

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:

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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)