



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

1 EAST MAIN, SUITE 200
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 264-6948

STEPHEN R. MILLER
CHIEF

June 20, 2007

MEMORANDUM

To: Senator Lehman

From: Peggy J. Hurley, Legislative Attorney, (608) 266-8906

Subject: Technical Memorandum to **2007 SB 193** (LRB-1922/1) by **DOT**

We received the attached technical memorandum relating to your bill. This copy is for your information and your file.

If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: June 4, 2007

To: Legislative Reference Bureau

From: Mitchell Warren
DMV Legislative Liaison, Department of Transportation

Subject: Technical Note for Senate Bill 193 relating to drunken driving and providing a penalty

The department believes the text of the bill is inconsistent with the analysis provided by the legislative reference bureau. The analysis reads, "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." This would appear to suggest that higher financial penalties will be imposed upon first and second offenders who have higher BAC results.

The bill provides simply that "the applicable minimum and maximum fines under par. (am) 3. to 5. are doubled [tripled or quadrupled]." First offenders, however, are never subjected to fines; they pay only forfeitures. As written, then, the bill would not appear to permit increases in forfeiture sanctions assessed to first offenders. The department would suggest that the bill or the analysis be clarified so that the proposed law's applicability to first offense forfeitures is evident.

Because the bill imposes a different penalty for a later conviction of an offense by the same party, please specify in an initial applicability provision whether offenses or convictions that occur before the effective date of the act may be counted as prior offenses or convictions.

We appreciate your attention to these technical concerns.

Mitchell Warren, WisDOT-DMV
(608) 266-1449

Agency/Prepared by: (Name & Phone No.)
Authorized Signature