

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU


Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2009 LRB-3427/P1 (For: Rep. Molepske)

has been copied/added to the drafting file for


2009 LRB-4163 (For: Rep. Molepske)

 Are These “Companion Bills” ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 01/26/2010 (Per: MGG)

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2009 DRAFTING REQUEST

Bill

Received: 09/11/2009

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Louis Molepske Jr (608) 267-9649

By/Representing: Lloyd Clark

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Add. Drafters: rnelson2

Subject: Nat. Res. - boats snomos ATVs
Drunk Driving - other

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Intoxicated operation of snowmobiles, motorboats, and all-terrain vehicles

Instructions:

See attached

~~hold~~ hold → continued under new LRB #
-4167 → to go back to P draft
MGG

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?							S&L
/P1	mglass 10/08/2009 rnelson2 10/12/2009 mglass 11/03/2009	nnatzke 11/10/2009					
/1			mduchek		cduerst		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			11/11/2009 _____		11/11/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **09/11/2009**

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Wanted: **As time permits**

Identical to LRB:

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By/Representing: **Lloyd Clark**

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

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See attached

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>
/? /P1	mglass 10/08/2009 rnelson2 10/12/2009 mglass	/P1 nwn 11/5	M 11/0	JFH _____ _____ _____ _____			

FE Sent For:

LRB-3427

11/03/2009 01:45:15 PM

Page 2

<END>

Barman, Mike

From: Clark, Lloyd
Sent: Thursday, October 29, 2009 2:29 PM
To: LRB.Legal
Subject: FW: Bill Drafting Request

MGG

Good afternoon,

I am checking to see if this draft will be available soon.

Thanks,

Lloyd Clark

-3427 ??

From: Clark, Lloyd
Sent: Wednesday, September 09, 2009 4:56 PM
To: LRB.Legal
Subject: Bill Drafting Request

Date: September 9, 2009

Legislator: Rep. Molepske
Staff Contact: Lloyd Clark 267-9649

Bill Description:

In regard to Operating While Intoxicated (OWI) violations committed on recreational vehicles -

Tie in ALL recreation vehicles OWI's together (boat, snowmobile, atv) and unify all recreational vehicle OWI penalties to the highest current level.

Tie in second recreational vehicle offense to the driver's license (same as second OWI offense while driving) - if a person is arrested for OWI on a recreational vehicle, and is presently under a suspension or revocation for a motor vehicle OWI, then the recreational vehicle arrest would be considered a second offense. Second recreational vehicle OWI offense would result in suspension of Recreational Vehicle Privileges.

PRIORITY: URGENT

LLOYD CLARK

OFFICE OF REPRESENTATIVE LOUIS J. MOLEPSKE, JR.
CHAIR - COMMITTEE ON JOBS, THE ECONOMY, AND SMALL BUSINESS
608-267-9649
888-534-0071

10/29/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3427/P20
MGG&RPN:|:|:|...
RM not R
1
nm

Wed

~~1~~

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAJ
X-ref ✓

Gen.

1 AN ACT ...; relating to: intoxicated operation of all-terrain vehicles,
2 snowmobiles, and motorboats ✓ and providing penalties. ✓

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

INS
ANL

3 SECTION 1. 23.33 (1) (ib) ✓ of the statutes is created to read:

4 23.33 (1) (ib) "Intoxicated operating law" means the intoxicated operation of
5 an all-terrain vehicle law ✓, the intoxicated boating law, as defined in s. 30.50 (4m) ✓,
6 the intoxicated snowmobiling law, as defined in s. 350.01 (9c) ✓, or an offense that
7 results in a suspension, revocation, or conviction counted under s. 343.307 (1) ✓.

8 SECTION 2. 23.33 (1) (im) ✓ of the statutes is created to read:

9 23.33 (1) (im) "Legal drinking age" means 21 years of age. ✓

10 SECTION 3. 23.33 (1) (jm) ✓ of the statutes is renumbered 23.33 (1) (br) ✓ and
11 amended to read:

SECTION 3

1 23.33 (1) (br) "~~Refusal~~ All-terrain vehicle refusal law" means sub. (4p) (e) or
2 a local ordinance in conformity therewith. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

3 **SECTION 4.** 23.33 (1) (jn) of the statutes is created to read:

4 23.33 (1) (jn) "Refusal law" means the all-terrain vehicle refusal law, the
5 boating refusal law, as defined in s. 30.50 (2c), the snowmobiling refusal law, as
6 defined in s. 350.01 (15c), or the motor vehicle refusal law under s. 343.305. ✓

7 **SECTION 5.** 23.33 (1) (jr) of the statutes is created to read:

8 23.33 (1) (jr) "Sports recreational vehicle" means an all-terrain vehicle, a
9 motorboat as defined in s. 30.50 (6), or a snowmobile as defined in s. 340.01 (58a). ✓

10 **SECTION 6.** 23.33 (4c) (a) 3. of the statutes is amended to read:

11 23.33 (4c) (a) 3. 'Operating with alcohol concentrations at specified levels;
12 below legal drinking age 19.' If a person who has not attained the legal drinking
13 age of 19, the person may not engage in the operation of an all-terrain vehicle while
14 he or she has an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

15 **SECTION 7.** 23.33 (4c) (a) 4. of the statutes is amended to read:

16 23.33 (4c) (a) 4. 'Related charges.' A person may be charged with and a
17 prosecutor may proceed upon a complaint based upon a violation of any combination
18 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
19 person is charged with violating any combination of subd. 1., 2., or 2m., the offenses
20 shall be joined. If the person is found guilty of any combination of subd. 1., 2., or 2m.
21 for acts arising out of the same incident or occurrence, there shall be a single
22 conviction for purposes of sentencing and for purposes of counting convictions under

1 sub. (13) (b) 2. and ~~3 to 5.~~ Subdivisions 1., 2., and 2m. each require proof of a fact for
2 conviction which the others do not require.✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

3 SECTION 8. 23.33 (4c) (b) 3. of the statutes is amended to read:

4 23.33 (4c) (b) 3. 'Related charges.' A person may be charged with and a
5 prosecutor may proceed upon a complaint based upon a violation of any combination
6 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
7 person is charged with violating any combination of subd. 1., 2., or 2m. in the
8 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
9 of any combination of subd. 1, 2., or 2m. for acts arising out of the same incident or
10 occurrence, there shall be a single conviction for purposes of sentencing and for
11 purposes of counting convictions under sub. (13) (b) 2. and ~~3 to 5.~~ Subdivisions 1.,
12 2., and 2m. each require proof of a fact for conviction which the others do not require.✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

13 SECTION 9. 23.33 (4t) of the statutes is amended to read:

14 23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
15 a person for a violation of the intoxicated operation of an all-terrain vehicle law or
16 the all-terrain vehicle refusal law, the law enforcement officer shall notify the
17 department of the arrest as soon as practicable.✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

18 SECTION 10. 23.33 (13) (b) 1. of the statutes is amended to read:

19 23.33 (13) (b) 1. Except as provided under subds. 2. and ~~3. to 5.~~, a person who
20 violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) shall forfeit not less than \$150 \$400 nor
21 more than ^{plain space} ~~\$300~~ \$550.✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

22 SECTION 11. 23.33 (13) (b) 2. of the statutes is amended to read:

SECTION 11

1 23.33 (13) (b) 2. ~~Except as provided under subd. 3., a~~ ^l person who violates sub.
2 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the
3 current violation, ~~was convicted previously under~~ had one violation of the intoxicated
4 ~~operation of an all-terrain vehicle operating law~~ [✓] or the refusal law [✓] shall be fined not
5 less than \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days
6 nor more than 6 months. [✓]

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 28, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

7 **SECTION 12.** 23.33 (13) (b) 3. of the statutes is amended to read:

8 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
9 who, within 5 years prior to the arrest for the current violation, ~~was convicted had~~
10 ~~2 or more times previously under violations of the intoxicated operation of an~~
11 ~~all-terrain vehicle operating law~~ [✓] or, the refusal law, ~~or a combination of the these~~
12 laws, shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned
13 not less than 30 days nor more than one year in the county jail. [✓]

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356.

14 **SECTION 13.** 23.33 (13) (b) 4. of the statutes is renumbered 23.33 (13) (b) 6. and
15 amended to read:

16 23.33 (13) (b) 6. A person who violates sub. (4c) (a) 3. or who violates (4p) (e)
17 and ~~who~~ has not attained the legal drinking age of 19 shall forfeit ~~not more than~~ [✓] \$50.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 28, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

18 **SECTION 14.** 23.33 (13) (b) 4b. of the statutes is created to read:

19 23.33 (13) (b) 4b. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
20 who, within 5 years prior to the arrest for the current violation, had 3 violations of
21 the intoxicated operating law [✓], the refusal law [✓], or any combination of ~~the these~~ [✓] laws,
22 shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not
23 less than 60 days nor more than one year in the county jail. [✓]

1 [^]
SECTION 15. 23.33 (13) (b) 5. of the statutes is created to read:

2 23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
3 who, within 5 years prior to the arrest for the current violation, had 4 or more
4 violations of the intoxicated operating law, the refusal law, or any combination of
5 these laws, shall be fined not less than \$600 nor more than \$2,000 and shall be
6 imprisoned not less than 6 months nor more than one year in the county jail. ✓

7 SECTION 16. 23.33 (13) (bg) of the statutes is amended to read:

8 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
9 *vehicle; underage passengers.* If there is a passenger under 16 years of age on the
10 all-terrain vehicle at the time of a violation that gives rise to a finding of having
11 violated ✓ ^{to} a conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the applicable minimum
12 and maximum forfeitures, fines, and terms of imprisonment under ~~par.~~ ^{par.} (b) 1., 2.,
13 and ~~3.~~ ^{3.}, ~~4b.~~ ^{4b.}, and ~~5.~~ ^{5.} for the conviction are doubled. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

14 SECTION 17. 23.33 (13) (br) 1. of the statutes is amended to read:

15 23.33 (13) (br) 1. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
16 concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum
17 fines specified under par. (b) 3., ~~4b.~~ ^{4b.}, and ~~5.~~ ^{5.} for the conviction are doubled. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

18 SECTION 18. 23.33 (13) (br) 2. of the statutes is amended to read:

19 23.33 (13) (br) 2. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
20 concentration of 0.20 to 0.249 at the time of the offense, the minimum and maximum
21 fines specified under par. (b) 3., ~~4b.~~ ^{4b.}, and ~~5.~~ ^{5.} for the conviction are tripled. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

22 SECTION 19. 23.33 (13) (br) 3. of the statutes is amended to read:

1 23.33 (13) (br) 3. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
2 concentration of 0.25 or above at the time of the offense, the minimum and maximum
3 fines under par. (b) 3, ⁵4b. and ⁵5. for the conviction are quadrupled. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

4 SECTION 20. 23.33 (13) (cm) of the statutes is amended to read:

5 23.33 (13) (cm) *Sentence of detention.* The legislature intends that courts use
6 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
7 to par. (b) 2. or 3., ⁵4b., or ⁵5., or (c). The use of this option can result in significant cost
8 savings for the state and local governments. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

9 SECTION 21. 23.33 (13) (d) of the statutes is amended to read:

10 23.33 (13) (d) *Calculation of previous convictions.* In determining the number
11 of previous convictions under par. (b) 2. and ~~3.~~ ⁵to ⁵5., convictions arising out of the
12 same incident or occurrence shall be counted as one previous conviction. ✓ ←

INS
6-12

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

13 SECTION 22. 23.33 (13) (em) of the statutes is created to read:

14 23.33 (13) (em) *Suspension of privilege.* 1. In addition to any other penalty or
15 order, if a person who within 5 years prior to ⁵the arrest for the current violation of
16 the intoxicated operation of an all-terrain vehicle law ⁵or the all-terrain vehicle
17 refusal law, was previously found in violation of ~~either of these laws~~, the court shall
18 order the suspension of the person's privilege to operate a sports recreational vehicle
19 for a period not to exceed 18 months. ✓ ⁵the intoxicated operating law
⁵the refusal law ⁵or

20 2. A person who violates an order imposed by the court under subd. 1. shall be
21 fined not more than \$2,500 ⁵and shall be imprisoned not more than one year in the
22 county jail ⁵or both ✓

23 SECTION 23. 30.50 (4n) of the statutes is created to read:

1 30.50 (4n) "Intoxicated operating law" means the intoxicated operation of an
2 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, the
3 intoxicated snowmobiling law, as defined in s. 350.01 (9c), or an offense that results
4 in a suspension, revocation, or conviction counted under s. 343.307 (1).

5 SECTION 24. 30.50 (4v) of the statutes is created to read:

6 30.50 (4v) "Legal drinking age" means 21 years of age.

7 SECTION 25. 30.50 (9x) of the statutes is renumbered 30.50 (2c) and amended
8 to read:

9 30.50 (2c) "~~Refusal Boating refusal~~ law" means s. 30.684 (5) or a local ordinance
10 in conformity with that subsection.

History: 1979 c. 275; 1983 a. 27, 100; 1985 a. 279, 331; 1987 a. 3, 374; 1989 a. 145; 1991 a. 39, 257, 316; 1995 a. 290, 349, 436, 448; 1997 a. 198; 1999 a. 9; 2001 a. 16; 2003 a. 97; 2005 a. 25, 308.

11 SECTION 26. 30.50 (9y) of the statutes is created to read:

12 30.50 (9y) "Refusal law" means the all-terrain vehicle refusal law, as defined
13 in s. 23.33 (1) (br), the boating refusal law, the snowmobiling refusal law, as defined
14 in s. 350.01 (15c), or the motor vehicle refusal law under s. 343.305.

15 SECTION 27. 30.50 (12m) of the statutes is created to read:

16 30.50 (12m) "Sports recreational vehicle" means an all-terrain vehicle, as
17 defined in s. 340.01 (2g), a motorboat, or a snowmobile as defined in s. 340.01 (58a).

18 SECTION 28. 30.681 (1) (bn) of the statutes is amended to read:

19 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*
20 *legal drinking age.* A person who has not attained the legal drinking age, as defined
21 in s. 125.02 (8m), may not engage in the operation of a motorboat while he or she has
22 ~~a blood~~ ^{an} alcohol concentration of more than 0.0 but less than 0.08.

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436; 1997 a. 35, 198; 2003 a. 30, 97, 326.

23 SECTION 29. 30.681 (1) (c) of the statutes is amended to read:

1 30.681 (1) (c) *Related charges*. A person may be charged with and a prosecutor
 2 may proceed upon a complaint based upon a violation of any combination of par. (a)
 3 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
 4 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses
 5 shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,
 6 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a
 7 single conviction for purposes of sentencing and for purposes of counting convictions
 8 under s. 30.80 (6) (a) 2. and ~~3 to 5~~ ^{4 to 5}. Paragraphs (a) and (b) 1., 1m., and 2. each require
 9 proof of a fact for conviction which the others do not require. ✓

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436; 1997 a. 35, 198; 2003 a. 30, 97, 326.

10 **SECTION 30.** 30.681 (2) (c) of the statutes is amended to read:

11 30.681 (2) (c) *Related charges*. A person may be charged with and a prosecutor
 12 may proceed upon a complaint based upon a violation of any combination of par. (a)
 13 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
 14 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the
 15 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
 16 of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same
 17 incident or occurrence, there shall be a single conviction for purposes of sentencing
 18 and for purposes of counting convictions under s. 30.80 (6) (a) 2. and ~~3 to 5~~ ^{4 to 5}.
 19 Paragraphs (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction which
 20 the others do not require. ✓

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436; 1997 a. 35, 198; 2003 a. 30, 97, 326.

21 **SECTION 31.** 30.686 of the statutes is amended to read:

22 **30.686 Report arrest to department.** If a law enforcement officer arrests
 23 a person for a violation of the intoxicated boating law or the boating refusal law, the

1 law enforcement officer shall notify the department of the arrest as soon as
2 practicable. ✓

3 History: 1985 a. 331.

SECTION 32. 30.74 (1) (bn) of the statutes is amended to read:

4 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
5 life unless the certificate or the person's privilege to operate a motorboat is
6 suspended or revoked by a court under s. 30.80 (2m) or (6) (e) or (f) ✓ or 938.343 (5) ✓.

7 History: 1973 c. 302; 1983 a. 27 s. 2202 (38); 1995 a. 152; 1997 a. 198; 1999 a. 9; 2005 a. 356 ss. 1e, 10g, 10r; 2007 a. 20.

SECTION 33. 30.80 (6) (a) 1. of the statutes is amended to read:

8 30.80 (6) (a) 1. Except as provided under subsds. 2. to 5., a person who violates
9 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) ✓~~ or
10 ~~the refusal law 30.684 (5) ✓~~ shall forfeit not less than ~~\$150~~ \$400 nor more than ~~\$300~~
11 \$550. ✓

12 History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356.

SECTION 34. 30.80 (6) (a) 2. of the statutes is amended to read:

13 30.80 (6) (a) 2. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
14 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5) ✓~~ and who,
15 within 5 years prior to the arrest for the current violation, ~~was convicted one time~~
16 ~~previously under had one violation of the intoxicated boating operating ✓~~ law or the
17 refusal law ✓ shall be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100 and shall
18 be imprisoned for not less than 5 days nor more than 6 months. ✓

19 History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356.

SECTION 35. 30.80 (6) (a) 3. of the statutes is amended to read:

20 30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
21 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5) ✓~~ and who,
22 within 5 years prior to the arrest for the current violation, ~~was convicted had 2 times~~
23 ~~previously under violations of the intoxicated boating operating law or, the refusal~~

1 law, or a combination of these laws, shall be fined not less than \$600 nor more than
2 \$2,000 and shall be imprisoned for not less than 30 days nor more than one year in
3 the county jail.

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356.

4 SECTION 36. 30.80 (6) (a) 4. of the statutes is amended to read:

5 30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
6 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
7 within 5 years prior to the arrest for the current violation, ~~was convicted had~~ 3 times
8 ~~previously under violations of the intoxicated boating operating law or~~ the refusal
9 ~~law, or any combination of these laws,~~ shall be fined not less than \$600 nor more than
10 \$2,000 and shall be imprisoned for not less than 60 days nor more than one year in
11 the county jail.

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356.

12 SECTION 37. 30.80 (6) (a) 5. of the statutes is amended to read:

13 30.80 (6) (a) 5. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
14 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
15 within 5 years prior to the arrest for the current violation, ~~was convicted had~~ 4 or
16 ~~more times previously under violations of the intoxicated boating operating law or~~
17 ~~the refusal law, or any combination of these laws,~~ shall be fined not less than \$600
18 nor more than \$2,000 and shall be imprisoned for not less than 6 months nor more
19 than one year in the county jail.

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356.

20 SECTION 38. 30.80 (6) (a) 6. of the statutes is amended to read:

1 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or ~~a local ordinance in~~
 2 ~~conformity with s. 30.681 (1) (bn)~~ ~~or~~ who violates 30.684 (5) and has not attained the
 3 legal drinking age shall forfeit \$50.

4 History: 1985 s. 331; 1989 a. 275; 1995 a. 290, 43; 1997 a. 35, 198; 2003 a. 30, 97, 326.

4 SECTION 39. 30.80 (6) (cm) of the statutes is created to read:

5 30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is
 6 convicted of a violation of the intoxicated boating law, the clerk of the court in which
 7 the conviction occurred, or the ~~justice~~ judge ~~or magistrate~~ of a court not having a
 8 clerk, shall forward to the department the record of such conviction. The record of
 9 conviction forwarded to the department shall state whether the offender was
 10 involved in an accident at the time of the offense.

11 SECTION 40. 30.80 (6) (e) of the statutes is amended to read:

12 30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition
 13 to any other penalty or order, a person who for the first time violates s. 30.681 (1) or
 14 (2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the
 15 operation of a motorboat, the intoxicated boating law or the boating refusal law shall
 16 be ordered by the court to obtain a certificate of satisfactory completion of a safety
 17 course under s. 30.74 (1). If the person has a valid certificate at the time that the
 18 court imposes sentence under this paragraph, the court shall permanently revoke
 19 the certificate and order the person to obtain a certificate of satisfactory completion
 20 of a safety course under s. 30.74 (1).

21 History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356.

21 SECTION 41. 30.80 (6) (f) of the statutes is created to read:

22 30.80 (6) (f) *Suspension of privilege.* 1. In addition to any other penalty or
 23 order, if a person who within 5 years prior to the arrest for the current violation of
 24 the intoxicated boating law or the boating refusal law, had a previous violation of

*the intoxicated boating law or
 the refusal law or*

1 either of these laws, the court shall order the suspension of the person's privilege to
2 operate a sports recreational vehicle for a period not to exceed 18 months.✓

3 2. A person who violates an order imposed by the court under subd. 1.✓ shall be
4 fined not more than \$2,500 ^{or} and shall be imprisoned not more than one year in the
5 county jail ^{or both}

6 **SECTION 42.** 59.54 (14) (g) of the statutes is amended to read:

7 59.54 (14) (g) A county may establish extensions of the jail, which need not be
8 at the county seat, to serve as places of temporary confinement. No person may be
9 detained in such an extension for more than 24 consecutive hours, except that a court
10 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. ~~or~~ 3. 4. ^{e 4b.✓}
11 or 5. or (c), 30.80 (6) (a) 2., 3., 4., or 5. or (b) ^{have 8 9 10 11 12 13 14 15} or 350.11 (3) (a) 2. ~~or~~ 3. 4. ^{5 A ✓} or 5. or (b) be
12 imprisoned for more than 24 consecutive hours in such an extension. Jail extensions
13 shall be subject to plans and specifications approval by the department of corrections
14 and shall conform to other requirements imposed by law on jails, except that cells
15 may be designed and used for multiple occupancy.✓

History: 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35; 2001 a. 16; 2003 a. 193; 2005 a. 90.

16 **SECTION 43.** 350.01 (9b) of the statutes is created to read:

17 350.01 (9b) "Intoxicated operating law" means the intoxicated operation of an
18 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, as
19 defined in s. 30.50 (4m), the intoxicated snowmobiling law, or an offense that results
20 in a suspension, revocation, or conviction counted under s. 343.307 (1).✓

21 **SECTION 44.** 350.01 (9j) of the statutes is created to read:

22 350.01 (9j) "Legal drinking age" means 21 years of age.✓

23 **SECTION 45.** 350.01 (10r) of the statutes is renumbered 350.01 (15c)✓ and
24 amended to read:

1 350.01 (15c) "~~Refusal~~ Snowmobiling refusal law" means s. 350.104 (5) or a local
2 ordinance in conformity therewith.

History: 1971 c. 219, 277; 1973 c. 298; 1981 c. 79 s. 18; 1981 c. 295; 1983 a. 27 s. 2202 (38); 1983 a. 189, 459; 1985 a. 146 s. 8; 1985 a. 331, 332; 1987 a. 399; 1989 a. 51, 359; 1991 a. 39; 1995 a. 61, 436, 448; 1997 a. 34, 35, 248, 267; 1999 a. 9; 2001 a. 16, 56; 2003 a. 97.

3 **SECTION 46.** 350.01 (10s) of the statutes is created to read:

4 350.01 (10s) "Refusal law" means the all-terrain vehicle refusal law, as defined
5 in s. 23.33 (1) (br), the boating refusal law, as defined in s. 30.50 (2c), the
6 snowmobiling refusal law, or the motor vehicle refusal law under s. 343.305.

7 **SECTION 47.** 350.01 (17m) of the statutes is created to read:

8 350.01 (17m) "Sports recreational vehicle" means an all-terrain vehicle, as
9 defined in s. 340.01 (2g), a motorboat, as defined in s. 30.50 (6), or a snowmobile.

10 **SECTION 48.** 350.101 (1) (c) of the statutes is amended to read:

11 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
12 *legal drinking age 19.* ~~If a~~ A person who has not attained the legal drinking age of
13 ~~19, the person~~ may not engage in the operation of a snowmobile while he or she has
14 an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

History: 1987 a. 399; 1989 a. 275; 1995 a. 436; 2003 a. 30, 97, 326.

15 **SECTION 49.** 350.101 (1) (d) of the statutes is amended to read:

16 350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor
17 may proceed upon a complaint based upon a violation of any combination of par. (a),
18 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
19 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be
20 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts
21 arising out of the same incident or occurrence, there shall be a single conviction for
22 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)

1 (a) 2. and ~~3 to 5.~~ Paragraphs (a), (b), and (bm) each require proof of a fact for
2 conviction which the others do not require.✓

3 History: 1987 a. 399; 1989 a. 275; 1995 a. 436; 2003 a. 30, 97, 326.

3 SECTION 50. 350.101 (2) (c) of the statutes is amended to read:

4 350.101 (2) (c) *Related charges*. A person may be charged with and a prosecutor
5 may proceed upon a complaint based upon a violation of any combination of par. (a),
6 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
7 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the
8 crimes shall be joined under s. 971.12. If the person is found guilty of any
9 combination of par. (a), (b), or (bm) for acts arising out of the same incident or
10 occurrence, there shall be a single conviction for purposes of sentencing and for

11 purposes of counting convictions under s. 350.11 (3) (a) 2. and ~~3 to 5.~~ Paragraphs (a),
12 (b), and (bm) each require proof of a fact for conviction which the others do not
13 require.✓

14 History: 1987 a. 399; 1989 a. 275; 1995 a. 436; 2003 a. 30, 97, 326.

14 SECTION 51. 350.106 of the statutes is amended to read:

15 **350.106 Report arrest to department.** If a law enforcement officer arrests
16 a person for a violation of the intoxicated snowmobiling law or the snowmobiling
17 refusal law, the law enforcement officer shall notify the department of the arrest as
18 soon as practicable.✓

19 History: 1987 a. 399.

19 SECTION 52. 350.11 (3) (a) 1. of the statutes is amended to read:

20 350.11 (3) (a) 1. Except as provided under subds. 2. and ~~3. to 5.~~✓, a person who
21 violates s. 350.101 (1) (a), (b), or (bm) or s. 350.104 (5) shall forfeit not less than \$400
22 nor more than \$550.✓

23 History: 1977 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

23 SECTION 53. 350.11 (3) (a) 2. of the statutes is amended to read:

① 350.11 (3) (a) 2. ~~Except as provided under subd. 3., a~~ [↓] A person who violates s.
2 350.101 (1) (a), (b), or (bm) or 350.104 (5) and who, within 5 years prior to the arrest
3 for the current violation, ~~was convicted previously under~~ had one violation of the
4 intoxicated snowmobiling operating law [✓] or the refusal law [✓] shall be fined not less than
5 \$300 nor more than ~~\$1,000~~ \$1,100 and shall be imprisoned not less than 5 days nor
6 more than 6 months. [✓]

History: 1971 a. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

7 SECTION 54. 350.11 (3) (a) 3. of the statutes is amended to read:

8 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
9 (5) and who, within 5 years prior to the arrest for the current violation, ~~was convicted~~
10 had 2 or more times previously under violations of the intoxicated snowmobiling
11 operating law [✓] or [✓] the refusal law, or any combination of these laws, shall be fined not
12 less than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days
13 nor more than one year in the county jail. [✓]

History: 1971 a. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

14 SECTION 55. 350.11 (3) (a) 4. of the statutes is renumbered 350.11 (3) (a) 6. and
15 amended to read:

16 350.11 (3) (a) 6. A person who violates s. 350.101 (1) (c) [✓] or who violates 350.104
17 (5) [✓] and ~~who~~ [✓] has not attained the legal drinking age of 19 shall forfeit ~~not more than~~
18 \$50. [✓]

History: 1971 a. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

19 SECTION 56. 350.11 (3) (a) 4b. of the statutes is created to read:

20 350.11 (3) (a) 4b. ~~Except as provided in subd. 3., a~~ ^{5.} A person who violates [✓] 350.101
21 (1) (a), (b), or (bm) [✓] or 350.104 (5) [✓] and who, within 5 years prior to the arrest for the
22 current violation, had 3 violations of the intoxicated operating law [✓] or [✓] the refusal law,
23 or any combination of these laws, shall be fined not less than \$600 nor more than

SECTION 56

1 \$2,000 and shall be imprisoned not less than 60 days nor more than one year in the
2 county jail. ✓

3 SECTION 57. 350.11 (3) (a) 5. of the statutes is created to read:

4 350.11 (3) (a) 5. A person who violates ^{s.} 350.101 (1) (a), (b) ✓, or (bm) ✓ or 350.104
5 (5) ✓ and who, within 5 years prior to the arrest for the current violation, had 4 or more
6 violations of the ^{or} intoxicated operating law ^{or} the refusal law, or any combination of
7 these laws, shall be fined not less than \$600 nor more than \$2,000 and shall be
8 imprisoned not less than 6 months nor more than one year in the county jail. ✓

9 SECTION 58. 350.11 (3) (bm) of the statutes is amended to read:

10 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use
11 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
12 to par. (a) 2. ~~or~~ 3. ^{e 4b.} 4. or 5. or (b). The use of this option can result in significant cost
13 savings for the state and local governments. ✓

14 History: 1971 s. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

15 SECTION 59. 350.11 (3) (c) of the statutes is amended to read:

16 350.11 (3) (c) *Calculation of previous convictions.* In determining the number
17 of previous convictions under par. (a) 2. ~~and 3.~~ ^{to 5.} convictions arising out of the
same incident or occurrence shall be counted as one previous conviction. ✓

18 History: 1971 s. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

19 SECTION 60. 350.11 (3) (e) of the statutes is created to read:

20 350.11 (3) (e) *Suspension of privilege.* 1. In addition to any other penalty or
order, if a person who within 5 years prior to ^{the} arrest for the current violation of
21 the intoxicated snowmobiling law or the snowmobile refusal law, was previously
22 found in violation of ~~either of these laws~~, the court shall order the suspension of the
23 person's privilege to operate a sports recreational vehicle for a period not to exceed
24 18 months. ✓

INSERT
16-17

the intoxicated operating law ^{the refusal} the refusal law
OYe

① 2. A person who violates an order imposed by the court under subd. 1. ✓ shall be
2 fined not more than \$2,500 ~~and~~ ^{or} (shall be) imprisoned not more than one year in the
3 county jail ^{or both}

INS
17-3

4 SECTION 61. 940.25 (1m) (b) of the statutes is amended to read:

5 940.25 (1m) (b) If a person is charged in an information with any of the
6 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
7 971.12. If the person is found guilty of more than one of the crimes so charged for
8 acts arising out of the same incident or occurrence, there shall be a single conviction
9 for purposes of sentencing and for purposes of counting convictions under s. 23.33
10 (13) (b) 2. ~~and 3.~~ ^{to 5.} ✓, under s. 30.80 (6) (a) 2. ~~or 3.~~ ^{to 5.} ✓, under ss. 343.30 (1q) and
11 343.305 or under s. 350.11 (3) (a) 2. ~~and 3.~~ ^{to 5.} ✓ Subsection (1) (a), (am), (b), (bm), (c),
12 (cm), (d), and (e) each require proof of a fact for conviction which the others do not
13 require. ✓

History: 1977 c. 193, 272; 1981 c. 20, 184; 1983 a. 459; 1985 a. 331; 1987 a. 399; 1989 a. 105, 275, 359; 1991 a. 277; 1993 a. 317, 428, 478; 1995 a. 425, 436; 1997 a. 237, 295; 1999 a. 32, 109, 186; 2001 a. 16, 109; 2003 a. 30, 97; 2005 a. 253.

14 SECTION 62. 940.25 (1m) (b) of the statutes is amended to read:

15 940.25 (1m) (b) If a person is charged in an information with any of the
16 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
17 971.12. If the person is found guilty of more than one of the crimes so charged for
18 acts arising out of the same incident or occurrence, there shall be a single conviction
19 for purposes of sentencing and for purposes of counting convictions under s. 23.33
20 (13) (b) 2. ~~and 3.~~ ^{to 5.} ✓, under s. 30.80 (6) (a) 2. ~~or 3.~~ ^{to 5.} ✓, under ss. 343.30 (1q) and
21 343.305 or under s. 350.11 (3) (a) 2. ~~and 3.~~ ^{to 5.} ✓ Subsection (1) (a), (am), (b), (bm), (c),
22 (cm), (d), and (e) each require proof of a fact for conviction which the others do not
23 require. ✓

History: 1977 c. 193, 272; 1981 c. 20, 184; 1983 a. 459; 1985 a. 331; 1987 a. 399; 1989 a. 105, 275, 359; 1991 a. 277; 1993 a. 317, 428, 478; 1995 a. 425, 436; 1997 a. 237, 295; 1999 a. 32, 109, 186; 2001 a. 16, 109; 2003 a. 30, 97; 2005 a. 253.

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3427/P1ins
MGG&RPN:.....

a snowmobile, ^aATV, or ^arecreational motorboat

Insert ANL

Under current law, a person may not operate a snowmobile, all-terrain vehicle (ATV), or motorboat under the influence of alcohol or a controlled substance to a degree that he or she cannot operate vehicle or boat safely. Under current law, a personal watercraft is included in the definition of "motorboat." Current law also prohibits the operation of a snowmobile, ATV, or recreational motorboat by a person who has an alcohol concentration of 0.08 or more. For motorboats being operated on a commercial basis, the maximum alcohol concentration is 0.04. These laws are respectively referred to under current law as the intoxicated operation of an ATV law, the intoxicated boating law, and the intoxicated snowmobiling law. Under current law, a person who refuses to submit to a legal request for a breath, blood, or urine sample pursuant to an arrest for operating while under the influence is in violation of what is known as the refusal law.

Under current law, in imposing a penalty for violation of the intoxicated operation of an ATV, the intoxicated boating, or the intoxicated snowmobiling law, a court may only count as a previous violation a violation of the same law, or the applicable refusal law for which penalty is now being imposed. For example, if a person is before the court for violating the intoxicated snowmobiling law, the court may count only previous violations of intoxicated snowmobiling law and the snowmobile refusal law as prior violations. Previous violations of the intoxicated operation of an ATV law or of the intoxicated boating law or applicable refusal laws may not be counted. Under the bill, a court must count previous violations of any of these laws. Also, if a person has his or her driving privilege suspended or revoked as the result of a violation of a law prohibiting the operation of a motor vehicle while under the influence of an intoxicant or controlled substance or with a prohibited alcohol concentration in the blood, or as the result of refusing chemical testing of his or her blood, that violation must be counted.

that occurred within the previous five years

The bill also requires a court to enter an order to suspend the person's privilege to operate a snowmobile, ATV, and a motorboat for a period not to exceed 18 months if the person, has, in the previous five years, had a violation that is being counted by the court as a previous violation. The bill also provides a criminal penalty for violating an order of suspension.

The bill makes changes to (make) the provisions of the intoxicated operating of an ATV, the intoxicated boating, and the intoxicated snowmobiling laws more consistent. These changes include:

1. ^{Raising} Raise the age of absolute sobriety for the operation of snowmobiles and ATVs to 21. Current law requires absolute sobriety for persons under the age of 19 who are operating snowmobiles and ATVs and under the age of 21 for motorboats.
2. Adopting the higher penalties for various violations where there is a discrepancy in the penalties.

for person

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

the penalties for violations of the intoxicated operation of an ATV law, the intoxicated boating law, the intoxicated snowmobiling law, and the refusal law conflict.

1 **Insert 6-12**

2 **SECTION 1.** 23.33 (13) (dm) of the statutes is amended to read:

3 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person
4 is convicted of a violation of the intoxicated operation of an all-terrain vehicle law,
5 the clerk of the court in which the conviction occurred, or the justice, judge ~~or~~ ^(strike)
6 ~~magistrate~~ of a court not having a clerk, shall forward to the department the record
7 of such conviction. The record of conviction forwarded to the department shall state
8 whether the offender was involved in an accident at the time of the offense.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

9 **Insert 16-17**

10 **SECTION 2.** 350.11 (3) (cm) of the statutes is amended to read:

11 350.11 (3) (cm) *Reporting convictions to the department.* Whenever a person
12 is convicted of a violation of the intoxicated snowmobiling law, the clerk of the court
13 in which the conviction occurred, or the justice, judge ~~or~~ ~~magistrate~~ of a court not
14 having a clerk, shall forward to the department the record of such conviction. The
15 record of conviction forwarded to the department shall state whether the offender
16 was involved in an accident at the time of the offense.

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119, 436; 1995 a. 417, 448; 1997 a. 27, 283; 2001 a. 109; 2003 a. 97.

17 **Insert 17-3**

18 **SECTION 3.** 940.09 (1m) (b) of the statutes is amended to read:

19 940.09 (1m) (b) If a person is charged in an information with any of the
20 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
21 971.12. If the person is found guilty of more than one of the crimes so charged for
22 acts arising out of the same incident or occurrence, there shall be a single conviction
23 for purposes of sentencing and for purposes of counting convictions under s. 23.33
24 (13) (b) 2. ~~and 3. to 5.~~ [✓], under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~ [✓], under s. 343.307 (1) or under

1 s. 350.11 (3) (a) 2. ~~and 3 to 5~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)
2 each require proof of a fact for conviction which the others do not require, and sub.
3 (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which
4 the others do not require. ✓

History: 1977 c. 173; 1981 c. 20, 184, 314, 391; 1983 a. 459; 1985 a. 331; 1987 a. 399; 1989 a. 105, 275, 359; 1991 a. 32, 277; 1993 a. 317; 1995 a. 425, 436; 1997 a. 237, 295, 338; 1999 a. 32, 109; 2001 a. 16, 109; 2003 a. 30, 97.

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

LRB-3427/P1dn
MGG&RPN:j....
nwn

Date

1. This draft is quite complicated. Please review carefully ~~this preliminary draft~~.
4. In the language dealing with suspending a person's privilege to operate a sports recreational vehicle, I thought it necessary to provide a penalty for violation of a court order suspending the privilege. The penalty contained in the draft is the same to a comparable violation under the OWI laws for motor vehicles. See ss. 23.33 (13) (em) 2., 30.80 (6) (f) 2., and 350.11 (3) (e) 2. in this draft and s. 343.44 (2) (as) and (b) in the current statutes.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

MNS DN

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

???ins
MGG&RPN:.....

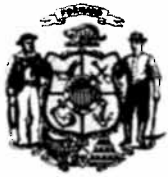
Ins DN

2. Currently, under the intoxicated operation of an ATV law, there are penalty enhancers for intoxicated operation with a ~~underaged~~ passenger, and with higher concentrations of alcohol. See s. 23.33 (13) (bg) and (br). These do not currently exist in the intoxicated boating or snowmobiling laws. I have made no changes in this regard. OK?

under the age of 16 on the ATV

3. Currently, under the intoxicated boating law, the maximum ~~of~~ alcohol concentration for operating a commercial, as opposed to a recreational, motorboat is 0.04 percent. See s. 30.681 (1) (b) 2. and (2) (b) 2. A commercial motor boat is one used to transport property or passengers for hire or to earn a livelihood. See s. 30.50 (3d). Under current law, the same penalties apply whether a person is operating a commercial or recreational motorboat. Under this draft, violations of both recreational and commercial operation continue to be subject to the same penalties. OK?

permitted



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3427/1
MGG&RPN:nwn:md

2009 BILL

1 **AN ACT** *to renumber and amend* 23.33 (1) (jm), 23.33 (13) (b) 4., 30.50 (9x),
2 350.01 (10r) and 350.11 (3) (a) 4.; *to amend* 23.33 (4c) (a) 3., 23.33 (4c) (a) 4.,
3 23.33 (4c) (b) 3., 23.33 (4t), 23.33 (13) (b) 1., 23.33 (13) (b) 2., 23.33 (13) (b) 3.,
4 23.33 (13) (bg), 23.33 (13) (br) 1., 23.33 (13) (br) 2., 23.33 (13) (br) 3., 23.33 (13)
5 (cm), 23.33 (13) (d), 23.33 (13) (dm), 30.681 (1) (bn), 30.681 (1) (c), 30.681 (2) (c),
6 30.686, 30.74 (1) (bn), 30.80 (6) (a) 1., 30.80 (6) (a) 2., 30.80 (6) (a) 3., 30.80 (6)
7 (a) 4., 30.80 (6) (a) 5., 30.80 (6) (a) 6., 30.80 (6) (e), 59.54 (14) (g), 350.101 (1) (c),
8 350.101 (1) (d), 350.101 (2) (c), 350.106, 350.11 (3) (a) 1., 350.11 (3) (a) 2., 350.11
9 (3) (a) 3., 350.11 (3) (bm), 350.11 (3) (c), 350.11 (3) (cm), 940.09 (1m) (b) and
10 940.25 (1m) (b); and *to create* 23.33 (1) (ib), 23.33 (1) (im), 23.33 (1) (jk), 23.33
11 (1) (jr), 23.33 (13) (b) 4b., 23.33 (13) (b) 5., 23.33 (13) (em), 30.50 (4n), 30.50 (4v),
12 30.50 (9y), 30.50 (12m), 30.80 (6) (cm), 30.80 (6) (f), 350.01 (9b), 350.01 (9j),
13 350.01 (10s), 350.01 (17m), 350.11 (3) (a) 4b., 350.11 (3) (a) 5. and 350.11 (3) (e)

BILL

1 of the statutes; **relating to:** intoxicated operation of all-terrain vehicles,
2 snowmobiles, and motorboats and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate a snowmobile, an all-terrain vehicle (ATV), or a motorboat under the influence of alcohol or a controlled substance to a degree that he or she cannot operate the vehicle or boat safely. Under current law, a personal watercraft is included in the definition of "motorboat." Current law also prohibits the operation of an ATV, a recreational motorboat, or a snowmobile by a person who has an alcohol concentration of 0.08 or more. For motorboats being operated on a commercial basis, the maximum alcohol concentration is 0.04. These laws are respectively referred to under current law as the intoxicated operation of an ATV law, the intoxicated boating law, and the intoxicated snowmobiling law. Under current law, a person who refuses to submit to a legal request for a breath, blood, or urine sample pursuant to an arrest for operating a snowmobile, an ATV, or a recreational motorboat while under the influence is in violation of what is known as the refusal law.

Under current law, in imposing a penalty for a violation of the intoxicated operation of an ATV, the intoxicated boating, or the intoxicated snowmobiling law, a court may only count as a previous violation a violation of the same law, or the applicable refusal law. For example, if a person is before the court for violating the intoxicated snowmobiling law or the snowmobile refusal law, the court may count only previous violations of the intoxicated snowmobiling law and the snowmobile refusal law as prior violations. Previous violations of the intoxicated operation of an ATV law or of the intoxicated boating law or of the applicable refusal laws may not be counted. Under the bill, a court must count previous violations of any of these laws that occurred within the previous five years. Also, if a person has his or her driving privilege suspended or revoked as the result of a violation of a law prohibiting the operation of a motor vehicle while under the influence of an intoxicant or controlled substance or with a prohibited alcohol concentration in the blood, or as the result of refusing chemical testing of his or her blood, that violation must be counted.

The bill also requires a court to enter an order to suspend the person's privilege to operate a snowmobile, an ATV, and a motorboat for a period not to exceed 18 months if the person, has, in the previous five years, had a violation that is being counted by the court as a previous violation. The bill also provides a criminal penalty for violating an order of suspension.

The bill makes the provisions of the intoxicated operating of an ATV, the intoxicated boating, and the intoxicated snowmobiling laws more consistent. These changes include:

1. Raising the age of absolute sobriety for the operation of snowmobiles and ATVs to 21. Current law requires absolute sobriety for persons under the age of 19 who are operating snowmobiles and ATVs and for persons under the age of 21 for motorboats.

BILL

2. Adopting the higher penalties for various violations where the penalties for violations of the intoxicated operation of an ATV law, the intoxicated boating law, the intoxicated snowmobiling law, and the refusal law conflict.

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.** 23.33 (1) (ib) of the statutes is created to read:

2 23.33 (1) (ib) "Intoxicated operating law" means the intoxicated operation of
3 an all-terrain vehicle law, the intoxicated boating law, as defined in s. 30.50 (4m),
4 the intoxicated snowmobiling law, as defined in s. 350.01 (9c), or an offense that
5 results in a suspension, revocation, or conviction counted under s. 343.307 (1).

6 **SECTION 2.** 23.33 (1) (im) of the statutes is created to read:

7 23.33 (1) (im) "Legal drinking age" means 21 years of age.

8 **SECTION 3.** 23.33 (1) (jk) of the statutes is created to read:

9 23.33 (1) (jk) "Refusal law" means the all-terrain vehicle refusal law, the
10 boating refusal law, as defined in s. 30.50 (2c), the snowmobiling refusal law, as
11 defined in s. 350.01 (15c), or the motor vehicle refusal law under s. 343.305.

12 **SECTION 4.** 23.33 (1) (jm) of the statutes is renumbered 23.33 (1) (br) and
13 amended to read:

14 23.33 (1) (br) "~~Refusal~~ All-terrain vehicle refusal law" means sub. (4p) (e) or
15 a local ordinance in conformity therewith.

16 **SECTION 5.** 23.33 (1) (jr) of the statutes is created to read:

17 23.33 (1) (jr) "Sports recreational vehicle" means an all-terrain vehicle, a
18 motorboat as defined in s. 30.50 (6), or a snowmobile as defined in s. 340.01 (58a).

19 **SECTION 6.** 23.33 (4c) (a) 3. of the statutes is amended to read:

BILL

1 23.33 (4c) (a) 3. 'Operating with alcohol concentrations at specified levels;
2 below legal drinking age 19.' ~~If a~~ A person who has not attained the legal drinking
3 age of ~~19,~~ the person may not engage in the operation of an all-terrain vehicle while
4 he or she has an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

5 **SECTION 7.** 23.33 (4c) (a) 4. of the statutes is amended to read:

6 23.33 (4c) (a) 4. 'Related charges.' A person may be charged with and a
7 prosecutor may proceed upon a complaint based upon a violation of any combination
8 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
9 person is charged with violating any combination of subd. 1., 2., or 2m., the offenses
10 shall be joined. If the person is found guilty of any combination of subd. 1., 2., or 2m.
11 for acts arising out of the same incident or occurrence, there shall be a single
12 conviction for purposes of sentencing and for purposes of counting convictions under
13 sub. (13) (b) 2. ~~and 3.~~ to 5. Subdivisions 1., 2., and 2m. each require proof of a fact
14 for conviction which the others do not require.

15 **SECTION 8.** 23.33 (4c) (b) 3. of the statutes is amended to read:

16 23.33 (4c) (b) 3. 'Related charges.' A person may be charged with and a
17 prosecutor may proceed upon a complaint based upon a violation of any combination
18 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
19 person is charged with violating any combination of subd. 1., 2., or 2m. in the
20 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
21 of any combination of subd. 1, 2., or 2m. for acts arising out of the same incident or
22 occurrence, there shall be a single conviction for purposes of sentencing and for
23 purposes of counting convictions under sub. (13) (b) 2. ~~and 3.~~ to 5. Subdivisions 1.,
24 2., and 2m. each require proof of a fact for conviction which the others do not require.

25 **SECTION 9.** 23.33 (4t) of the statutes is amended to read:

BILL

1 23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
2 a person for a violation of the intoxicated operation of an all-terrain vehicle law or
3 the all-terrain vehicle refusal law, the law enforcement officer shall notify the
4 department of the arrest as soon as practicable.

5 **SECTION 10.** 23.33 (13) (b) 1. of the statutes is amended to read:

6 23.33 (13) (b) 1. Except as provided under subds. 2. and 3. to 5., a person who
7 violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) shall forfeit not less than ~~\$150~~ \$400 nor
8 more than ~~\$300~~ \$550.

9 **SECTION 11.** 23.33 (13) (b) 2. of the statutes is amended to read:

10 23.33 (13) (b) 2. ~~Except as provided under subd. 3., a~~ A person who violates sub.
11 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the
12 current violation, ~~was convicted previously under~~ had one violation of the intoxicated
13 ~~operation of an all-terrain vehicle operating~~ law or the refusal law shall be fined not
14 less than \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days
15 nor more than 6 months.

16 **SECTION 12.** 23.33 (13) (b) 3. of the statutes is amended to read:

17 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
18 who, within 5 years prior to the arrest for the current violation, ~~was convicted~~ had
19 ~~2 or more times previously under~~ violations of the intoxicated operation of an
20 ~~all-terrain vehicle operating~~ law or, the refusal law, or a combination of these laws,
21 shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not
22 less than 30 days nor more than one year in the county jail.

23 **SECTION 13.** 23.33 (13) (b) 4. of the statutes is renumbered 23.33 (13) (b) 6. and
24 amended to read:

BILL

1 23.33 (13) (b) 6. A person who violates sub. (4c) (a) 3. or who violates (4p) (e)
2 and ~~who~~ has not attained the legal drinking age of ~~19~~ shall forfeit ~~not more than~~ \$50.

3 **SECTION 14.** 23.33 (13) (b) 4b. of the statutes is created to read:

4 23.33 (13) (b) 4b. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
5 who, within 5 years prior to the arrest for the current violation, had 3 violations of
6 the intoxicated operating law, the refusal law, or any combination of these laws, shall
7 be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less
8 than 60 days nor more than one year in the county jail.

9 **SECTION 15.** 23.33 (13) (b) 5. of the statutes is created to read:

10 23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
11 who, within 5 years prior to the arrest for the current violation, had 4 or more
12 violations of the intoxicated operating law, the refusal law, or any combination of
13 these laws, shall be fined not less than \$600 nor more than \$2,000 and shall be
14 imprisoned not less than 6 months nor more than one year in the county jail.

15 **SECTION 16.** 23.33 (13) (bg) of the statutes is amended to read:

16 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
17 *vehicle; underage passengers.* If there is a passenger under 16 years of age on the
18 all-terrain vehicle at the time of a violation that gives rise to a finding of having
19 violated or to a conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the applicable
20 minimum and maximum forfeitures, fines, and terms of imprisonment under ~~par.~~
21 par. (b) 1., 2., and 3., 4b., and 5. for the conviction are doubled.

22 **SECTION 17.** 23.33 (13) (br) 1. of the statutes is amended to read:

23 23.33 (13) (br) 1. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
24 concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum
25 fines specified under par. (b) 3., 4b., and 5. for the conviction are doubled.

BILL

1 **SECTION 18.** 23.33 (13) (br) 2. of the statutes is amended to read:

2 23.33 (13) (br) 2. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
3 concentration of 0.20 to 0.249 at the time of the offense, the minimum and maximum
4 fines specified under par. (b) 3., ~~4b.~~ and 5. for the conviction are tripled.

5 **SECTION 19.** 23.33 (13) (br) 3. of the statutes is amended to read:

6 23.33 (13) (br) 3. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
7 concentration of 0.25 or above at the time of the offense, the minimum and maximum
8 fines under par. (b) 3., ~~4b.~~ and 5. for the conviction are quadrupled.

9 **SECTION 20.** 23.33 (13) (cm) of the statutes is amended to read:

10 23.33 (13) (cm) *Sentence of detention.* The legislature intends that courts use
11 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
12 to par. (b) 2. ~~or~~ 3., ~~4b.~~ or 5., or (c). The use of this option can result in significant cost
13 savings for the state and local governments.

14 **SECTION 21.** 23.33 (13) (d) of the statutes is amended to read:

15 23.33 (13) (d) *Calculation of previous convictions.* In determining the number
16 of previous convictions under par. (b) 2. ~~and 3.~~ to 5., convictions arising out of the
17 same incident or occurrence shall be counted as one previous conviction.

18 **SECTION 22.** 23.33 (13) (dm) of the statutes is amended to read:

19 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person
20 is convicted of a violation of the intoxicated operation of an all-terrain vehicle law,
21 the clerk of the court in which the conviction occurred, or the justice, judge or
22 magistrate of a court not having a clerk, shall forward to the department the record
23 of such conviction. The record of conviction forwarded to the department shall state
24 whether the offender was involved in an accident at the time of the offense.

25 **SECTION 23.** 23.33 (13) (em) of the statutes is created to read:

BILL

1 23.33 (13) (em) *Suspension of privilege.* 1. In addition to any other penalty or
2 order, if a person who within 5 years prior to the arrest for the current violation of
3 the intoxicated operation of an all-terrain vehicle law or the all-terrain vehicle
4 refusal law, was previously found in violation of the intoxicated operating law or the
5 refusal law, the court shall order the suspension of the person's privilege to operate
6 a sports recreational vehicle for a period not to exceed 18 months.

7 2. A person who violates an order imposed by the court under subd. 1. shall be
8 fined not more than \$2,500 or imprisoned not more than one year in the county jail
9 or both.

10 **SECTION 24.** 30.50 (4n) of the statutes is created to read:

11 30.50 (4n) "Intoxicated operating law" means the intoxicated operation of an
12 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, the
13 intoxicated snowmobiling law, as defined in s. 350.01 (9c), or an offense that results
14 in a suspension, revocation, or conviction counted under s. 343.307 (1).

15 **SECTION 25.** 30.50 (4v) of the statutes is created to read:

16 30.50 (4v) "Legal drinking age" means 21 years of age.

17 **SECTION 26.** 30.50 (9x) of the statutes is renumbered 30.50 (2c) and amended
18 to read:

19 30.50 (2c) "~~Refusal Boating refusal~~ law" means s. 30.684 (5) or a local ordinance
20 in conformity with that subsection.

21 **SECTION 27.** 30.50 (9y) of the statutes is created to read:

22 30.50 (9y) "Refusal law" means the all-terrain vehicle refusal law, as defined
23 in s. 23.33 (1) (br), the boating refusal law, the snowmobiling refusal law, as defined
24 in s. 350.01 (15c), or the motor vehicle refusal law under s. 343.305.

25 **SECTION 28.** 30.50 (12m) of the statutes is created to read:

BILL

1 30.50 (12m) "Sports recreational vehicle" means an all-terrain vehicle, as
2 defined in s. 340.01 (2g), a motorboat, or a snowmobile as defined in s. 340.01 (58a).

3 **SECTION 29.** 30.681 (1) (bn) of the statutes is amended to read:

4 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*
5 *legal drinking age.* A person who has not attained the legal drinking age, as defined
6 in s. 125.02 (8m), may not engage in the operation of a motorboat while he or she has
7 a blood an alcohol concentration of more than 0.0 but less than 0.08.

8 **SECTION 30.** 30.681 (1) (c) of the statutes is amended to read:

9 30.681 (1) (c) *Related charges.* A person may be charged with and a prosecutor
10 may proceed upon a complaint based upon a violation of any combination of par. (a)
11 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
12 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses
13 shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,
14 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a
15 single conviction for purposes of sentencing and for purposes of counting convictions
16 under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~ Paragraphs (a) and (b) 1., 1m., and 2. each require
17 proof of a fact for conviction which the others do not require.

18 **SECTION 31.** 30.681 (2) (c) of the statutes is amended to read:

19 30.681 (2) (c) *Related charges.* A person may be charged with and a prosecutor
20 may proceed upon a complaint based upon a violation of any combination of par. (a)
21 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
22 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the
23 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
24 of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same
25 incident or occurrence, there shall be a single conviction for purposes of sentencing

BILL**SECTION 31**

1 and for purposes of counting convictions under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~
2 Paragraphs (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction which
3 the others do not require.

4 **SECTION 32.** 30.686 of the statutes is amended to read:

5 **30.686 Report arrest to department.** If a law enforcement officer arrests
6 a person for a violation of the intoxicated boating law or the boating refusal law, the
7 law enforcement officer shall notify the department of the arrest as soon as
8 practicable.

9 **SECTION 33.** 30.74 (1) (bn) of the statutes is amended to read:

10 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
11 life unless the certificate or the person's privilege to operate a motorboat is
12 suspended or revoked by a court under s. 30.80 (2m) or (6) (e) or (f) or 938.343 (5).

13 **SECTION 34.** 30.80 (6) (a) 1. of the statutes is amended to read:

14 30.80 (6) (a) 1. Except as provided under subs. 2. to 5., a person who violates
15 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) or~~
16 ~~the refusal law~~ 30.684 (5) shall forfeit not less than ~~\$150~~ \$400 nor more than \$300
17 \$550.

18 **SECTION 35.** 30.80 (6) (a) 2. of the statutes is amended to read:

19 30.80 (6) (a) 2. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
20 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ or 30.684 (5) and who,
21 within 5 years prior to the arrest for the current violation, ~~was convicted one time~~
22 ~~previously under~~ had one violation of the intoxicated boating operating law or the
23 refusal law shall be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100 and shall
24 be imprisoned for not less than 5 days nor more than 6 months.

25 **SECTION 36.** 30.80 (6) (a) 3. of the statutes is amended to read:

BILL

1 30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
2 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
3 within 5 years prior to the arrest for the current violation, ~~was convicted~~ had 2 times
4 ~~previously under violations of the intoxicated boating operating law or, the refusal~~
5 ~~law, or a combination of these laws,~~ shall be fined not less than \$600 nor more than
6 \$2,000 and shall be imprisoned for not less than 30 days nor more than one year in
7 the county jail.

8 **SECTION 37.** 30.80 (6) (a) 4. of the statutes is amended to read:

9 30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
10 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
11 within 5 years prior to the arrest for the current violation, ~~was convicted~~ had 3 times
12 ~~previously under violations of the intoxicated boating operating law or, the refusal~~
13 ~~law, or any combination of these laws,~~ shall be fined not less than \$600 nor more than
14 \$2,000 and shall be imprisoned for not less than 60 days nor more than one year in
15 the county jail.

16 **SECTION 38.** 30.80 (6) (a) 5. of the statutes is amended to read:

17 30.80 (6) (a) 5. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
18 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
19 within 5 years prior to the arrest for the current violation, ~~was convicted~~ had 4 or
20 ~~more times previously under violations of the intoxicated boating operating law or,~~
21 ~~the refusal law, or any combination of these laws,~~ shall be fined not less than \$600
22 nor more than \$2,000 and shall be imprisoned for not less than 6 months nor more
23 than one year in the county jail.

24 **SECTION 39.** 30.80 (6) (a) 6. of the statutes is amended to read:

BILL**SECTION 39**

1 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or ~~a local ordinance in~~
2 ~~conformity with s. 30.681 (1) (bn)~~ who violates 30.684 (5) and has not attained the
3 legal drinking age shall forfeit \$50.

4 **SECTION 40.** 30.80 (6) (cm) of the statutes is created to read:

5 30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is
6 convicted of a violation of the intoxicated boating law, the clerk of the court in which
7 the conviction occurred, or the judge of a court not having a clerk, shall forward to
8 the department the record of such conviction. The record of conviction forwarded to
9 the department shall state whether the offender was involved in an accident at the
10 time of the offense.

11 **SECTION 41.** 30.80 (6) (e) of the statutes is amended to read:

12 30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition
13 to any other penalty or order, a person who for the first time violates ~~s. 30.681 (1) or~~
14 ~~(2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the~~
15 ~~operation of a motorboat,~~ the intoxicated boating law or the boating refusal law shall
16 be ordered by the court to obtain a certificate of satisfactory completion of a safety
17 course under s. 30.74 (1). If the person has a valid certificate at the time that the
18 court imposes sentence under this paragraph, the court shall permanently revoke
19 the certificate and order the person to obtain a certificate of satisfactory completion
20 of a safety course under s. 30.74 (1).

21 **SECTION 42.** 30.80 (6) (f) of the statutes is created to read:

22 30.80 (6) (f) *Suspension of privilege.* 1. In addition to any other penalty or
23 order, if a person who within 5 years prior to the arrest for the current violation of
24 the intoxicated boating law or the boating refusal law, had a previous violation of the
25 intoxicated operating law or the refusal law, the court shall order the suspension of

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1 the person's privilege to operate a sports recreational vehicle for a period not to
2 exceed 18 months.

3 2. A person who violates an order imposed by the court under subd. 1. shall be
4 fined not more than \$2,500 or imprisoned not more than one year in the county jail
5 or both.

6 **SECTION 43.** 59.54 (14) (g) of the statutes is amended to read:

7 59.54 (14) (g) A county may establish extensions of the jail, which need not be
8 at the county seat, to serve as places of temporary confinement. No person may be
9 detained in such an extension for more than 24 consecutive hours, except that a court
10 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. ~~or 3.~~ 4b.
11 or 5. or (c), 30.80 (6) (a) 2., 3., 4., or 5. or (b) or 350.11 (3) (a) 2. ~~or 3.~~ 4b., or 5. or (b)
12 be imprisoned for more than 24 consecutive hours in such an extension. Jail
13 extensions shall be subject to plans and specifications approval by the department
14 of corrections and shall conform to other requirements imposed by law on jails,
15 except that cells may be designed and used for multiple occupancy.

16 **SECTION 44.** 350.01 (9b) of the statutes is created to read:

17 350.01 (9b) "Intoxicated operating law" means the intoxicated operation of an
18 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, as
19 defined in s. 30.50 (4m), the intoxicated snowmobiling law, or an offense that results
20 in a suspension, revocation, or conviction counted under s. 343.307 (1).

21 **SECTION 45.** 350.01 (9j) of the statutes is created to read:

22 350.01 (9j) "Legal drinking age" means 21 years of age.

23 **SECTION 46.** 350.01 (10r) of the statutes is renumbered 350.01 (15c) and
24 amended to read:

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1 350.01 (15c) "~~Refusal~~ Snowmobiling refusal law" means s. 350.104 (5) or a local
2 ordinance in conformity therewith.

3 **SECTION 47.** 350.01 (10s) of the statutes is created to read:

4 350.01 (10s) "Refusal law" means the all-terrain vehicle refusal law, as defined
5 in s. 23.33 (1) (br), the boating refusal law, as defined in s. 30.50 (2c), the
6 snowmobiling refusal law, or the motor vehicle refusal law under s. 343.305.

7 **SECTION 48.** 350.01 (17m) of the statutes is created to read:

8 350.01 (17m) "Sports recreational vehicle" means an all-terrain vehicle, as
9 defined in s. 340.01 (2g), a motorboat, as defined in s. 30.50 (6), or a snowmobile.

10 **SECTION 49.** 350.101 (1) (c) of the statutes is amended to read:

11 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
12 *legal drinking age 19.* ~~If a~~ A person who has not attained the legal drinking age of
13 19, ~~the person~~ may not engage in the operation of a snowmobile while he or she has
14 an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

15 **SECTION 50.** 350.101 (1) (d) of the statutes is amended to read:

16 350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor
17 may proceed upon a complaint based upon a violation of any combination of par. (a),
18 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
19 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be
20 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts
21 arising out of the same incident or occurrence, there shall be a single conviction for
22 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)
23 (a) 2. ~~and 3.~~ to 5. Paragraphs (a), (b), and (bm) each require proof of a fact for
24 conviction which the others do not require.

25 **SECTION 51.** 350.101 (2) (c) of the statutes is amended to read:

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1 350.101 (2) (c) *Related charges*. A person may be charged with and a prosecutor
2 may proceed upon a complaint based upon a violation of any combination of par. (a),
3 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
4 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the
5 crimes shall be joined under s. 971.12. If the person is found guilty of any
6 combination of par. (a), (b), or (bm) for acts arising out of the same incident or
7 occurrence, there shall be a single conviction for purposes of sentencing and for
8 purposes of counting convictions under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Paragraphs
9 (a), (b), and (bm) each require proof of a fact for conviction which the others do not
10 require.

11 **SECTION 52.** 350.106 of the statutes is amended to read:

12 **350.106 Report arrest to department.** If a law enforcement officer arrests
13 a person for a violation of the intoxicated snowmobiling law or the snowmobiling
14 refusal law, the law enforcement officer shall notify the department of the arrest as
15 soon as practicable.

16 **SECTION 53.** 350.11 (3) (a) 1. of the statutes is amended to read:

17 350.11 (3) (a) 1. Except as provided under subds. 2. ~~and 3. to 5.~~, a person who
18 violates s. 350.101 (1) (a), (b), or (bm) or s. 350.104 (5) shall forfeit not less than \$400
19 nor more than \$550.

20 **SECTION 54.** 350.11 (3) (a) 2. of the statutes is amended to read:

21 350.11 (3) (a) 2. ~~Except as provided under subd. 3., a~~ A person who violates
22 s. 350.101 (1) (a), (b), or (bm) or 350.104 (5) and who, within 5 years prior to the arrest
23 for the current violation, ~~was convicted previously under~~ had one violation of the
24 intoxicated snowmobiling operating law or the refusal law shall be fined not less than

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1 \$300 nor more than ~~\$1,000~~ \$1,100 and shall be imprisoned not less than 5 days nor
2 more than 6 months.

3 **SECTION 55.** 350.11 (3) (a) 3. of the statutes is amended to read:

4 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
5 (5) and who, within 5 years prior to the arrest for the current violation, ~~was convicted~~
6 had 2 or more times previously under violations of the intoxicated snowmobiling
7 operating law or, the refusal law, or any combination of these laws, shall be fined not
8 less than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days
9 nor more than one year in the county jail.

10 **SECTION 56.** 350.11 (3) (a) 4. of the statutes is renumbered 350.11 (3) (a) 6. and
11 amended to read:

12 350.11 (3) (a) 6. A person who violates s. 350.101 (1) (c) or who violates 350.104
13 (5) and ~~who~~ has not attained the legal drinking age of 19 shall forfeit ~~not more than~~
14 \$50.

15 **SECTION 57.** 350.11 (3) (a) 4b. of the statutes is created to read:

16 350.11 (3) (a) 4b. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
17 (5) and who, within 5 years prior to the arrest for the current violation, had 3
18 violations of the intoxicated operating law, the refusal law, or any combination of
19 these laws, shall be fined not less than \$600 nor more than \$2,000 and shall be
20 imprisoned not less than 60 days nor more than one year in the county jail.

21 **SECTION 58.** 350.11 (3) (a) 5. of the statutes is created to read:

22 350.11 (3) (a) 5. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
23 (5) and who, within 5 years prior to the arrest for the current violation, had 4 or more
24 violations of the intoxicated operating law, the refusal law, or any combination of

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1 these laws, shall be fined not less than \$600 nor more than \$2,000 and shall be
2 imprisoned not less than 6 months nor more than one year in the county jail.

3 **SECTION 59.** 350.11 (3) (bm) of the statutes is amended to read:

4 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use
5 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
6 to par. (a) 2. ~~or 3.~~ 4b. or 5. or (b). The use of this option can result in significant cost
7 savings for the state and local governments.

8 **SECTION 60.** 350.11 (3) (c) of the statutes is amended to read:

9 350.11 (3) (c) *Calculation of previous convictions.* In determining the number
10 of previous convictions under par. (a) 2. ~~and 3.~~ to 5., convictions arising out of the
11 same incident or occurrence shall be counted as one previous conviction.

12 **SECTION 61.** 350.11 (3) (cm) of the statutes is amended to read:

13 350.11 (3) (cm) *Reporting convictions to the department.* Whenever a person
14 is convicted of a violation of the intoxicated snowmobiling law, the clerk of the court
15 in which the conviction occurred, or the ~~justice, judge or magistrate~~ of a court not
16 having a clerk, shall forward to the department the record of such conviction. The
17 record of conviction forwarded to the department shall state whether the offender
18 was involved in an accident at the time of the offense.

19 **SECTION 62.** 350.11 (3) (e) of the statutes is created to read:

20 350.11 (3) (e) *Suspension of privilege.* 1. In addition to any other penalty or
21 order, if a person who within 5 years prior to the arrest for the current violation of
22 the intoxicated snowmobiling law or the snowmobile refusal law, was previously
23 found in violation of the intoxicated operating law or the refusal law, the court shall
24 order the suspension of the person's privilege to operate a sports recreational vehicle
25 for a period not to exceed 18 months.

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1 2. A person who violates an order imposed by the court under subd. 1. shall be
2 fined not more than \$2,500 or imprisoned not more than one year in the county jail
3 or both.

4 **SECTION 63.** 940.09 (1m) (b) of the statutes is amended to read:

5 940.09 (1m) (b) If a person is charged in an information with any of the
6 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
7 971.12. If the person is found guilty of more than one of the crimes so charged for
8 acts arising out of the same incident or occurrence, there shall be a single conviction
9 for purposes of sentencing and for purposes of counting convictions under s. 23.33
10 (13) (b) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~, under s. 343.307 (1) or under
11 s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)
12 each require proof of a fact for conviction which the others do not require, and sub.
13 (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which
14 the others do not require.

15 **SECTION 64.** 940.25 (1m) (b) of the statutes is amended to read:

16 940.25 (1m) (b) If a person is charged in an information with any of the
17 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
18 971.12. If the person is found guilty of more than one of the crimes so charged for
19 acts arising out of the same incident or occurrence, there shall be a single conviction
20 for purposes of sentencing and for purposes of counting convictions under s. 23.33
21 (13) (b) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2. ~~or 3. to 5.~~, under ss. 343.30 (1q) and
22 343.305 or under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c),
23 (cm), (d), and (e) each require proof of a fact for conviction which the others do not
24 require.

25 **SECTION 65. Initial applicability.**

