

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4028/P1dn  
ARG:bjk:rs

February 7, 2008

Please review the attached draft carefully to ensure that it is consistent with your intent.

There is an inconsistency in the penalties in current s. 346.74 (5). Section 346.74 (5) (e) specifies that a person guilty of hit-and-run is guilty of a felony if the accident involves death or injury to a person. This provision is probably a vestige of a prior statute and is no longer correct. Under current law, if the hit-and-run involves injury that does not include great bodily harm, the person is guilty of a misdemeanor, not a felony. Because s. 346.74 (5) (e) no longer serves any purpose, I have repealed it in this draft. Section 346.74 (5) (c) and (d), and created s. 346.74 (5) (bm), make clear that such violations are felonies.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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