

2007 DRAFTING REQUEST

Bill

Received: **02/05/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **self**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Adl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **BAB, CMH**

Submit via email: **YES**

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

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Penalty for failure to stop at the scene of an accident (hit and run)

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>
/?				_____			Crime
/P1	agary 02/06/2008	bkraft 02/07/2008	rschluet 02/07/2008	_____	mbarman 02/07/2008		Crime
/1	agary 03/03/2008	bkraft 03/04/2008	jfrantze 03/04/2008	_____	sbasford 03/04/2008	lparisi 03/04/2008	

FE Sent For: *none*

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FE Sent For:

1 bjk 3/4

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1/?	agary	/Pl bjk 2/7					Crime

FE Sent For:

278
<END>

Gary, Aaron

To: Hanaman, Cathlene
Subject: RE:

From: Hanaman, Cathlene
Sent: Tuesday, February 05, 2008 4:21 PM
To: Gary, Aaron; Balinsky, Brett
Subject: RE:

Okay, 346.74 (5) needs a paragraph making the violation a Class H felony if the person suffers substantial bodily harm (that's defined in 939.22 (38)).

From: Hanaman, Cathlene
Sent: Tuesday, February 05, 2008 4:10 PM
To: Gary, Aaron; Balinsky, Brett
Subject:

Is a new felony under s. 346.74 one of you or the criminal team? I figured I'd do it unless one of you objects.

You have about 20 minutes to object.

→ Soon

ARG:.....
Lbjk

in 2/6

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

SA ✓
X-ref ✓

→ D-Note

gen. cat

1 AN ACT ...; **relating to:** the penalty for failing to stop at the scene of a motor
2 vehicle accident. ✓

Analysis by the Legislative Reference Bureau

Under current law, if an operator of a vehicle has an accident resulting in personal injury or vehicle damage, the operator must immediately stop the vehicle at or near the scene of the accident, provide certain information, and render reasonable assistance to any injured person. ✓ A person who commits a failure-to-stop violation (hit-and-run): 1) may be fined not more than \$10,000 or imprisoned for not more than nine months or both if the accident involved injury to a person but the person did not suffer great bodily harm; 2) is guilty of a Class E felony if the accident involved injury to a person and the person suffered great bodily harm; and 3) is guilty of a Class D felony if the accident involved death to a person. ✓

This bill creates an additional category of penalty for hit-and-run. ✓ A person guilty of hit-and-run is guilty of a Class H felony if the accident involved injury to a person and the person suffered substantial bodily harm. ✓ A Class H felony is punishable by a fine not exceeding \$10,000 or imprisonment not exceeding six years or both. ✓ "Substantial bodily harm" means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a temporary loss of consciousness, sight, or hearing; a concussion; or a loss or fracture of a tooth. ✓ The bill also defines "great bodily harm," which means bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, or that causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. ✓

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:

SECTION 1. 346.74 (5) (b) of the statutes is amended to read:

346.74 (5) (b) May be fined not more than \$10,000 or imprisoned for not more than 9 months or both if the accident involved injury to a person but the person did not suffer substantial bodily harm, as defined in s. 939.22 (38), or great bodily harm, as defined in s. 939.22 (14).

History: 1971 c. 278; 1973 c. 218; 1981 c. 20; 1997 a. 258, 283; 2001 a. 109; 2003 a. 74; 2005 a. 411.

SECTION 2. 346.74 (5) (bm) of the statutes is created to read:

346.74 (5) (bm) Is guilty of a Class H felony if the accident involved injury to a person and the person suffered substantial bodily harm, as defined in s. 939.22 (38), but not great bodily harm, as defined in s. 939.22 (14).

SECTION 3. 346.74 (5) (c) of the statutes is amended to read:

346.74 (5) (c) Is guilty of a Class E felony if the accident involved injury to a person and the person suffered great bodily harm, as defined in s. 939.22 (14).

History: 1971 c. 278; 1973 c. 218; 1981 c. 20; 1997 a. 258, 283; 2001 a. 109; 2003 a. 74; 2005 a. 411.

SECTION 4. 346.74 (5) (e) of the statutes is repealed.

SECTION 5. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection.

(END)

D-Note

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

LRB-4028/P1dn

ARG:.....

l b j k

Date

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. ✓ Sections 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. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

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.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Parisi, Lori
Sent: Monday, March 03, 2008 4:44 PM
To: Gary, Aaron
Subject: FW: Please jacket LRB 4028 for introduction for Senator Glenn Grothman's office - Room 20 South. Thanks! - Jolene

Please rush this for tomorrow morning....see below.
Thanks.

From: Churchill, Jolene
Sent: Monday, March 03, 2008 4:37 PM
To: Parisi, Lori
Subject: RE: Please jacket LRB 4028 for introduction for Senator Glenn Grothman's office - Room 20 South. Thanks! - Jolene

We would appreciate receiving the jacket as soon as possible in the morning.

- Jolene
20-South

From: Churchill, Jolene
Sent: Monday, March 03, 2008 4:32 PM
To: Parisi, Lori
Subject: RE: Please jacket LRB 4028 for introduction for Senator Glenn Grothman's office - Room 20 South. Thanks! - Jolene

Much appreciated.

From: Parisi, Lori
Sent: Monday, March 03, 2008 4:23 PM
To: Churchill, Jolene
Subject: RE: Please jacket LRB 4028 for introduction for Senator Glenn Grothman's office - Room 20 South. Thanks! - Jolene

Hello Jolene, This draft is a P1. I will have the drafter update it to a /1 and then we will be able to get it jacketed for you. Please call with any questions....266-3561.

Thanks,
Lori Parisi

From: Churchill, Jolene
Sent: Monday, March 03, 2008 4:12 PM
To: LRB.Legal
Subject: Please jacket LRB 4028 for introduction for Senator Glenn Grothman's office - Room 20 South. Thanks! - Jolene



State of Wisconsin
2007 - 2008 LEGISLATURE

Needed
3/4 AM

LRB-4028/E1
ARG:bjk:rs
stage
AMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

No change

SAV

regen. cat.

1 AN ACT to repeal 346.74 (5) (e); to amend 346.74 (5) (b) and 346.74 (5) (c); and
2 to create 346.74 (5) (bm) of the statutes; relating to: the penalty for failing to
3 stop at the scene of a motor vehicle accident.

Analysis by the Legislative Reference Bureau

Under current law, if an operator of a vehicle has an accident resulting in personal injury or vehicle damage, the operator must immediately stop the vehicle at or near the scene of the accident, provide certain information, and render reasonable assistance to any injured person. A person who commits a failure-to-stop violation (hit-and-run): 1) may be fined not more than \$10,000 or imprisoned for not more than nine months or both if the accident involved injury to a person but the person did not suffer great bodily harm; 2) is guilty of a Class E felony if the accident involved injury to a person and the person suffered great bodily harm; and 3) is guilty of a Class D felony if the accident involved death to a person.

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Parisi, Lori

From: Churchill, Jolene
Sent: Tuesday, March 04, 2008 9:42 AM
To: LRB.Legal
Subject: * Timely Request * - Please send over the big Bil Folder for LRB-4028 to Senator Grothman's Office - ASAP. Thanks!