

2007 DRAFTING REQUEST

Bill

Received: 01/25/2007

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Jim Sullivan (608) 266-2512

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.Sullivan@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Penalties for 5th offense or higher OWI

Instructions:

0578/1 companion bill

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 02/01/2007	kfollett 02/01/2007		_____			S&L Crime
/1			pgreensl 02/01/2007	_____	sbasford 02/02/2007	cduerst 02/02/2007	

FE Sent For: @ intro .
3-27-2007

<END>

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/?	phurley	1/1 kjf 2/1	2/1 ph	2/1 ph			
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FE Sent For:

<END>

1683/1

2007 ASSEMBLY BILL 54

2-1 soon

January 30, 2007 - Introduced by Representatives STASKUNAS, ZIEGELBAUER, KERKMAN, HUBLER, BLACK, JESKEWITZ, HAHN, BENEDICT, GUNDRUM, HEBL, MASON, BERCEAU, GUNDERSON, WASSERMAN, CULLEN, MOLEPSKE, FIELDS, LOTHIAN and HRAYCHUCK, cosponsored by Senators SULLIVAN, ROESSLER, LEIBHAM, BRESKE, DARLING, GROTHMAN, COGGS and KEDZIE. Referred to Committee on Judiciary and Ethics.

Regen

1 **AN ACT to amend** 48.685 (5) (bm) 4., 346.65 (2) (am) 5., 346.65 (2) (f), 346.65 (2c)
2 and 346.65 (7); and **to create** 346.65 (2) (am) 6. and 346.65 (2) (am) 7. of the
3 statutes; **relating to:** repeat drunken driving offenders and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits his or her sixth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class H felony and may be fined not less than \$600 nor more than \$10,000 and imprisoned for not less than six months nor more than six years, or both.

Under this bill, the same penalty applies for a person who commits his or her sixth or seventh offense related to drunken driving or driving under the influence of an intoxicant or other drug. A person who commits his or her eighth, ninth, or tenth offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class G felony and may be fined not more than \$25,000 and imprisoned for not more than ten years or both. A person who commits his or her 11th or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class F felony and may be fined not more than \$25,000 and imprisoned for not more than 12 years and six months or both.

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.

ASSEMBLY BILL 54

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:

1 **SECTION 1.** 48.685 (5) (bm) 4. of the statutes is amended to read:

2 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),
3 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5),
4 or (6), 940.20, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63 (1), (2),
5 (5), or (6) that is a felony under s. 346.65 (2) (am) 5., 6., or 7., or (f), (2j) (d), or (3m),
6 or an offense under ch. 961 that is a felony, if committed not more than 5 years before
7 the date of the investigation under sub. (2) (am).

8 **SECTION 2.** 346.65 (2) (am) 5. of the statutes is amended to read:

9 346.65 (2) (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class H
10 felony and shall be fined not less than \$600 and imprisoned for not less than 6 months
11 if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime,
12 plus the total number of suspensions, revocations and other convictions counted
13 under s. 343.307 (1), equals 5 or ~~more~~ 6, except that suspensions, revocations or
14 convictions arising out of the same incident or occurrence shall be counted as one.

15 **SECTION 3.** 346.65 (2) (am) 6. of the statutes is created to read:

16 346.65 (2) (am) 6. Except as provided in par. (f), is guilty of a Class G felony if
17 the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime,
18 plus the total number of suspensions, revocations, and other convictions counted
19 under s. 343.307 (1), equals 7, 8, or 9, except that suspensions, revocations, or
20 convictions arising out of the same incident or occurrence shall be counted as one.

21 **SECTION 4.** 346.65 (2) (am) 7. of the statutes is created to read:

Duerst, Christina

From: Swentkofske, Matthew
Sent: Friday, February 02, 2007 3:11 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1683/1 Topic: Penalties for 5th offense or higher OWI

Please Jacket LRB 07-1683/1 for the SENATE.



2007 SENATE BILL 116

March 27, 2007 - Introduced by Senators SULLIVAN, ROESSLER, LEIBHAM, BRESKE, DARLING, GROTHMAN, COGGS and KEDZIE, cosponsored by Representatives STASKUNAS, ZIEGELBAUER, KERKMAN, HUBLER, BLACK, JESKEWITZ, HAHN, BENEDICT, GUNDRUM, HEBL, MASON, BERCEAU, GUNDERSON, WASSERMAN, CULLEN, MOLEPSKE, FIELDS, LOTHIAN and HRAYCHUCK. Referred to Committee on Judiciary and Corrections.

Corrected
9/21/08

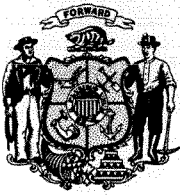
1 AN ACT to amend 48.685 (5) (bm) 4., 346.65 (2) (am) 5., 346.65 (2) (f), 346.65 (2c)
2 and 346.65 (7); and to create 346.65 (2) (am) 6. and 346.65 (2) (am) 7. of the
3 statutes; relating to: repeat drunken driving offenders and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits his or her ~~sixth~~ or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class H felony and may be fined not less than \$600 nor more than \$10,000 and imprisoned for not less than six months nor more than six years, or both.

Under this bill, the same penalty applies for a person who commits his or her ~~sixth or seventh~~ ^{fifth} offense related to drunken driving or driving under the influence of an intoxicant or other drug. A person who commits his or her ~~eighth, ninth, or tenth~~ ^{seventh or eighth} offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class G felony and may be fined not more than \$25,000 and imprisoned for not more than ten years or both. A person who commits his or her ~~11th~~ ^{ninth or tenth} or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class F felony and may be fined not more than \$25,000 and imprisoned for not more than 12 years and six months or both.

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.



2007 SENATE BILL 116

07-10-2007

March 27, 2007 - Introduced by Senators SULLIVAN, ROESSLER, LEIBHAM, BRESKE, DARLING, GROTHMAN, COGGS and KEDZIE, cosponsored by Representatives STASKUNAS, ZIEGELBAUER, KERKMAN, HUBLER, BLACK, JESKEWITZ, HAHN, BENEDICT, GUNDRUM, HEBL, MASON, BERCEAU, GUNDERSON, WASSERMAN, CULLEN, MOLEPSKE, FIELDS, LOTHIAN and HRAYCHUCK. Referred to Committee on Judiciary and Corrections.

1 **AN ACT to amend** 48.685 (5) (bm) 4., 346.65 (2) (am) 5., 346.65 (2) (f), 346.65 (2c)
2 and 346.65 (7); and **to create** 346.65 (2) (am) 6. and 346.65 (2) (am) 7. of the
3 statutes; **relating to:** repeat drunken driving offenders and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits his or her fifth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class H felony and may be fined not less than \$600 nor more than \$10,000 and imprisoned for not less than six months nor more than six years, or both.

Under this bill, the same penalty applies for a person who commits his or her fifth or sixth offense related to drunken driving or driving under the influence of an intoxicant or other drug. A person who commits his or her seventh, eighth, or ninth offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class G felony and may be fined not more than \$25,000 and imprisoned for not more than ten years or both. A person who commits his or her tenth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class F felony and may be fined not more than \$25,000 and imprisoned for not more than 12 years and six months or both.

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