

2007 SENATE BILL 27

February 5, 2007 – Introduced by Senators LASSA, ROESSLER, SULLIVAN, DARLING and LEIBHAM, cosponsored by Representatives KAUFERT, LOTHIAN, ZIEGELBAUER, KERKMAN, BERCEAU, HAHN, JESKEWITZ, BALLWEG, SHERIDAN, GUNDERSON, TOWNSEND, HINTZ, HILGENBERG, HUBLER and ZEPNICK. Referred to Committee on Judiciary and Corrections.

1 **AN ACT to amend** 345.24 (1) of the statutes; and **to create** 345.24 (1m) of the
2 statutes; **relating to:** releasing persons arrested for certain offenses related to
3 operating a vehicle while intoxicated.

Analysis by the Legislative Reference Bureau

Under current law, a person arrested for certain offenses related to driving a vehicle under the influence of an intoxicant or with a prohibited alcohol concentration may not be released from police custody until 12 hours have elapsed from the time of his or her arrest or unless a chemical test shows that the person has an alcohol concentration of less than 0.04 except that the person may be released to his or her attorney, spouse, relative, or other responsible adult at any time after arrest.

Under this bill, a person may be released to his or her attorney, spouse, relative, or other responsible adult if the attorney, spouse, relative, or other responsible adult accepts legal responsibility for the actions of the arrested person for 12 hours after the time that the person was arrested. In addition, the bill requires a law enforcement officer to seize or immobilize the vehicle used in the incident that gave rise to the arrest for 12 hours, except that, if the vehicle is the only vehicle owned or leased by any member of the arrested person's household, the officer may release the vehicle to a member of the household.

