

2007 DRAFTING REQUEST

Bill

Received: 02/13/2007

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-1832

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Drunk Driving - penalties

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lehman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Enhanced penalties for OWI drivers

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>
/?				_____			S&L
/1	phurley 03/14/2007	kfollett 03/27/2007	rschluet 03/27/2007	_____	cduerst 03/27/2007	lparisi 05/08/2007	

FE Sent For: *at into*
5/25/07

<END>

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/?	phurley	11/5/07 3/12/07					S&L

FE Sent For:

<END>

Hurley, Peggy

From: Stoll, Joanna
Sent: Wednesday, February 14, 2007 1:37 PM
To: Hurley, Peggy
Subject: RE: Drafting legislation for first time OWI offenders

Hi Peggy,

I talked to John. He wants to keep the current law in place. The idea behind the bill is that there has been so much discussion about drunk driving people should be aware of the consequences. Therefore – no second chances. If an individual blows more than .16 and has never had a prior conviction, he/she gets the penalty for a second time drunk driver. If an individual blows more than .16 and has only one prior conviction, he/she gets the penalty for a third time drunk driver.

John doesn't want to take away the existing penalties for repeat offenders. He wants to add penalties for first and second time offenders.

Give me a call if you have more questions.

Jo

From: Hurley, Peggy
Sent: Tuesday, February 13, 2007 11:41 AM
To: Stoll, Joanna
Subject: RE: Drafting legislation for first time OWI offenders

Thanks, Jo, I do my best. ;-)

Taking a closer look at current law, I see that there are already doubled, tripled, and even quadrupled fines for having high alcohol levels (defined as above .17 - see s. 346.65 (2) (g)). These enhanced fines only apply to OWI offenders with 2 or more priors, however, and increase depending on how high the alcohol level goes. If I draft the bill to simply "bump up" for any offender with an alcohol level above .16, I take it you want me to repeal these sections?

Peggy

From: Stoll, Joanna
Sent: Tuesday, February 13, 2007 9:46 AM
To: Hurley, Peggy
Subject: RE: Drafting legislation for first time OWI offenders

You're the best! ☺

From: Hurley, Peggy
Sent: Tuesday, February 13, 2007 9:44 AM
To: Stoll, Joanna
Subject: RE: Drafting legislation for first time OWI offenders

Thanks, Jo. I can enter this request right away and get it to you as soon as possible.

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From: Stoll, Joanna
Sent: Tuesday, February 13, 2007 9:43 AM
To: Hurley, Peggy

Subject: Drafting legislation for first time OWI offenders

Hi Peggy,

As you may recall, I e-mailed you on December 7, 2006 regarding drafting legislation for first time OWI offenders. You had indicated at that time that it would be possible to draft a bill to progressively enhance the penalties for drunk driving, rather than a "one size fits all" penalty.

John would like a bill drafted that would enhance the first, second, third, etc. time for drunk driving when the driver has a BAC above .16. For example: a first time drunk driver with a BAC above .16 would get the penalty for a second time drunk driver. A second time drunk driver would get the penalty for a third time drunk driver and so on.

Thanks much. Give me a call if you have any questions.

Jo
Jo Stoll
Aide to Senator John Lehman
21st Senate District
266-1832

Hurley, Peggy

From: Stoll, Joanna
Sent: Tuesday, March 13, 2007 3:47 PM
To: Hurley, Peggy
Subject: RE: Drafting legislation for first time OWI offenders

Thanks, Peggy. I'll check with John and get back to you.

From: Hurley, Peggy
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Hi again, Jo,

Sorry I missed you last week. If your boss doesn't want to repeal or change the current law for repeat offenders, it would be simpler and smoother to make those laws applicable to first and second time offenders. This idea is slightly different from your original proposal, however. Current law, applicable only to those with 2 or more prior offenses, doubles fines for an alcohol concentration between 0.17 to 0.199, triples fines for an alcohol concentration between 0.20 and 0.249, and quadruples them for 0.25 or above.

Thus having a high alcohol concentration is a "penalty enhancer," in a sense, but it doesn't "bump up" the entire penalty, only the fines involved. To make things consistent, then, I could either draft a bill that included first and second offenders in the doubling/tripling/quadrupling of fines, or I could draft a bill that removed those provisions from current law and created a new sentencing scheme for all OWI offenders, regardless of the number of prior offenses.

Please let me know your thoughts.

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March 13, 2007

Hi Again Peggy,

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Hope to hear from you soon.

Thanks!
Jo

From: Stoll, Joanna
Sent: Tuesday, March 06, 2007 2:24 PM
To: Hurley, Peggy
Subject: RE: Drafting legislation for first time OWI offenders

Hi Peggy,

Just checking to see when this might be drafted. I know you guys are probably swamped with budget stuff, so get back to me whenever you can.

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Jo Stoll
Aide to Senator John Lehman
21st Senate District
266-1832

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Sent: Wednesday, March 14, 2007 10:24 AM
To: Hurley, Peggy
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March 14, 2007

Hi Peggy,

John (and our constituent) would prefer the #1 option for drafting that includes first and second offenders in the doubling/tripling/quadrupling of fines.

Let me know if you have any questions. Thanks!

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21st Senate District
266-1832

2007 BILL

3-14

Gen

1

AN ACT ...; relating to: drunken driving, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, drivers who are convicted of a third, fourth, fifth, or subsequent violation related to driving while intoxicated are subject to fines and terms of imprisonment. The amount of the fine and the length of imprisonment increase with each subsequent conviction. If a driver has an exceptionally high alcohol concentration at the time of his or her offense, any applicable fine, increased as follows: if the person had an alcohol concentration of 0.17 to 0.199, the fine is doubled. If a person had an alcohol concentration of 0.20 to 0.249, the fine is tripled. If a person had an alcohol concentration at or above .25, the fine is quadrupled.

This bill applies the increased fines for having an exceptionally high alcohol concentration to people who commit a first or second violation related to driving while intoxicated.

For further information see the *state and local* 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. 346.65 (2) (g) 1. of the statutes is amended to read:

Basford, Sarah

From: Stromme, Denise
Sent: Tuesday, May 08, 2007 1:07 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1922/1 Topic: Enhanced penalties for OWI drivers

Please Jacket LRB 07-1922/1 for the SENATE.