

2013 DRAFTING REQUEST

Senate Amendment (SA-AB180)

Received: 3/17/2014 Received By: emueller
Wanted: As time permits Same as LRB:
For: Tim Carpenter (608) 266-8535 By/Representing: Stuart Ewy
May Contact: Drafter: emueller
Subject: Drunk Driving - alcohol level Addl. Drafters:
Drunk Driving - penalties Extra Copies: PJH

Submit via email: YES
Requester's email: Sen.Carpenter@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Add AB 68

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>
/?	emueller 3/17/2014	wjackson 3/18/2014		_____			
/1			jfrantze 3/18/2014	_____	mbarman 3/18/2014	mbarman 3/18/2014	

FE Sent For:

<END>

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1?	emueller						
1	EVM 3/17/14	1 WJ 3/18		RS 3/18			

FE Sent For:

<END>

Mueller, Eric

From: Ewy, Stuart
Sent: Monday, March 17, 2014 4:12 PM
To: Mueller, Eric
Subject: RE: 2nd amendment drafting request

Hi Eric,

Indeed, the version that passed the assembly.

Thanks for checking!

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535

From: Mueller, Eric
Sent: Monday, March 17, 2014 4:05 PM
To: Ewy, Stuart
Subject: RE: 2nd amendment drafting request

Stuart,

I'm assuming the amended version of AB68 for this one.

Eric Mueller
Attorney, Legislative Reference Bureau
Phone: (608)261-7032
eric.mueller@legis.wisconsin.gov

From: LRB.Legal
Sent: Monday, March 17, 2014 3:19 PM
To: Mueller, Eric
Subject: FW: 2nd amendment drafting request

From: Ewy, Stuart
Sent: Monday, March 17, 2014 3:12 PM
To: LRB.Legal
Cc: Sen.Carpenter
Subject: 2nd amendment drafting request

LRB Drafting

Hello,

Tim Carpenter would like Assembly Bill 68 [Relating to: penalties for driving a vehicle while under the influence of an intoxicant and providing a penalty] drafted as an amendment to AB 180 [Relating to: penalties and testing for operating-while-intoxicated offenses and providing a penalty].

AB 180 is on the Senate Calendar for tomorrow.

If you have any questions or comments, please let me know.

Thank you very much,

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535



Rmnr

INSEATS

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 68**

3/17/14

SA - AB 180

September 11, 2013 - Offered by Representative J. Ott.

Today

Page 3, line 12: after that line insert:

1 **AN ACT to repeal** 346.65 (2) (am) 4., 346.65 (2) (am) 4m., 346.65 (2) (dm), 346.65
2 (2j) (cr) and 973.09 (2) (am); and **to amend** 346.65 (2) (am) 2., 346.65 (2) (am)
3 5., 346.65 (2) (bm), 346.65 (2) (cm), 346.65 (2) (f) 2., 346.65 (2c), 346.65 (2g) (a),
4 346.65 (2g) (ag), 346.65 (2j) (am) 2., 346.65 (2j) (am) 3., 346.65 (2j) (bm), 346.65
5 (2j) (cm) and 346.65 (7) of the statutes; **relating to:** driving a vehicle while
6 under the influence of an intoxicant.

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

INSEAT 1-7a

7 SECTION 1. 346.65 (2) (am) 2. of the statutes is amended to read:
8 346.65 (2) (am) 2. Except as provided in pars. (bm) and (f), shall be fined not
9 less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more
10 than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the
11 person's lifetime, plus the total number of suspensions, revocations, and other

2. Page 3, line 22: after that line insert:
INSEAT 1-7b

1 convictions counted under s. 343.307 (1) ~~within a 10-year period~~, equals 2, except
2 that suspensions, revocations, or convictions arising out of the same incident or
3 occurrence shall be counted as one.

4 SECTION ~~2~~^{3h}. 346.65 (2) (am) 4. of the statutes is repealed.

5 SECTION ~~3~~^{3p}. 346.65 (2) (am) 4m. of the statutes is repealed.

6 SECTION ~~4~~^{3t}. 346.65 (2) (am) 5. of the statutes is amended to read:

7 346.65 (2) (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class H
8 felony and shall be fined not less than \$600 and imprisoned for not less than 6 months
9 if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime,
10 plus the total number of suspensions, revocations and other convictions counted
11 under s. 343.307 (1), equals 4, 5 or 6, except that suspensions, revocations or
12 convictions arising out of the same incident or occurrence shall be counted as one. " ✓

13 SECTION ~~5~~^{5b}. 346.65 (2) (bm) of the statutes is amended to read:

14 346.65 (2) (bm) In any county that opts to offer a reduced minimum period of
15 imprisonment for the successful completion of a probation period that includes
16 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
17 and 940.25 in the person's lifetime, plus the total number of suspensions,
18 revocations, and other convictions counted under s. 343.307 (1) ~~within a 10-year~~
19 ~~period~~, equals 2, except that suspensions, revocations, or convictions arising out of
20 the same incident or occurrence shall be counted as one, the fine shall be the same
21 as under par. (am) 2., but the period of imprisonment shall be not less than 5 days,
22 except that if the person successfully completes a period of probation that includes
23 alcohol and other drug treatment, the period of imprisonment shall be not less than
24 5 nor more than 7 days. A person may be sentenced under this paragraph or under
25 par. (cm) ~~or (dm)~~^{undo strike} or sub. (2j) (bm), ~~or (cm), or (er)~~ or (3r) once in his or her lifetime.

3. Page 4, line 15: after that line insert:

1 **SECTION 6.** 346.65 (2) (cm) of the statutes is amended to read:

2 346.65 (2) (cm) In any county that opts to offer a reduced minimum period of
3 imprisonment for the successful completion of a probation period that includes
4 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
5 and 940.25 in the person's lifetime, plus the total number of suspensions,
6 revocations, and other convictions counted under s. 343.307 (1) equals 3, except that
7 suspensions, revocations, or convictions arising out of the same incident or
8 occurrence shall be counted as one, the fine shall be the same as under par. (am) 3.,
9 but the period of imprisonment shall be not less than 45 days, except that if the
10 person successfully completes a period of probation that includes alcohol and other
11 drug treatment, the period of imprisonment shall be not less than 14 days. A person
12 may be sentenced under this paragraph or under par. (bm) ~~or (dm)~~ or sub. (2j) (bm),
13 or (cm), ~~or (er)~~ or (3r) once in his or her lifetime.

14 **SECTION 7.** 346.65 (2) (dm) of the statutes is repealed.

15 **SECTION 8.** ^{sf} 346.65 (2) (f) 2. of the statutes is amended to read:

16 346.65 (2) (f) 2. If there was a minor passenger under 16 years of age in the
17 motor vehicle at the time of the violation that gave rise to the conviction under s.
18 346.63 (1), the applicable minimum and maximum fines and imprisonment under
19 par. (am) 2. to 7. for the conviction are doubled. An offense under s. 346.63 (1) that
20 subjects a person to a penalty under par. (am) 3., ~~4., 4m.,~~ 5., 6., or 7. when there is
21 a minor passenger under 16 years of age in the motor vehicle is a felony and the place
22 of imprisonment shall be determined under s. 973.02.

23 **SECTION 9.** ^{sh.} 346.65 (2c) of the statutes is amended to read:

24 346.65 (2c) In sub. (2) (am) 2., 3., ~~4., 4m.,~~ 5., 6., and 7., the time period shall
25 be measured from the dates of the refusals or violations that resulted in the

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3-14

1 revocation or convictions. If a person has a suspension, revocation, or conviction for
2 any offense under a local ordinance or a state statute of another state that would be
3 counted under s. 343.307 (1), that suspension, revocation, or conviction shall count
4 as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., ~~4., 4m.,~~ 5.,
5 6., and 7.

6 **SECTION 10.** ^{5j} 346.65 (2g) (a) of the statutes is amended to read:

7 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)
8 to provide that a defendant perform community service work for a public agency or
9 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.
10 (2) (am) 2., 3., ~~4., 4m.,~~ and 5., (f), and (g) and except as provided in par. (ag), the court
11 may provide that a defendant perform community service work for a public agency
12 or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub.
13 (2) (am) 1. or may require a person who is subject to sub. (2) to perform community
14 service work for a public agency or a nonprofit charitable organization in addition
15 to the penalties specified under sub. (2).

16 **SECTION 11.** ^{5L} 346.65 (2g) (ag) of the statutes is amended to read:

17 346.65 (2g) (ag) If the court determines that a person does not have the ability
18 to pay a fine imposed under sub. (2) (am) 2., 3., ~~4., 4m.,~~ or 5., (f), or (g), the court shall
19 require the defendant to perform community service work for a public agency or a
20 nonprofit charitable organization in lieu of paying the fine imposed or, if the amount
21 of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the
22 fine. Each hour of community service performed in compliance with an order under
23 this paragraph shall reduce the amount of the fine owed by an amount determined
24 by the court.

25 **SECTION 12.** ⁵ⁿ 346.65 (2j) (am) 2. of the statutes is amended to read:

1 346.65 (2j) (am) 2. Except as provided in pars. (bm) and (d), shall be fined not
2 less than \$300 nor more than \$1,000 and imprisoned for not less than 5 days nor more
3 than 6 months if the number of prior convictions under ss. 940.09 (1) and 940.25 in
4 the person's lifetime, plus the total number of other convictions, suspension, and
5 revocations counted under s. 343.307 (2) ~~within a 10-year period~~, equals 2.

6 **SECTION 13.** 346.65 (2j) (am) 3. of the statutes is amended to read:

7 346.65 (2j) (am) 3. Except as provided in pars. (cm), ~~(er)~~, and (d), shall be fined
8 not less than \$600 nor more than \$2,000 and imprisoned for not less than 45 days
9 nor more than one year in the county jail if the number of convictions under ss. 940.09
10 (1) and 940.25 in the person's lifetime, plus the total number of other convictions,
11 suspensions, and revocations counted under s. 343.307 (2), equals 3 or more.

12 **SECTION 14.** 346.65 (2j) (bm) of the statutes is amended to read:

13 346.65 (2j) (bm) ^{5P.} In any county that opts to offer a reduced minimum period of
14 imprisonment for the successful completion of a probation period that includes
15 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
16 and 940.25 in the person's lifetime, plus the total number of suspensions,
17 revocations, and other convictions counted under s. 343.307 (1) ~~within a 10-year~~
18 ~~period~~, equals 2, except that suspensions, revocations, or convictions arising out of
19 the same incident or occurrence shall be counted as one, the fine shall be the same
20 as under par. (am) 2., but the period of imprisonment shall be not less than 5 days,
21 except that if the person successfully completes a period of probation that includes
22 alcohol and other drug treatment, the period of imprisonment shall be not less than
23 5 nor more than 7 days. A person may be sentenced under this paragraph or under
24 par. (cm) ~~or (er)~~ ^{under strike} or sub. (2) (bm) ~~or (cm)~~ ~~or (dm)~~ or (3r) once in his or her lifetime.

25 **SECTION 15.** 346.65 (2j) (cm) of the statutes is amended to read:

1 346.65 (2j) (cm) In any county that opts to offer a reduced minimum period of
 2 imprisonment for the successful completion of a probation period that includes
 3 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
 4 and 940.25 in the person's lifetime, plus the total number of suspensions,
 5 revocations, and other convictions counted under s. 343.307 (1) equals 3, except that
 6 suspensions, revocations, or convictions arising out of the same incident or
 7 occurrence shall be counted as one, the fine shall be the same as under par. (am) 3.,
 8 but the period of imprisonment shall be not less than 45 days, except that if the
 9 person successfully completes a period of probation that includes alcohol and other
 10 drug treatment, the period of imprisonment shall be not less than 14 days. A person
 11 may be sentenced under this paragraph or under par. (bm) ~~or (er)~~ or sub. (2) (bm), or
 12 (cm), ~~or (dm)~~ or (3r) once in his or her lifetime.

13 SECTION 16. 346.65 (2j) (cr) of the statutes is repealed.

14 " SECTION 17. 346.65 (7) of the statutes is amended to read:

15 346.65 (7) ^{Concept} A person convicted under sub. (2) (am) 2., 3., ~~4., 4m,~~ 5., 6., or 7. or
 16 (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than a
 17 48-consecutive-hour period. " ✓

18 " SECTION 18. 973.09 (2) (am) of the statutes is repealed. " ✓

19 SECTION 19. Initial applicability.

20 (1) This act first applies to violations committed or refusals occurring on the
 21 effective date of this subsection, but does not preclude the counting of other
 22 convictions, suspensions, or revocations as prior convictions, suspensions, or
 23 revocations for purposes of administrative action by the department of

WSSA
6-14

Page 4, line 24: after that line insert:
 # Page 5, line 12: after that line insert:

1 transportation, sentencing by a court, or revocation or suspension of motor vehicle
2 operating privileges.

3 (END)

as affected by assembly amendments
1 and 2,

6. Page 5, line 14: delete that line and substitute 0.

init
App

"(1) The treatment of sections 343.30(1g)(b)3.,
343.305(10)(b)3., 343.31(3)(bm)3., 343.38(1)(c)2.d.,
343.63(2)(c) and (1)(d), 346.65(2)(a) 2., 4., 4m, 5., 6.,
and 7., (bm), (dm), and (f)2., (2c), (2g) (a) and (ag),
(2j)(am) 2., (bm), and (cr), and (7), and 973.09(2)(am)
of the Statutes".

~~And
(am) d, and F~~

(3m), (3r), ~~and~~ (3t)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1055/1
PJH:wlj:rs

INSERT 3-14

~~ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 68~~

~~September 12, 2013 - Offered by COMMITTEE ON JUDICIARY.~~

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 25: delete that line and substitute "par. (cm) or (dm) or sub. (2j)
3 (bm), (cm), or (cr) or (3r) once in his or her lifetime."

4 **2.** Page 3, line 1: delete lines 1 to 14 and substitute:

5 ~~SECTION 7m.~~ ^{3d} 346.65 (2) (dm) of the statutes is amended to read:

6 346.65 (2) (dm) In any county that opts to offer a reduced minimum period of
7 imprisonment for the successful completion of a probation period that includes
8 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
9 and 940.25 in the person's lifetime, plus the total number of suspensions,
10 revocations, and other convictions counted under s. 343.307 (1) equals 4, ~~and par.~~
11 ~~(am) 4m. does not apply~~, except that suspensions, revocations, or convictions arising
12 out of the same incident or occurrence shall be counted as one, the fine and the period

ctd.
↓

1 of imprisonment shall be the same as under par. (am) ~~4.~~, ~~but the period of~~
 2 ~~imprisonment shall be not less than 60 days~~ 5., except that if the person successfully
 3 completes a period of probation that includes alcohol and other drug treatment, the
 4 period of imprisonment shall be not less than ~~29 days~~ 3 months. A person may be
 5 sentenced under this paragraph or under par. (bm) or (cm) or sub. (2j) (bm), (cm), or
 6 (cr) or (3r) once in his or her lifetime.”.

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3-14

7 **3.** Page 5, line 6: delete lines 6 to 11.

8 **4.** Page 5, line 24: delete lines 24 and 25 and substitute “par. (cm) or (cr) or sub.
 9 (2) (bm), (cm), or (dm) or (3r) once in his or her lifetime.”.

10 **5.** Page 6, line 1: delete lines 1 to 13 and substitute:

11 **SECTION ~~16m.~~ 346.65 (2j) (cr)** of the statutes is amended to read:

12 ^{5r.}
 346.65 (2j) (cr) In any county that opts to offer a reduced minimum period of
 13 imprisonment for the successful completion of a probation period that includes
 14 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
 15 and 940.25 in the person’s lifetime, plus the total number of suspensions,
 16 revocations, and other convictions counted under s. 343.307 (1) equals 4, ~~and sub. (2)~~
 17 ~~(am) 4m. does not apply,~~ except that suspensions, revocations, or convictions arising
 18 out of the same incident or occurrence shall be counted as one, the fine shall be the
 19 same as under par. (am) 3., but the period of imprisonment shall be not less than 60
 20 days, except that if the person successfully completes a period of probation that
 21 includes alcohol and other drug treatment, the period of imprisonment shall be not
 22 less than 29 days. A person may be sentenced under this paragraph or under par.
 23 (bm) or (cm) or sub. (2) (bm), (cm), or (dm) or (3r) once in his or her lifetime.” ✓

INSERT
6-14



INSERT 1-7a

~~ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 68~~

~~November 1, 2013 - Offered by Representative J. OTT.~~

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1, line 7: before that line insert:

3 [✓] "SECTION ^{1c.}~~1c.~~ 343.30 (1q) (b) 3. of the statutes is amended to read:

4 343.30 (1q) (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number
5 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total
6 number of other convictions, suspensions, and revocations counted under s. 343.307
7 (1) ~~within a 10-year period~~, equals 2, the court shall revoke the person's operating
8 privilege for not less than one year nor more than 18 months. After the first 45 days
9 of the revocation period has elapsed, the person is eligible for an occupational license
10 under s. 343.10 if he or she has completed the assessment and is complying with the
11 driver safety plan ordered under par. (c). " 0

END INSERT 1-7a

12 SECTION ^{1g.}~~1g.~~ 343.305 (10) (b) 3. of the statutes is amended to read:

3a. (2g)

ctd.
↓

INSERT
1-7b

1 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
2 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
3 convictions, suspensions, and revocations counted under s. 343.307 (2) ~~within a~~
4 ~~10-year period~~, equals 2, the court shall revoke the person's operating privilege for
5 2 years. After the first 90 days of the revocation period or, if the total number of
6 convictions, suspensions, and revocations counted under this subdivision within any
7 5-year period equals 2 or more, after one year of the revocation period has elapsed,
8 the person is eligible for an occupational license under s. 343.10 if he or she has
9 completed the assessment and is complying with the driver safety plan.

10 **SECTION 1a.** ^{Enje 3b.} 343.31 (3) (bm) 3. of the statutes is amended to read:

11 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
12 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
13 suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within~~
14 ~~a 10-year period~~, equals 2, the department shall revoke the person's operating
15 privilege for not less than one year nor more than 18 months. If an Indian tribal court
16 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
17 for not less than one year nor more than 18 months for the conviction specified in par.
18 (bm) (intro.), the department shall impose the same period of revocation. After the
19 first 60 days of the revocation period or, if the total number of convictions,
20 suspensions, and revocations counted under this subdivision within any 5-year
21 period equals 2 or more, after one year of the revocation period has elapsed, the
22 person is eligible for an occupational license under s. 343.10.

23 **SECTION 1a.** ^{20e 3c.} 343.38 (1) (c) 2. d. of the statutes is amended to read:

24 343.38 (1) (c) 2. d. Reinstatement of an operating privilege revoked under s.
25 343.31 (1) (b) or (2) if, within the 5-year period preceding the violation, the person

cfp.
v

1 has not been convicted of a prior offense that may be counted under s. 343.307 (2) and
2 if, ~~within the 10-year period preceding the violation,~~ the person has not been
3 convicted of 2 or more prior offenses that may be counted under s. 343.307 (2)."

4 **2.** Page 1, line 7: delete "SECTION 1" and substitute "SECTION 1w".

5 (END)

INSERT
1-7b