

**2007 DRAFTING REQUEST**

**Bill**

Received: 01/11/2008

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Adl. Drafters:

Subject: Drunk Driving - procedures

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Drunken driving

---

**Instructions:**

Act 389 expand it to statewide as an option; add in amendment 1

---

**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>
/?	phurley 01/29/2008	bkraft 02/07/2008		_____			Crime
/1	phurley 02/12/2008		rschluet 02/07/2008	_____	sbasford 02/07/2008	lparisi 02/20/2008	

FE Sent For: N/A

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/11/2008

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Drunk Driving - procedures

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Drunken driving

Instructions:

Act 389 expand it to statewide as an option

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>
/?	phurley 01/29/2008	bkraft 02/07/2008		_____			Crime
/1			rschluet 02/07/2008	_____	sbasford 02/07/2008		

FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: 01/11/2008

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - procedures**

Extra Copies:

Submit via email: YES

Requester's email: **Sen.Roessler@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Drunken driving

---

**Instructions:**

Act 389 expand it to statewide as an option

---

**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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?

phurley

1 bjk 2/5

*[Handwritten signature]*  
2/4

FE Sent For:

<END>

ljk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

SA ✓  
X-ref ✓

1-29-08

gen. cat.

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

Analysis by the Legislative Reference Bureau

May be

2005 Wisconsin Act 389 created a pilot program for sentencing persons in Winnebago county who are convicted of certain second or third offenses involving operating a motor vehicle with a prohibited alcohol concentration, or under the influence of an intoxicant, a controlled substance or its analog, or any combination thereof (OWI). Under that act, the minimum period of imprisonment for an OWI offense in Winnebago county is reduced if the violator successfully completes a period of probation that includes alcohol and other drug treatment. A person may opt to complete a treatment program and receive a reduced period of imprisonment only once.

This bill expands the sentencing option to any county that opts to allow a violator to successfully complete a period of probation that includes alcohol and other drug treatment in exchange for a shorter minimum period of imprisonment.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 346.65 (2) (bm) of the statutes is amended to read:

1 346.65 (2) (bm) In ~~Winnebago County~~, any county that opts to offer a reduced  
 2 minimum period of imprisonment for the successful completion of a probation period  
 3 that includes alcohol and other drug treatment, if the number of convictions under  
 4 ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
 5 suspensions, revocations, and other convictions counted under s. 343.307 (1) within  
 6 a 10-year period, equals 2, except that suspensions, revocations, or convictions  
 7 arising out of the same incident or occurrence shall be counted as one, the fine shall  
 8 be the same as under ~~par. (b)~~ par. (am) 2. but the period of imprisonment shall be  
 9 not less than 5 days, except that if the person successfully completes a period of  
 10 probation that includes alcohol and other drug treatment, the period of  
 11 imprisonment shall be not less than 5 nor more than 7 days. A person may be  
 12 sentenced under this paragraph or under par. (cm) or sub. (2j) (bm) or (cm) or (3r)  
 13 once in his or her lifetime.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389.

SECTION 2. 346.65 (2) (cm) of the statutes is amended to read:

14 346.65 (2) (cm) In ~~Winnebago County~~, any county that opts to offer a reduced  
 15 minimum period of imprisonment for the successful completion of a probation period  
 16 that includes alcohol and other drug treatment, if the number of convictions under  
 17 ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
 18 suspensions, revocations, and other convictions counted under s. 343.307 (1) within  
 19 a 10-year period, equals 3, except that suspensions, revocations, or convictions  
 20 arising out of the same incident or occurrence shall be counted as one, the fine shall  
 21 be the same as under ~~par. (c)~~ par. (am) 3. but the period of imprisonment shall be  
 22 not less than 30 days, except that if the person successfully completes a period of  
 23

1 probation that includes alcohol and other drug treatment, the period of  
2 imprisonment shall be not less than 10 days. A person may be sentenced under this  
3 paragraph or under par. (bm) or sub. (2j) (bm) or (cm) or (3r) once in his or her lifetime.

\* NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389.

4 SECTION 3. 346.65 (2j) (bm) of the statutes is amended to read:

5 346.65 (2j) (bm) In Winnebago County any county that opts to offer a reduced  
6 minimum period of imprisonment for the successful completion of a probation period  
7 that includes alcohol and other drug treatment, if the number of convictions under  
8 ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
9 suspensions, revocations, and other convictions counted under s. 343.307 (1) within  
10 a 10-year period, equals 2, except that suspensions, revocations, or convictions  
11 arising out of the same incident or occurrence shall be counted as one, the fine shall  
12 be the same as under ~~par. (b)~~ [par. (am) 2.] but the period of imprisonment shall be  
13 not less than 5 days, except that if the person successfully completes a period of  
14 probation that includes alcohol and other drug treatment, the period of  
15 imprisonment shall be not less than 5 nor more than 7 days. A person may be  
16 sentenced under this paragraph or under par. (cm) or sub. (2) (bm) or (cm) or (3r) once  
17 in his or her lifetime.

\* NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389.

18 SECTION 4. 346.65 (2j) (cm) of the statutes is amended to read:

19 346.65 (2j) (cm) In Winnebago County any county that opts to offer a reduced  
20 minimum period of imprisonment for the successful completion of a probation period  
21 that includes alcohol and other drug treatment, if the number of convictions under  
22 ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of

1 suspensions, revocations, and other convictions counted under s. 343.307 (1) within  
 2 a 10-year period, equals 3 or more, except that suspensions, revocations, or  
 3 convictions arising out of the same incident or occurrence shall be counted as one, the  
 4 fine shall be the same as under ~~par. (c)~~ <sup>strike</sup> par. (am) 3. <sup>score</sup> but the period of imprisonment  
 5 shall be not less than 30 days, except that if the person successfully completes a  
 6 period of probation that includes alcohol and other drug treatment, the period of  
 7 imprisonment shall be not less than 10 days. A person may be sentenced under this  
 8 paragraph or under par. (bm) or sub. (2) (bm) or (cm) or (3r) once in his or her lifetime.

\* **NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:**

**History:** 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389.

9 **SECTION 5. 346.65 (3r) of the statutes is amended to read:**

10 **346.65 (3r)** In Winnebago County any county that opts to offer a reduced  
 11 minimum period of imprisonment for the successful completion of a probation period  
 12 that includes alcohol and other drug treatment, any person violating s. 346.63 (2) or  
 13 (6) shall be fined the same as under sub. (3m), but the period of imprisonment shall  
 14 be not less than 30 days, except that if the person successfully completes a period of  
 15 probation that includes alcohol and other drug treatment, the period of  
 16 imprisonment shall be not less than 15 days. If there was a minor passenger under  
 17 16 years of age in the motor vehicle at the time of the violation that gave rise to the  
 18 conviction under s. 346.63 (2) or (6), the offense is a felony, the applicable minimum  
 19 and maximum fines or periods of imprisonment for the conviction are doubled and  
 20 the place of imprisonment shall be determined under s. 973.02. A person may be  
 21 sentenced under this subsection or under sub. (2) (bm) or (cm) or (2j) (bm) or (cm) once  
 22 in his or her lifetime.

**History:** 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389.

23 (END) ✓

**Parisi, Lori**

---

**From:** Wagner, Mike  
**Sent:** Wednesday, February 20, 2008 3:58 PM  
**To:** LRB.Legal  
**Subject:** Please Jacket 3814/1

Send to the Senator's Office, Room 19 S.

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