



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 283**

September 17, 2009 – Offered by Representative GUNDRUM.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 16, line 22: after that line insert:

3 “**SECTION 33d.** 346.65 (2) (am) 1. of the statutes is amended to read:

4 346.65 (2) (am) 1. Shall forfeit not less than \$150 nor more than \$300, except  
5 as provided in subds. ~~2.~~ 1g. to ~~5.~~ 7. and par. (f).

6 **SECTION 33g.** 346.65 (2) (am) 1g. of the statutes is created to read:

7 346.65 (2) (am) 1g. Except as provided in subds. 1m. to 7. and par. (f), if the  
8 person had an alcohol concentration of 0.16 or more and had any detectable amount  
9 of a restricted controlled substance in his or her blood, shall be fined not less than  
10 \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more than  
11 6 months.

12 **SECTION 33m.** 346.65 (2) (am) 1m. of the statutes is created to read:

1           346.65 (2) (am) 1m. Except as provided in subds. 2. to 7. and par. (f), if the  
2 person had an alcohol concentration of 0.20 or more, shall be fined not less than \$350  
3 nor more than \$1,100 and imprisoned for not less than 5 days nor more than 6  
4 months.”.

5           **2.** Page 20, line 14: after that line insert:

6           “**SECTION 43m.** 346.65 (2g) (a) of the statutes, as affected by 2009 Wisconsin  
7 Act .... (this act), is amended to read:

8           346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)  
9 to provide that a defendant perform community service work for a public agency or  
10 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.  
11 (2) (am) 1g., 1m., 2., 3., 4., 4m., and 5., (f), and (g) and except as provided in par. (ag),  
12 the court may provide that a defendant perform community service work for a public  
13 agency or a nonprofit charitable organization in lieu of part or all of a forfeiture under  
14 sub. (2) (am) 1. or may require a person who is subject to sub. (2) to perform  
15 community service work for a public agency or a nonprofit charitable organization  
16 in addition to the penalties specified under sub. (2).”.

17           **3.** Page 20, line 23: after that line insert:

18           “**SECTION 44g.** 346.65 (2g) (ag) of the statutes, as affected by 2009 Wisconsin  
19 Act .... (this act), is amended to read:

20           346.65 (2g) (ag) If the court determines that a person does not have the ability  
21 to pay a fine imposed under sub. (2) (am) 1g., 1m., 2., 3., 4., 4m., or 5., (f), or (g), the  
22 court shall require the defendant to perform community service work for a public  
23 agency or a nonprofit charitable organization in lieu of paying the fine imposed or,  
24 if the amount of the fine was reduced under sub. (2e), in lieu of paying the remaining

1 amount of the fine. Each hour of community service performed in compliance with  
2 an order under this paragraph shall reduce the amount of the fine owed by an amount  
3 determined by the court.

4 **SECTION 44m.** 346.65 (2g) (d) of the statutes is amended to read:

5 346.65 **(2g)** (d) With respect to imprisonment under sub. (2) (am) 1g., 1m., 2.,  
6 the court shall ensure that the person is imprisoned for not less than 5 days or  
7 ordered to perform not less than 30 days of community service work under s. 973.03  
8 (3) (a).”.

9 **4.** Page 23, line 16: after that line insert:

10 “**SECTION 52m.** 346.65 (7) of the statutes, as affected by 2009 Wisconsin Act ...  
11 (this act), is amended to read:

12 346.65 **(7)** A person convicted under sub. (2) (am) 1g., 1m., 2., 3., 4., 4m., 5., 6.,  
13 or 7. or (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than  
14 a 48–consecutive–hour period.”.

15 **5.** Page 33, line 4: after that line insert:

16 “(5c) The treatment of section 346.65 (2) (am) 1., 1g., and 1m., (2g) (a) (by  
17 SECTION 43m), (ag) (by SECTION 44g), and (d), and (7) (by SECTION 52m) of the statutes  
18 takes effect on July 1, 2011.”.

19 (END)