



2011 SENATE BILL 431

February 6, 2012 – Introduced by Senators SCHULTZ, T. CULLEN and TAYLOR, cosponsored by Representatives ZEPNICK and HULSEY. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT** *to renumber and amend* 346.65 (3) and 346.65 (5); *to amend* 343.31
2 (1) (a), 345.47 (1) (intro.), 346.17 (4), 346.22 (1) (a), (b), (c), (d) and (e), 346.22
3 (3), 346.95 (1) and (2), 349.06 (1) (a), 940.25 (1m) (a), 940.25 (1m) (b) and 940.25
4 (2) (a); and *to create* 340.01 (74p), 343.30 (1j) (d), 343.30 (1m), 343.31 (1) (ag),
5 343.31 (3) (cm), 346.17 (6), 346.22 (5), 346.30 (5), 346.36 (3), 346.43 (4), 346.49
6 (5), 346.56 (5), 346.60 (6), 346.65 (3) (b), 346.65 (5) (b), 346.74 (7), 346.82 (3),
7 346.95 (12), 939.22 (44m) and 940.25 (1b) of the statutes; **relating to:** traffic
8 violations resulting in harm to vulnerable highway users and providing a
9 penalty.

Analysis by the Legislative Reference Bureau

This bill creates penalty enhancements for traffic violations that result in bodily harm, great bodily harm, or death (collectively “harm”) to vulnerable highway users. The bill defines “vulnerable highway user” as any of the following: 1) a pedestrian; 2) a bicyclist; 3) an operator of an electric personal assistive mobility device (EPAMD, commonly referred to by the tradename “Segway”); 4) an operator of a motorcycle, moped, or motor bicycle; 5) an operator of, or passenger on, an animal-drawn vehicle, farm tractor, farm truck tractor, farm trailer, or implement

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of husbandry; 6) a person riding upon in-line skates, a horse, or a play vehicle; 7) a law enforcement officer, traffic officer, fire fighter, or emergency medical technician, while performing his or her official duties; or 8) a person who is rendering medical or emergency assistance to another person. For most traffic violations, the bill doubles the applicable forfeiture or fine if the violation results in harm to a vulnerable highway user, and this doubling is in addition to any other applicable penalty enhancement, such as the doubling for certain traffic violations committed in highway maintenance or construction areas or in utility work areas. However, for specific violations, the bill makes the offense a Class I or Class H felony if the violation results in harm to a vulnerable highway user. A Class I felony is punishable by a fine not exceeding \$10,000 or imprisonment not exceeding three years and six months or both. A Class H felony is punishable by a fine not exceeding \$10,000 or imprisonment not exceeding six years or both. Provisions of current law that increase the forfeiture or fine for violations committed under certain circumstances, such as in highway maintenance or construction areas or in utility work areas, continue to apply to these new, higher penalties.

Under current law, a person who causes the death of another by operating or handling a vehicle while under the influence of an intoxicant is guilty of a Class D felony or, if the person has been convicted of a prior operating under the influence of an intoxicant or other drug (OWI) offence relating to, a Class C felony. A Class C felony is punishable by a fine not exceeding \$100,000 or imprisonment not exceeding 40 years or both. A Class D felony is punishable by a fine not exceeding \$100,000 or imprisonment not exceeding 25 years or both. A person who causes great bodily harm to another by OWI is guilty of a Class F felony. A Class F felony is punishable by a fine not exceeding \$25,000 or imprisonment not exceeding 12 years and 6 months or both. A person who causes injury to another by OWI may be fined not less than \$300 nor more than \$2,000 and imprisoned for not less than 30 days nor more than one year or, if the person has been convicted of a prior OWI-related offense, is guilty of a Class H felony.

Under this bill, a person who causes bodily harm by OWI to a vulnerable highway user is guilty of a Class H felony.

Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including: when turning left across traffic; at an intersection posted with a yield sign; when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or when entering a highway from another highway that ends at a “T” intersection. A person who fails to yield the right-of-way as required is subject to a forfeiture of not less than \$20 nor more than \$50 for a first offense and not less than \$50 nor more than \$100 for any subsequent offense within a year. However, if the violation results in bodily harm, great bodily harm, or death to another, the person must forfeit, respectively, \$200, \$500, or \$1,000 for the violation and the court must suspend the person’s operating privilege for, respectively, 30 days, 90 days, or 9 months.

Under this bill, if such a failure to yield violation results in harm to a vulnerable highway user, the penalty is increased to a Class I felony, punishable by a fine not exceeding \$10,000 or imprisonment not exceeding three years and six months or

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both, and the court must suspend the person's operating privilege for a period of one year.

Under current law, the operator of a motor vehicle must yield the right-of-way to livestock being driven over or along the highway. A person who fails to yield the right-of-way to livestock is subject to a forfeiture of not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent offense within a year.

Under this bill, if such a failure to yield to livestock violation results in harm to a vulnerable highway user, the penalty is increased to a Class I felony and the court must suspend the person's operating privilege for a period of one year.

Under current law, the operator of a motor vehicle overtaking a bicycle or EPAMD proceeding in the same direction must exercise due care, leaving a safe distance but at least three feet clearance when passing the bicycle or EPAMD, and must maintain clearance until safely past the overtaken bicycle or EPAMD. Also, if the operator of a motor vehicle overtakes a motor bus that is stopped at an intersection on the right side of the roadway and that is receiving or discharging passengers, the operator must pass at a safe distance to the left of the motor bus and may not turn to the right in front of the motor bus at that intersection. A person who commits such a passing violation is subject to a forfeiture of not less than \$25 nor more than \$200 for the first offense and not less than \$50 nor more than \$500 for the second or subsequent offense within four years.

Under this bill, if such a passing violation results in harm to a vulnerable highway user, the penalty is increased to a Class I felony and the court must suspend the person's operating privilege for a period of one year.

Current law prohibits inattentive driving of a motor vehicle, which includes: 1) being so engaged or occupied, while driving a motor vehicle, as to interfere with the safe driving of the vehicle; 2) operating a motor vehicle equipped with a television or similar device in the front of the vehicle or otherwise visible to the operator; and 3) driving a motor vehicle while composing or sending an electronic text message or an e-mail message. Any person who commits forms 1) and 3) of inattentive driving is subject to a forfeiture of not less than \$20 nor more than \$400 and any person who commits form 2) of inattentive driving is subject to a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent offense within a year.

Under this bill, if any inattentive driving violation results in harm to a vulnerable highway user, the penalty is increased to a Class I felony and the court must suspend the person's operating privilege for a period of one year.

Current law prohibits a person from causing bodily harm or great bodily harm to another by the negligent operation of a vehicle (reckless driving). A person who commits a reckless driving violation that causes bodily harm is subject to a fine of not less than \$300 nor more than \$2,000 and may be imprisoned for not less than 30 days nor more than one year. A person who commits a reckless driving violation that causes great bodily harm is guilty of a Class I felony and must have his or her operating privilege revoked by the Department of Transportation (DOT) for one year.

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Under this bill, a reckless driving violation that causes harm or great bodily harm to a vulnerable highway user is punishable as a Class H felony and the violator must have his or her operating privilege revoked by DOT for a period of two years.

Under current law, local authorities may enact and enforce traffic regulations that are in strict conformity with state statutes and that provide for a forfeiture as a penalty.

Under this bill, if a local authority enacts a traffic regulation in strict conformity with a state statute and the statutory penalty is doubled if the violation results in harm to a vulnerable highway user, the applicable ordinance penalty for the ordinance violation must also include the doubling of the forfeiture.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 340.01 (74p) of the statutes is created to read:

2 **340.01 (74p)** “Vulnerable highway user” means any of the following:

3 (a) A pedestrian.

4 (b) A bicyclist.

5 (c) An operator of an electric personal assistive mobility device.

6 (d) An operator of a motorcycle, moped, or motor bicycle.

7 (e) An operator of, or passenger on, an animal-drawn vehicle, farm tractor,
8 farm truck tractor, farm trailer, or implement of husbandry.

9 (f) A person riding upon in-line skates, a horse, or a play vehicle.

10 (g) A law enforcement officer, traffic officer, fire fighter, or emergency medical
11 technician, while performing his or her official duties.

12 (h) A person who is rendering medical or emergency assistance to another
13 person.

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1 **SECTION 2.** 343.30 (1j) (d) of the statutes is created to read:

2 343.30 **(1j)** (d) Notwithstanding pars. (a) to (c), for a period of one year, if the
3 offense resulted in bodily harm, great bodily harm, or death to a vulnerable highway
4 user.

5 **SECTION 3.** 343.30 (1m) of the statutes is created to read:

6 343.30 **(1m)** Upon conviction of a person for violating s. 346.075, 346.21, or
7 346.89, the court shall suspend the violator's operating privilege for a period of one
8 year if the offense resulted in bodily harm, great bodily harm, or death to a
9 vulnerable highway user.

10 **SECTION 4.** 343.31 (1) (a) of the statutes is amended to read:

11 343.31 **(1)** (a) Homicide ~~or~~, great bodily harm, or harm to a vulnerable highway
12 user resulting from the operation of a motor vehicle and which is criminal under s.
13 346.62 (4), 940.06, 940.09, 940.10 or 940.25.

14 **SECTION 5.** 343.31 (1) (ag) of the statutes is created to read:

15 343.31 **(1)** (ag) Bodily harm to a vulnerable highway user resulting from the
16 operation of a motor vehicle and which is criminal under s. 346.62 (3).

17 **SECTION 6.** 343.31 (3) (cm) of the statutes is created to read:

18 343.31 **(3)** (cm) Any person convicted under s. 346.62 (3) or (4) or 940.10, or
19 under s. 940.06 if the offense resulted from the operation of a motor vehicle, shall
20 have his or her operating privilege revoked for 2 years if the offense resulted in bodily
21 harm, great bodily harm, or death to a vulnerable highway user.

22 **SECTION 7.** 345.47 (1) (intro.) of the statutes is amended to read:

23 345.47 **(1)** (intro.) If the defendant is found guilty, the court may enter
24 judgment against the defendant for a monetary amount not to exceed the maximum
25 forfeiture provided for the violation, plus costs, fees, and surcharges imposed under

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1 ch. 814, and, in addition, may suspend or revoke his or her operating privilege under
2 s. 343.30. If the violation is one described in s. 346.17 (6) (c), 346.22 (5) (c), 346.65
3 (3) (b) or (5) (b), or 346.95 (12) (c), or if the forfeiture for the violation has been doubled
4 under s. 346.17 (6), 346.22 (5), 346.30 (5), 346.36 (3), 346.43 (4), 346.49 (5), 346.56
5 (5), 346.60 (6), 346.74 (7), 346.82 (3), 346.95 (12), or 349.06 (4), the court may also
6 order the defendant to perform community service work. Upon entering judgment,
7 the court shall notify the defendant personally, if the defendant is present, and in
8 writing that the defendant should notify the court if he or she is unable to pay the
9 judgment because of poverty, as that term is used in s. 814.29 (1) (d). If the defendant
10 is present and the court, using the criteria in s. 814.29 (1) (d), determines that the
11 defendant is unable to pay the judgment because of poverty, the court shall provide
12 the defendant with an opportunity to pay the judgment in installments, taking into
13 account the defendant's income. If the judgment is not paid or if the defendant fails
14 to make any ordered installment payment, the court shall order:

15 **SECTION 8.** 346.17 (4) of the statutes is amended to read:

16 346.17 (4) ~~Any~~ Except as provided in sub. (6) (c), any person violating s. 346.075
17 may be required to forfeit not less than \$25 nor more than \$200 for the first offense
18 and not less than \$50 nor more than \$500 for the 2nd or subsequent violation within
19 4 years.

20 **SECTION 9.** 346.17 (6) of the statutes is created to read:

21 346.17 (6) (a) In this subsection, "harm" means bodily harm, as defined in s.
22 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

23 (b) If any violation under ss. 346.04 to 346.072 or 346.08 to 346.16 results in
24 harm to a vulnerable highway user, the amount of any forfeiture or fine specified in
25 subs. (1) to (3) or s. 939.50 for the violation shall be doubled. If sub. (5) applies with

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1 respect to the violation, the doubling of the forfeiture under this subsection shall
2 apply in addition to any doubling under sub. (5).

3 (c) If any violation under s. 346.075 results in harm to a vulnerable highway
4 user, the person who commits the violation is guilty of a Class I felony.

5 **SECTION 10.** 346.22 (1) (a), (b), (c), (d) and (e) of the statutes are amended to
6 read:

7 346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e) or sub. (5) (c), any
8 person violating s. 346.18, 346.20 (1), or 346.215 (2) (b) or (3) may be required to
9 forfeit not less than \$20 nor more than \$50 for the first offense and not less than \$50
10 nor more than \$100 for the 2nd or subsequent conviction within a year.

11 (b) If an operator of a vehicle violates s. 346.18 (6) where persons engaged in
12 work in a highway maintenance or construction area or in a utility work area are at
13 risk from traffic, any applicable minimum and maximum forfeiture or fine specified
14 in par. (a), (c), (d), or (e) or sub. (5) (c) and s. 939.50 for the violation shall be doubled.

15 (c) If Except as provided in sub. (5) (c), if a person violates s. 346.18 and the
16 violation results in bodily harm, as defined in s. 939.22 (4), to another, the person
17 shall forfeit \$200 and shall have his or her operating privilege suspended as provided
18 in s. 343.30 (1j).

19 (d) If Except as provided in sub. (5) (c), if a person violates s. 346.18 and the
20 violation results in great bodily harm, as defined in s. 939.22 (14), to another, the
21 person shall forfeit \$500 and shall have his or her operating privilege suspended as
22 provided in s. 343.30 (1j).

23 (e) If Except as provided in sub. (5) (c), if a person violates s. 346.18 and the
24 violation results in death to another, the person shall forfeit \$1,000 and shall have
25 his or her operating privilege suspended as provided in s. 343.30 (1j).

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1 **SECTION 11.** 346.22 (3) of the statutes is amended to read:

2 346.22 (3) Any Except as provided in sub. (5) (c), any person violating s. 346.20
3 (2), (3) or (4) (b) or (c) or 346.21 may be required to forfeit not less than \$10 nor more
4 than \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or
5 subsequent conviction within a year.

6 **SECTION 12.** 346.22 (5) of the statutes is created to read:

7 346.22 (5) (a) In this subsection, “harm” means bodily harm, as defined in s.
8 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

9 (b) If any violation under s. 346.19, 346.20, or 346.215 results in harm to a
10 vulnerable highway user, the amount of any forfeiture specified in subs. (1) to (3) for
11 the violation shall be doubled. If sub. (1) (b) applies with respect to the violation, the
12 doubling of the forfeiture under this subsection shall apply in addition to any
13 doubling under sub. (1) (b).

14 (c) If any violation under s. 346.18 or 346.21 results in harm to a vulnerable
15 highway user, the person who commits the violation is guilty of a Class I felony.

16 **SECTION 13.** 346.30 (5) of the statutes is created to read:

17 346.30 (5) (a) In this subsection, “harm” means bodily harm, as defined in s.
18 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

19 (b) If any violation under ss. 346.23 to 346.29 results in harm to a vulnerable
20 highway user, the amount of any forfeiture specified in subs. (1) to (4) for the violation
21 shall be doubled.

22 **SECTION 14.** 346.36 (3) of the statutes is created to read:

23 346.36 (3) (a) In this subsection, “harm” means bodily harm, as defined in s.
24 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

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1 (b) If any violation under ss. 346.31 to 346.35 results in harm to a vulnerable
2 highway user, the amount of any forfeiture specified in subs. (1) and (2) for the
3 violation shall be doubled.

4 **SECTION 15.** 346.43 (4) of the statutes is created to read:

5 346.43 (4) (a) In this subsection, “harm” means bodily harm, as defined in s.
6 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

7 (b) If any violation under ss. 346.37 to 346.42 results in harm to a vulnerable
8 highway user, the amount of any forfeiture specified in subs. (1) to (3) for the violation
9 shall be doubled. If sub. (1) (b) 3. applies with respect to the violation, the doubling
10 of the forfeiture under this subsection shall apply in addition to any doubling under
11 sub. (1) (b) 3.

12 **SECTION 16.** 346.49 (5) of the statutes is created to read:

13 346.49 (5) (a) In this subsection, “harm” means bodily harm, as defined in s.
14 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

15 (b) If any violation under s. 346.44, 346.45, 346.455, 346.46, or 346.47 to 346.48
16 results in harm to a vulnerable highway user, the amount of any forfeiture specified
17 in subs. (1), (1g), (2), (2m), and (4) for the violation shall be doubled. If sub. (1) (c)
18 applies with respect to the violation, the doubling of the forfeiture under this
19 subsection shall apply in addition to any doubling under sub. (1) (c).

20 **SECTION 17.** 346.56 (5) of the statutes is created to read:

21 346.56 (5) (a) In this subsection, “harm” means bodily harm, as defined in s.
22 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

23 (b) If any violation under ss. 346.503 to 346.55 results in harm to a vulnerable
24 highway user, the amount of any forfeiture specified in subs. (1) to (4) for the violation
25 shall be doubled.

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1 **SECTION 18.** 346.60 (6) of the statutes is created to read:

2 346.60 **(6)** (a) In this subsection, “harm” means bodily harm, as defined in s.
3 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

4 (b) If any violation under ss. 346.57 to 346.595 results in harm to a vulnerable
5 highway user, the amount of any forfeiture specified in subs. (1) to (5) for the violation
6 shall be doubled. If sub. (3m) applies with respect to the violation, the doubling of
7 the forfeiture under this subsection shall apply in addition to any doubling or other
8 penalty enhancement under sub. (3m).

9 **SECTION 19.** 346.65 (3) of the statutes is renumbered 346.65 (3) (a) and
10 amended to read:

11 346.65 **(3)** (a) Except as provided in par. (b) and sub. (5m), any person violating
12 s. 346.62 (3) shall be fined not less than \$300 nor more than \$2,000 and may be
13 imprisoned for not less than 30 days nor more than one year in the county jail.

14 **SECTION 20.** 346.65 (3) (b) of the statutes is created to read:

15 346.65 **(3)** (b) If the violation of s. 346.62 (3) causes bodily harm to a vulnerable
16 highway user, the person who commits the violation is guilty of a Class H felony.

17 **SECTION 21.** 346.65 (5) of the statutes is renumbered 346.65 (5) (a) and
18 amended to read:

19 346.65 **(5)** (a) Except as provided in par. (b) and sub. (5m), any person violating
20 s. 346.62 (4) is guilty of a Class I felony.

21 **SECTION 22.** 346.65 (5) (b) of the statutes is created to read:

22 346.65 **(5)** (b) If the violation of s. 346.62 (4) causes great bodily harm to a
23 vulnerable highway user, the person who commits the violation is guilty of a Class
24 H felony.

25 **SECTION 23.** 346.74 (7) of the statutes is created to read:

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1 346.74 (7) (a) In this subsection, “harm” means bodily harm, as defined in s.
2 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

3 (b) If any violation under s. 346.67 or ss. 346.68 to 346.70 results in harm to
4 a vulnerable highway user, the amount of any forfeiture or fine specified in subs. (2)
5 to (5) or s. 939.50 for the violation shall be doubled.

6 **SECTION 24.** 346.82 (3) of the statutes is created to read:

7 346.82 (3) (a) In this subsection, “harm” means bodily harm, as defined in s.
8 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

9 (b) If any violation under ss. 346.77 to 346.805 results in harm to a vulnerable
10 highway user, the amount of any forfeiture specified in subs. (1) and (2) for the
11 violation shall be doubled.

12 **SECTION 25.** 346.95 (1) and (2) of the statutes are amended to read:

13 346.95 (1) Any Except as provided in sub. (12) (c), any person violating s.
14 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) or (15)
15 may be required to forfeit not less than \$20 nor more than \$40 for the first offense
16 and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within
17 a year.

18 (2) Any Except as provided in sub. (12) (c), any person violating s. 346.89 (1)
19 or (3) (a) or 346.94 (2), (4), or (7) may be required to forfeit not less than \$20 nor more
20 than \$400.

21 **SECTION 26.** 346.95 (12) of the statutes is created to read:

22 346.95 (12) (a) In this subsection, “harm” means bodily harm, as defined in s.
23 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

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1 (b) If any violation under ss. 346.87, 346.88, or 346.90 to 346.94 results in harm
2 to a vulnerable highway user, the amount of any forfeiture specified in subs. (1) to
3 (5e) and (6) to (11) for the violation shall be doubled.

4 (c) If any violation under s. 346.89 results in harm to a vulnerable highway
5 user, the person who commits the violation is guilty of a Class I felony.

6 **SECTION 27.** 349.06 (1) (a) of the statutes is amended to read:

7 349.06 (1) (a) Except for the suspension or revocation of motor vehicle
8 operator's licenses or except as provided in par. (b), any local authority may enact and
9 enforce any traffic regulation which is in strict conformity with one or more
10 provisions of chs. 341 to 348 and 350 for which the penalty for violation thereof is a
11 forfeiture. If a local authority enacts a traffic regulation in strict conformity with any
12 provision of ch. 346 for which the penalty under ch. 346 is doubled if the violation
13 results in harm to a vulnerable highway user, the applicable penalty for the violation
14 under the ordinance shall also include the doubling of the forfeiture.

15 **SECTION 28.** 939.22 (44m) of the statutes is created to read:

16 939.22 (44m) "Vulnerable highway user" has the meaning given in s. 340.01
17 (74p).

18 **SECTION 29.** 940.25 (1b) of the statutes is created to read:

19 940.25 (1b) Any person who does any of the following is guilty of a Class H
20 felony:

21 (a) Causes bodily harm to a vulnerable highway user by the operation of a
22 vehicle while under the influence of an intoxicant.

23 (b) Causes bodily harm to a vulnerable highway user by the operation of a
24 vehicle while the person has a detectable amount of a restricted controlled substance
25 in his or her blood.

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1 (c) Causes bodily harm to a vulnerable highway user by the operation of a
2 vehicle while the person has a prohibited alcohol concentration, as defined in s.
3 340.01 (46m).

4 (d) Causes bodily harm to a vulnerable highway user by the operation of a
5 commercial motor vehicle while the person has an alcohol concentration of 0.04 or
6 more but less than 0.08.

7 **SECTION 30.** 940.25 (1m) (a) of the statutes is amended to read:

8 940.25 **(1m)** (a) A person may be charged with and a prosecutor may proceed
9 upon an information based upon a violation of any combination of sub. (1) (a), (am),
10 or (b); any combination of sub. (1) (a), (am), or (bm); any combination of sub. (1) (c),
11 (cm), or (d); ~~or any combination of sub. (1) (c), (cm), or (e);~~ any combination of sub. (1b)
12 (a), (b), or (c); or any combination of sub. (1b) (a), (b), or (d) for acts arising out of the
13 same incident or occurrence.

14 **SECTION 31.** 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., under s. 30.80 (6) (a) 2. or 3., under ss. 343.30 (1q) and 343.305 or
21 under s. 350.11 (3) (a) 2. and 3. ~~Subsection~~ Subsections (1) (a), (am), (b), (bm), (c),
22 (cm), (d), and (e) and (1b) (a), (b), (c), and (d) each require proof of a fact for conviction
23 which the others do not require.

24 **SECTION 32.** 940.25 (2) (a) of the statutes is amended to read:

