

SENATE BILL 36 (LRB -0709)

An Act to amend 343.32 (1m) (b) (intro.), 938.34 (14r) (a) and 961.50 (1) (intro.) of the statutes; relating to: motor vehicle operating privilege suspensions for controlled substance violations. (FE)

2009

02-03.	S.	Introduced by Senators Taylor, Grothman, Lehman, Plale and Erpenbach ; cosponsored by Representatives Grigsby, Kessler, Berceau, Colon, Fields, Mason, Roys, Sinicki, Toles, Turner, A. Williams, Young and A. Ott .	
02-03.	S.	Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing	48
02-05.	S.	Public hearing held.	
02-11.	S.	Executive action taken.	
02-12.	S.	Report passage recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, Ayes 5, Noes 0	61
02-12.	S.	Available for scheduling.	
02-16.	S.	Fiscal estimate received.	
02-18.	S.	Placed on calendar 2-24-2009 by committee on Senate Organization.	
02-24.	S.	Read a second time	84
02-24.	S.	Ordered to a third reading	84
02-24.	S.	Rules suspended	84
02-24.	S.	Read a third time and passed , Ayes 25, Noes 8	84
02-24.	S.	Ordered immediately messaged	85
02-24.	A.	Received from Senate	84
02-24.	A.	Read first time and referred to committee on Judiciary and Ethics	84
03-10.	A.	Executive action taken.	
03-11.	A.	Fiscal estimate received.	
03-13.	A.	Report concurrence recommended by committee on Judiciary and Ethics, Ayes 9, Noes 0	101
03-13.	A.	Referred to committee on Rules	101
03-19.	A.	Placed on calendar 3-24-2009 by committee on Rules.	
03-24.	A.	Read a second time.	
03-24.	A.	Ordered to a third reading.	
03-24.	A.	Rules suspended.	
03-24.	A.	Read a third time and concurred in , Ayes 83, Noes 15.	
03-24.	A.	Ordered immediately messaged.	
03-25.	S.	Received from Assembly concurred in.	

2009
ENROLLED BILL

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ADOPTED DOCUMENTS:


Orig **Engr** **SubAmdt**

09 0709/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-25-09 
Date **Enrolling Drafter**



2009 SENATE BILL 36

February 3, 2009 – Introduced by Senators TAYLOR, GROTHMAN, LEHMAN, PLALE and ERPENBACH, cosponsored by Representatives GRIGSBY, KESSLER, BERCEAU, COLON, FIELDS, MASON, ROYS, SINICKI, TOLES, TURNER, A. WILLIAMS, YOUNG and A. OTT. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT to amend** 343.32 (1m) (b) (intro.), 938.34 (14r) (a) and 961.50 (1) (intro.)
2 of the statutes; **relating to:** motor vehicle operating privilege suspensions for
3 controlled substance violations.

Analysis by the Legislative Reference Bureau

Current law requires a court to suspend the motor vehicle operating privilege of a person, including a juvenile, if the person is convicted of any violation of the state's Uniform Controlled Substances Act (drug violation). Under this bill, a court may, but is not required to, suspend a person's motor vehicle operating privilege if the person is convicted of a drug violation.

Also under current law, the Department of Transportation (DOT) must suspend a person's operating privilege whenever DOT receives notice that the person has been convicted in another state for an offense that, if committed in this state, would be a drug violation. Under this bill, DOT may, but is not required to, suspend a person's motor vehicle operating privilege if the person is convicted in another state for an offense that, if committed in this state, would be a drug violation.

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:

SENATE BILL 36**SECTION 1**

1 **SECTION 1.** 343.32 (1m) (b) (intro.) of the statutes is amended to read:

2 343.32 (1m) (b) (intro.) The secretary ~~shall~~ may suspend a person's operating
3 privilege for not less than 6 months nor more than 5 years whenever notice has been
4 received of the conviction of such person under federal law or the law of a federally
5 recognized American Indian tribe or band in this state or the law of another
6 jurisdiction for any offense therein which, if the person had committed the offense
7 in this state and been convicted of the offense under the laws of this state, would have
8 ~~required~~ permitted suspension of such person's operating privilege under s. 961.50.
9 The person is eligible for an occupational license under s. 343.10 as follows:

10 **SECTION 2.** 938.34 (14r) (a) of the statutes is amended to read:

11 938.34 (14r) (a) In addition to any other dispositions imposed under this
12 section, if the juvenile is found to have violated ch. 961, the court ~~shall~~ may suspend
13 the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6
14 months nor more than 5 years. ~~The~~ If a court suspends a person's operating privilege
15 under this paragraph, the court shall immediately take possession of any suspended
16 license and forward it to the department of transportation together with the notice
17 of suspension stating that the suspension or revocation is for a violation of ch. 961.

18 **SECTION 3.** 961.50 (1) (intro.) of the statutes is amended to read:

19 961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the
20 court ~~shall~~ may, in addition to any other penalties that may apply to the crime,
21 suspend the person's operating privilege, as defined in s. 340.01 (40), for not less than
22 6 months nor more than 5 years. ~~The~~ If a court suspends a person's operating
23 privilege under this subsection, the court shall immediately take possession of any
24 suspended license and forward it to the department of transportation together with

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1 the record of conviction and notice of the suspension. The person is eligible for an
2 occupational license under s. 343.10 as follows:

3 **SECTION 4. Initial applicability.**

4 (1) This act first applies to violations occurring on the effective date of this
5 subsection.

6 (END)