bill is part of a pilot project in Winnebago County.
2. On page 2, line 17, provide that the period of imprisonment "shall not be more than ___ days."
3. On page 3, line 16, provide that the period of imprisonment shall not be less than 10 days.
4. Section 973.11 (1), Stats., provides in part that the "placement with volunteers in probation program" applies, in part, if a person is convicted of one or more misdemeanors for which mandatory periods of imprisonment are not required. Thus, it appears that if you want to make use of this program, an exception to this provision should be drafted for a situation in which a person is sentenced under proposed s. 346.65 (2) (bm) and (cm), Stats.

Mike Wagner
Office of Sen. Carol Roessler
608-266-5300

in 2/13

Needed
by 8:30 AM
on 2/14
for hearing

**SENATE AMENDMENT ,
TO 2005 SENATE BILL 530**

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 2, line 17: after "days" insert "nor more than 5 days".

3 ✓ 2. Page 3, line 16: delete "7" and substitute "10".

4 ✓ 3. Page 5, line 23: after that line insert:

5 "SECTION 10m. 346.65 (8) of the statutes is created to read:

6 346.65 (8) There shall be a pilot project in Winnebago County providing for
7 alternative penalties under this section, which penalties shall be as specified in subs.
8 (2) (bm) and (cm), (2j) (bm) and (cm), and (3r)."

9 ✓ 4. Page 6, line 5: after that line insert:

10 "SECTION 11m. 973.11 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
11 Act 33, is amended to read:

12 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
13 no contest to one or more misdemeanors for which either mandatory periods of

1 imprisonment are not required or the person is sentenced under s. 346.65 (2) (bm)
2 or (cm), if the chief judge of the judicial administrative district has approved a
3 volunteers in probation program established in the applicable county, and if the court
4 decides that volunteer supervision under the program will likely benefit the person
5 and the community and subject to the limitations under sub. (3), the court may
6 withhold sentence or judgment of conviction and order that the person be placed with
7 that volunteers in probation program. A person's participation in the program may
8 not be used to conceal, withhold, or mask information regarding the judgment of
9 conviction if the conviction is required to be included in a record kept under s. 343.23
10 (2) (a). Except as provided in sub. (3), the order shall provide any conditions that the
11 court determines are reasonable and appropriate and may include, but need not be
12 limited to, one or more of the following:".

13 History: 1991 a. 253; 1993 a. 213; 2003 a. 33.

(END)



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 02/14/2006 (Per: ARG)



Appendix A

The 2005 drafting file for LRB 05a2324/1
has been copied/added to the 2005 drafting file for
LRB 05a2330

ES* The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

ES* This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.