

2009 DRAFTING REQUEST

Bill

Received: 11/14/2008

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Add. Drafters:

Subject: Drunk Driving - other

Extra Copies:

Submit via email: YES

Requester's email: Rep.Schneider@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Purging certain OWI convictions

Instructions:

redraft 07-1001

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>
/?							
/1	phurley 11/18/2008	jdye 12/01/2008	rschluet 12/01/2008	_____	cduerst 12/01/2008	sbasford 12/11/2008	

FE Sent For:

none

<END>

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h/c to Sam Sabatke - simply purging DOT records eliminating records. If you write to eliminate 10-1/16 look back, we can do that.

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? phurley

1/11/08 jld
[Signature]
[Signature]
[Signature]

FE Sent For:

<END>

0789//

2009 BILL

2007 ASSEMBLY BILL 182

JLD

LPS.
PWF.
Please

11-18-08
D-note

March 19, 2007 - Introduced by Representatives SCHNEIDER, ALBERS and GRONEMUS. Referred to Committee on Transportation.

X

Gen

1 AN ACT to amend 343.23 (2) (b) of the statutes; relating to: maintaining records
2 of certain driving offenses related to operating a motor vehicle while
3 intoxicated. ✓

Analysis by the Legislative Reference Bureau

(OWI)

Under current law, the Department of Transportation (DOT) maintains a record of a licensed driver's driving history. Currently, DOT maintains permanently a person's record of convictions, suspensions, or revocations that are related to operating a vehicle while intoxicated, except that records of a person's first offense for most violations related to operating a vehicle while intoxicated are purged after ten years if: 1) the person had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation; 2) the person does not have a commercial driver license; 3) the violation was not committed by a person operating a commercial motor vehicle; and 4) the person does not commit another offense related to operating a vehicle while intoxicated during the ten-year period.

OWI

OWI-related

Under this bill, DOT is required to purge, after ten years, a person's record of any conviction, suspension, or revocations that are related to operating a vehicle while intoxicated, unless the offense was committed by a person with a commercial driver license or who was operating a commercial motor vehicle at the time of the offense.

OWI

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

ASSEMBLY BILL 182

SECTION 1

1 SECTION 1. 343.23 (2) (b) [✓] of the statutes is amended to read:

2 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
3 the department so that the complete operator's record is available for the use of the
4 secretary in determining whether operating privileges of such person shall be
5 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
6 of public safety. The record of suspensions, revocations, and convictions that would
7 be counted under s. 343.307 (2) shall be [✓] maintained permanently, ~~except that the~~
8 ~~department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)~~
9 ~~(b) 1., 346.63 (1) (b), or 350.101 (1) (b) purged~~ [✓] after 10 years, ~~if the person who~~
10 ~~committed the violation had a blood alcohol concentration of 0.08 or more but less~~
11 ~~than 0.1 at the time of the violation, if the person does not have a commercial driver~~
12 ~~license, or if the violation was not committed by a person operating a commercial~~
13 ~~motor vehicle, and if the person has no other suspension, revocation, or conviction~~
14 ~~that would be counted under s. 343.307 during that 10-year period.~~ [✓] The record of
15 convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for
16 at least 10 years. The record of convictions for disqualifying offenses under s.
17 343.315 (2) (f) and (j), and all records specified in par. (am), shall be maintained for
18 at least 3 years. The record of convictions for disqualifying offenses under s. 343.315
19 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee
20 transfers residency to another state such record may be transferred to another state
21 of licensure of the licensee if that state accepts responsibility for maintaining a
22 permanent record of convictions for disqualifying offenses. Such reports and records
23 may be cumulative beyond the period for which a license is granted, but the secretary,
24 in exercising the power of suspension granted under s. 343.32 (2) may consider only

ASSEMBLY BILL 182

1 those reports and records entered during the 4-year period immediately preceding
2 the exercise of such power of suspension.

3 (END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0784/1dn

PJH
jld

date

Representative Schneider:

Please review this draft carefully to ensure that it is consistent with your intent. Please note that, while the draft requires the Department of Transportation to purge records of drunken driving convictions, the draft does not "erase" a person's criminal record of drunken driving convictions or eliminate the 10-year "look-back" period for determining if a person should be charged with a second (or, in Winnebago County, a third) drunken driving offense or for determining whether, and for how long, a person's driving privileges should be suspended or revoked. Please let me know if you have any questions or would like to discuss this further.

ten-year

↑
check Δ

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov

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

LRB-0784/1dn
PJH:jld:rs

December 1, 2008

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Peggy Hurley
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Basford, Sarah

From: Schneider, Marlin
Sent: Wednesday, December 10, 2008 8:54 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-0784/1 Topic: Purging certain OWI convictions

Please Jacket LRB 09-0784/1 for the ASSEMBLY.