



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 111
[2007 Senate Bill 116]

Drunken Driving Offenders

Under prior law, a person convicted for a fifth or subsequent time of operating a motor vehicle while under the influence of an intoxicant or other drug would be guilty of a Class H felony. The maximum punishment for this conviction is a \$10,000 fine, a term of confinement of three years, and a term of extended supervision of three years. Also, prior law generally provided that a person convicted of this crime would be subject to a \$355 drunk driving surcharge. This amount was distributed in the following approximate amounts: \$218 to the county in which the conviction took place; \$137 to a state general appropriation for drivers' services; and \$5 to the Safe-Ride Program from the state appropriation.

Wisconsin Act 111 provides that the Class H felony will apply to a person convicted a fifth or sixth time for a person operating a motor vehicle while under the influence of an intoxicant or other drug. A person convicted for a seventh, eighth, or ninth time, will be guilty of a Class G felony, which has a maximum punishment of a \$25,000 fine, a term of confinement of five years, and a term of extended supervision of five years. A person convicted a 10th or subsequent time will be guilty of a Class F felony, which has a maximum penalty of a \$25,000 fine, a term of confinement of 7.5 years, and a term of extended supervision of five years. The drunk driving surcharge is increased to \$365 and distributed, approximately, by sending \$219 to the county of conviction, \$146 to the state, and \$14 to the Safe-Ride Program from the state appropriation.

Effective Date: The Act takes effect on April 2, 2008. In addition, the Act will first apply to violations committed on April 2, 2008, but does not preclude counting prior convictions.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.