

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AR14)

Received: **04/20/2010**

Received By: **rchampag**

Wanted: **Today**

Companion to LRB:

For: **Mary Hubler (608) 266-2519**

By/Representing: **herself**

May Contact:

Drafter: **rchampag**

Subject: **Legislature - miscellaneous res.**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **Jessica.Karls@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Rep. Wood censure resolution

Instructions:

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>
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FE Sent For:

<END>

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/?	rchampag						

FE Sent For:

<END>

Champagne, Rick

From: Hubler, Mary
Sent: Monday, April 19, 2010 4:35 PM
To: Karls-Ruplinger, Jessica
Cc: Champagne, Rick
Subject: RE: Assembly Resolution 14

Just have a new sub drafted with all the changes you outlined below for censure rather than a simple amendment; I will introduce as Sub 5

From: Karls-Ruplinger, Jessica
Sent: Monday, April 19, 2010 4:30 PM
To: Hubler, Mary
Cc: Champagne, Rick
Subject: Assembly Resolution 14
Importance: High

Rep. Hubler,

Representative Wood plead no contest to third offense OWI and possession of drug paraphernalia today, and he was sentenced to 45 days in jail and fined. I have a few questions about the amendment that you requested, and I copied Rick Champagne on this email, so he can be prepared to draft the amendment for you for Tuesday.

First, do you want an amendment to only Assembly Substitute Amendment 4, relating to censure, or to Assembly Substitute Amendments 2 and 3 as well?

Second, do you want a simple amendment to Assembly Substitute Amendment 4, or do you want another substitute amendment?

Third, below is some language that I came up with for an amendment to ASA 4. Do you approve, or have any changes?

- Replace lines 1-2 on page 3 with the following language:
Whereas, on April 19, 2010, Representative Wood plead no contest to, and the court found Representative Wood guilty of, operating a motor vehicle while under the influence of an intoxicant (third offense) and possession of drug paraphernalia; the court dismissed the charges of operating a motor vehicle with a PAC (third offense) and of possession of THC; and Representative Wood was sentenced to 45 days in jail and fined more than \$1,600.00. *[COMMENT: THIS DESCRIBES SOME OF THE PENALTIES INCURRED BY REP. WOOD. DO YOU WANT TO INCLUDE LANGUAGE ABOUT THE PENALTIES?]*
- Replace "third, fourth, or fifth" with "fourth or fifth" on lines 5 and 17-18 on page 3.
- Delete "(third offense)" on lines 10 and 23 on page 3.

The last two changes reflect the fact that the latter two OWI charges will be charged as either fourth or fifth offenses, and not as third offenses, now that Rep. Wood has been found guilty of a third offense OWI.

Jessica

Jessica Karls-Ruplinger

Staff Attorney

Wisconsin Legislative Council

(608) 266-2230

Jessica.Karls@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

~~LRBs0216/2~~

~~RAC:kjf:ph~~

9:00 AM

LRBs045411

RA C/kjf

ASSEMBLY SUBSTITUTE AMENDMENT A,
TO 2009 ASSEMBLY RESOLUTION 14

April 15, 2010 - Offered by Representative HUBLER.

1 **Relating to:** the censure of Jeffrey Wood, a representative from the 67th Assembly
2 District, in accordance with article IV, section 8, of the Wisconsin Constitution
3 and Assembly Rule 21.

4 ***Resolved by the assembly, That:***

5 Whereas, article IV, section 8, of the Wisconsin Constitution provides that each
6 house may punish for contempt and disorderly behavior, and with the concurrence
7 of two-thirds of all the members elected, expel a member; and

8 Whereas, Assembly Rule 43 (3) provides that any resolution to reprimand,
9 censure, or expel a member of the assembly shall identify the charges against the
10 member cited and shall be referred to the committee on ethics and standards of
11 conduct for review; and

12 Whereas, the Wisconsin state assembly has adopted Assembly Rule 21,
13 providing for the appointment of a special committee on ethics and standards of

1 conduct to consider any resolution to reprimand, censure, or expel a member of the
2 assembly for the purpose of holding one or more public hearings on the resolution and
3 to make a recommendation for action on the resolution; and

4 Whereas, under Assembly Rule 21 (2), a duty of the special committee is to
5 ascertain the facts of the controversy, which are summarized below; and

6 Whereas, Jeffrey Wood currently serves as the representative to the assembly
7 from the 67th Assembly District for the term of the 2009-2010 legislative session;
8 and

9 Whereas, on December 12, 2008, Representative Wood was arrested for
10 operating while intoxicated in Columbia County, which could result in his third,
11 fourth, or fifth offense under Wisconsin law; and

12 Whereas, law enforcement and eye witness accounts regarding Representative
13 Wood's driving on December 12, 2008, indicate that his driving was erratic and
14 dangerous; and

15 Whereas, Representative Wood was charged with operating a motor vehicle
16 while under the influence of an intoxicant (third offense), operating a motor vehicle
17 with a prohibited alcohol concentration (PAC) (third offense), possession of
18 tetrahydrocannabinols (THC), and possession of drug paraphernalia as a result of
19 his arrest on December 12, 2008; and

20 Whereas, as a condition of release relating to the case resulting from his
21 December 12, 2008, arrest, Representative Wood was ordered by the court to
22 maintain absolute sobriety at all times; and

23 Whereas, on December 1, 2009, a motion to suppress evidence of THC and drug
24 paraphernalia from Representative Wood's December 12, 2008, arrest was denied by
25 the circuit court; and

Insert 3-3

1 Whereas, a plea hearing in the case resulting from Representative Wood's
2 December 12, 2008, arrest has been scheduled for April 19, 2010; and

3 Whereas, on September 23, 2009, Representative Wood was arrested for
4 operating while under the influence in Marathon County, which could result in his
5 ~~third~~ fourth or fifth offense under Wisconsin law; and

6 Whereas, law enforcement and eye witness accounts regarding Representative
7 Wood's driving on September 23, 2009, indicate that his driving was erratic and
8 dangerous; and

9 Whereas, Representative Wood was charged with operating while under the
10 influence of a controlled substance (~~third offense~~) and inattentive driving as a result
11 of his arrest on September 23, 2009; and

12 Whereas, as a condition of release relating to the case resulting from his
13 September 23, 2009, arrest, Representative Wood was ordered by the court to take
14 no controlled substances without a prescription and, if prescribed, to take controlled
15 substances only in doses as prescribed; and

16 Whereas, on October 21, 2009, Representative Wood was arrested for operating
17 a motor vehicle while impaired in Monroe County, which could result in his ~~third~~
18 fourth or fifth offense under Wisconsin law; and

19 Whereas, law enforcement and eye witness accounts regarding Representative
20 Wood's driving on October 21, 2009, indicate that his driving was erratic and
21 dangerous; and

22 Whereas, Representative Wood was charged with operating while under the
23 influence of an intoxicant or other drug (~~third offense~~) and misdemeanor bail
24 jumping as a result of his arrest on October 21, 2009; and

1 Whereas, based on the facts of this controversy, the special committee on ethics
2 and standards of conduct makes the following charges against Representative Wood:

3 First, the conduct cited above by Representative Wood since his election to the
4 assembly for the 2009-2010 legislative term jeopardized his life and the lives of
5 innocent citizens, does not reflect the norms of behavior expected of a member of the
6 assembly and, therefore, has brought disrepute on the Wisconsin state assembly by
7 damaging the institution's integrity with the public; and

8 Second, while it is recognized that addiction is a serious health problem, any
9 attempts by Representative Wood to deal with his addiction were not successful in
10 preventing the dangerous incidents cited in this resolution; and

11 Whereas, the special committee, following a public hearing on this resolution,
12 is directed by Assembly Rule 21 (5) to make a recommendation for action on the
13 resolution; now, therefore, be it

14 ***Resolved by the assembly, That*** Representative Jeffrey Wood is hereby
15 censured by the Wisconsin state assembly, in accordance with article IV, section 8,
16 of the Wisconsin Constitution and Assembly Rule 21.

17 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0454/linsRC
RAC:.....

Insert 3-3:

Whereas, on April 19, 2010, Representative Wood plead no contest to, and the court found Representative Wood guilty of, operating a motor vehicle while under the influence of an intoxicant (third offense) and possession of drug paraphernalia; the court dismissed the charges of operating a motor vehicle with a PAC (third offense) and of possession of THC; and Representative Wood was sentenced to 45 days in jail and fined more than \$1,600⁹⁷~~00~~; and