

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA(LRBs0113/4)-AB283)

Received: **09/17/2009**

Received By: **rnelson2**

Wanted: **Today**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing:

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - penalties**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Penalties for first OWI

Instructions:

See a0675/1

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	rnelson2 09/17/2009	jdye 09/17/2009	phenry 09/17/2009	_____	mbarman 09/17/2009	mbarman 09/17/2009	

FE Sent For:

<END>

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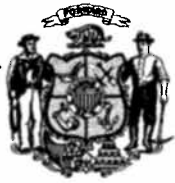
7/1/11 effective date

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/?	rnelson2	<i>1 9/17/11</i>	<i>9/17/11 ph</i>	<i>9/17/11 PV</i>			

FE Sent For:

<END>



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jld

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0113/4),
TO 2009 ASSEMBLY BILL 283**

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

2

1. Page 16, line 22 after that line insert: ~~7/16/22~~

INSERT
16-22

3

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

4

SECTION 43m. 346.65 (2g) (a) of the statutes, as affected by 2009 Wisconsin

5

Act... (this act), is amended to read:

6

346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)

7

to provide that a defendant perform community service work for a public agency or

8

a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.

9

(2) (am) 1g., 1m., 2., 3., 4., 4m., and 5., (f), and (g) and except as provided in par. (ag),

10

the court may provide that a defendant perform community service work for a public

11

agency or a nonprofit charitable organization in lieu of part or all of a forfeiture under

12

sub. (2) (am) 1. or may require a person who is subject to sub. (2) to perform

1 community service work for a public agency or a nonprofit charitable organization
2 in addition to the penalties specified under sub. (2).” ✓

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389; 2007 a. 97, 111.

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

4 “SECTION 44g. 346.65 (2g) (ag) ✓ of the statutes, as affected by 2009 Wisconsin

5 Act ... (this act), is amended to read: ✓

6 346.65 (2g) (ag) If the court determines that a person does not have the ability
7 to pay a fine imposed under sub. (2) (am) 1g., 1m., 2., 3., 4., 4m., ✓ or 5., (f), or (g), the
8 court shall require the defendant to perform community service work for a public
9 agency or a nonprofit charitable organization in lieu of paying the fine imposed or,
10 if the amount of the fine was reduced under sub. (2e), in lieu of paying the remaining
11 amount of the fine. Each hour of community service performed in compliance with
12 an order under this paragraph shall reduce the amount of the fine owed by an amount
13 determined by the court.

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389; 2007 a. 97, 111.

14 ~~THIS 20-23~~ ✓
15 → INSERT 20-23 ✓

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

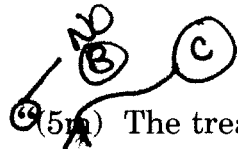
17 “SECTION 52m. 346.65 (7) ✓ of the statutes, as affected by 2009 Wisconsin Act

18 ... (this act), is amended to read: ✓

19 346.65 (7) A person convicted under sub. (2) (am) 1g., 1m., ✓ 2., 3., 4., 4m., 5., 6.,
20 or 7. or (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than
21 a 48-consecutive-hour period.” ○

History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389; 2007 a. 97, 111.

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



1

“(5~~m~~) The treatment of sections 346.65 (2) (am) 1., 1g., and 1m., (2g) (a) (by

2

SECTION 43m), (ag) (by SECTION 44g), and (d), and (7) (by SECTION 52m) of the statutes

3

takes effect on July 1, 2011.”

4

(END)



ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 283

Inserts

1 At the locations indicated, amend the bill as follows:

2 1. Page 14, line 10: after that line insert:

3 ^{33 ← (B)} "SECTION ~~10~~ ^{33 ← (B)} 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 subs. ~~2.~~ ^{1g.} to ~~5.~~ ^{7.} and par. (f).

insert
16-22 (B)

6 ^{33 ← (B)} SECTION ~~20~~ ^{33 ← (B)} 346.65 (2) (am) 1g. ^{33 ← (B)} of the statutes is created to read:

7 346.65 (2) (am) 1g. Except as provided in subs. 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 ^{33 ← (B)} SECTION ~~20~~ ^{33 ← (B)} 346.65 (2) (am) 1m. of the statutes is created to read:

↙
↓

727/1

INS 16-22
CONT

Insert
16-22

1 346.65 (2) (am) 1m. Except as provided in subs. 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 ~~431~~ 2. Page 17, line 24: after "(2) (am)" insert "1g., 1m.,".

~~346.65 (2g) (a),
(a)~~

6 ~~449~~ 3. Page 18, line 7: after "(2) (am)" insert "1g., 1m.,".

7 4. Page 18, line 13: after that line insert.

8 SECTION 40m. 346.65 (2g) (d) of the statutes is amended to read:

Insert
20-23

9 346.65 (2g) (d) With respect to imprisonment under sub. (2) (am) 1g., 1m., 2.,
10 the court shall ensure that the person is imprisoned for not less than 5 days or
11 ordered to perform not less than 30 days of community service work under s. 973.03
12 (3) (a)." ✓

13 ~~52m~~ 5. Page 21, line 1: after "(2) (am)" insert "1g., 1m.,".

~~346.65 (7)~~

14 (END)

~~Treatment of certain... 7/1/10~~