



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 246
[2013 Assembly Bill 32]

**Tribal Participation in the
Intoxicated Driver Program**

BACKGROUND

The intoxicated driver program (IDP) is designed to provide education or treatment to persons convicted of operating a motor vehicle while intoxicated (OWI), with the intent of reducing recidivism. In brief, upon conviction, the court orders the offender to be assessed by an agency operated or contracted by the county for this purpose. Each county designates one agency to conduct the assessments. Based on the results of the assessment, the offender is referred either to an educational program or to an approved public treatment facility. The plan for an individual's treatment at an approved public treatment facility is termed a "driver safety plan." The county is responsible for tracking an offender's progress through the program and informing the Department of Transportation (DOT) if and when an offender has completed the program, so that the DOT may reinstate the offender's driving privileges.

ASSESSMENTS AND TREATMENT

Act 246 directs the Department of Health Services (DHS) to authorize a tribal facility, termed an "approved tribal treatment facility" in the Act, to conduct assessments and prepare driver safety plans if the tribal facility agrees to notify the county assessment agency of each case it receives and to execute the duties of a treatment facility under the IDP for those cases, including informing the DOT if and when an offender has completed the program.

The Act directs the court to include a statement in an OWI conviction order that an offender who is a tribal member or a family member of a tribal member may receive assessment services from a tribal facility. It specifies that a tribal facility may both conduct assessments and provide treatment services under the IDP. (DHS rules regarding conflicts of

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

interest otherwise prohibit this, in general.) The Act also states that traditional practices may be included in treatment plans.

DRIVER IMPROVEMENT SURCHARGE

A person convicted of OWI is required to pay a driver improvement surcharge. A portion of the surcharge is retained by the county to provide treatment services for indigent OWI offenders. Act 246 specifies that a county must remit to a tribal facility the county's share of any driver improvement surcharge paid by an OWI offender who receives treatment at the facility.

The portion of the driver improvement surcharge that is not retained by the county is remitted to the state for various purposes. One of these purposes is to make what are termed "supplemental grants" to counties to further assist in meeting the funding need for treatment of indigent OWI offenders. Act 246 specifies that a tribal facility is eligible for a supplemental grant from DHS in proportion to the number of OWI offenders who receive treatment at a facility of the tribe.

DRIVER SAFETY SCHOOLS

DOT has designated the schools in the state's Technical College System as driver safety school programs, which provide classes required for persons convicted of violating any of various traffic laws. Act 246 directs DOT, at the request of an accredited tribal college, to certify the college as a traffic safety school program if the college meets all of the requirements of such a program.

Effective date: April 10, 2014. The Act first applies to assessment orders issued on the effective date.

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April 16, 2014

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