

2015 DRAFTING REQUEST

Senate Amendment (SA-SB667)

Received: **2/16/2016** Received By: **phurley**
For: **Richard Gudex (608) 266-5300** Same as LRB:
May Contact: By/Representing: **Lance**
Subject: **Drunk Driving - other** Drafter: **phurley**
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Submit via email: **YES**
Requester's email: **Sen.Gudex@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to 24/7, including notice to DOT

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 2/16/2016	anienaja 2/16/2016	_____			
/1			_____	srose 2/16/2016	srose 2/16/2016	

FE Sent For:

<END>



State of Wisconsin
2015 - 2016 LEGISLATURE

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PJH:emw *Tamm*

a2309/1
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SENATE AMENDMENT 1,
TO SENATE BILL 667

February 16, 2016 – Offered by Senator GUDEx.

AUTHORS SUBJECT TO CHANGE

1 At the locations indicated, amend the bill as follows:

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

3 “SECTION 1c. 165.957 (3) (a) of the statutes, as created by 2015 Wisconsin Act
4 55, is amended to read:

5 165.957 (3) (a) A standard for frequent testing for the use of alcohol or a
6 controlled substance that is an alternative to the testing described in sub. (4) (b) 1.
7 This paragraph does not apply to testing required pursuant to an order under s.
8 343.301 (1g) (am) 2. that a court imposes on a person who meets the criteria under
9 s. 343.301 (1g) (a) 2. b.

10 SECTION 1d. 165.957 (4) (a) 1. of the statutes, as created by 2015 Wisconsin Act
11 55, is amended to read:

12 165.957 (4) (a) 1. The person is ordered by a judge or by the department of
13 corrections as a condition of bond, release under s. 969.01 (1), probation or deferred

1 prosecution, release to parole, or release to extended supervision, to ~~refrain~~ totally
2 abstain from using alcohol or a controlled substance, and whose participation in the
3 program is ordered by the judge or by the department of corrections as a condition
4 of bond, release under s. 969.01 (1), probation, release to parole, or release to
5 extended supervision.

6 **SECTION 1k.** 165.957 (4) (a) 2. of the statutes, as created by 2015 Wisconsin Act
7 55, is amended to read:

8 165.957 (4) (a) 2. The person agrees to ~~refrain~~ totally abstain from using alcohol
9 or a controlled substance while he or she is released on bond, on release under s.
10 969.01 (1), on probation, participating in a deferred prosecution agreement, or on
11 parole or extended supervision and ~~volunteers~~ agrees to participate in the program
12 even though his or her participation is not ordered by a judge or by the department
13 of corrections as a condition of bond, release pursuant to s. 969.01 (1), probation or
14 deferred prosecution, or release to parole or to extended supervision. This
15 subdivision does not apply to any person who meets the criteria under s. 343.301 (1g)
16 (a) 2. b. and who is subject to an order under s. 343.301 (1g) (am) 2.

17 **SECTION 1L.** 165.957 (4) (b) 1. of the statutes, as created by 2015 Wisconsin Act
18 55, is amended to read:

19 165.957 (4) (b) 1. Except as provided in subd. 2. or 2m., the program requires
20 participants to be tested for the use of alcohol at least twice daily, at approximately
21 12-hour intervals, or for the use of a controlled substance as frequently as
22 practicable.

23 **SECTION 1m.** 165.957 (4) (b) 2. of the statutes, as created by 2015 Wisconsin Act
24 55, is amended to read:

1 165.957 (4) (b) 2. If the standard for frequent testing described in subd. 1.
2 creates an unreasonable hardship for the county administering the program, the
3 program may utilize the standard established by the department of justice under
4 sub. (3) (a). This subdivision does not apply to any person who meets the criteria
5 under s. 343.301 (1g) (a) 2. b. and who is subject to an order under s. 343.301 (1g) (am)
6 2.

7 **SECTION 1n.** 165.957 (4) (b) 2m. of the statutes is created to read:

8 165.957 (4) (b) 2m. Any person who meets the criteria under s. 343.301 (1g) (a)
9 2. b. and who is subject to an order under s. 343.301 (1g) (am) 2. shall be tested as
10 required under 23 USC 405 (d) (7) (A) (ii) and regulations adopted thereunder.

11 **SECTION 1p.** 165.957 (4) (c) of the statutes, as created by 2015 Wisconsin Act
12 55, is amended to read:

13 165.957 (4) (c) The program informs a participant that, if he or she fails to
14 appear for a scheduled test or if his or her test results indicate that the participant
15 used alcohol or a controlled substance, he or she may be placed under immediate
16 arrest and referred to the department of corrections and to the appropriate
17 prosecuting agency for violating a condition of his or her bond, release under s. 969.01
18 (1), probation or deferred prosecution, or of his or her release to parole or extended
19 supervision.”.

20 **2.** Page 2, line 18: after “order” insert “, unless he or she is also subject to an
21 order under s. 343.301 (1g) (am) 1.”.

22 **3.** Page 3, line 18: after “order” insert “, unless he or she is also subject to an
23 order under s. 343.301 (1g) (am) 1.”.

24 **4.** Page 4, line 4: after “one” insert “or more”.

1 **5.** Page 4, line 11: after “(7) (A)” insert “and regulations adopted thereunder”.

2 **6.** Page 4, line 13: after “program,” insert “or while the person participates in
3 the program and for the additional period of time under sub. (2m) (b).”

4 **7.** Page 4, line 18: after “device.” insert “If the court orders that the person’s
5 operating privilege for the operation of “Class D” vehicles is restricted to operating
6 vehicles that are equipped with an ignition interlock device because of the person’s
7 completion or non-participation in the program, the court shall indicate on the order
8 the date on which the person’s operating privilege is so restricted and the time period
9 for which the person’s operating privilege is so restricted, and shall forward a copy
10 of the order to the department of transportation.”

11 **8.** Page 5, line 6: after “2.” insert “that does not restrict a person’s operating
12 privilege for the operation of “Class D” vehicles to operating vehicles that are
13 equipped with an ignition interlock device while he or she participates in a program”.

14 **9.** Page 5, line 7: delete “a person” and substitute “the person”.

15 **10.** Page 5, line 12: after “year.” insert “If the court enters an order under sub.
16 (1g) (am) 2. that restricts a person’s operating privilege for the operation of “Class
17 D” vehicles to operating vehicles that are equipped with an ignition interlock device
18 while he or she participates in a program, the court shall order that the time period
19 for which the person’s operating privilege is restricted under sub. (1g) (am) 2. equals
20 not less than one year nor more than the maximum operating privilege revocation
21 period permitted for the refusal or violation, except that if the maximum operating
22 privilege revocation period is less than one year, the time period shall equal one
23 year.”

4.10 Insert

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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1 INSERT 4.10:

2 1. Page 4, line 12: delete “the court shall order that”.

3 2. Page 4, line 13: after “program,” insert “the court shall order that”.

4 INSERT 5.2:

5 3. Page 4, line 15: after “device” insert “, shall specify the duration of the
6 order.”.

7 4. Page 4, line 15: delete the material beginning with “and, except as provided”
8 and ending with “in sub. (1m), shall” on (page 4,) line 16 and substitute: “shall, except
9 as provided in sub. (1m),”.

10 5. Page 4, line 18: after “device” insert “, and shall notify the department of
11 such order”.

12 INSERT 5.2:

13 , and shall notify the department of the date the person’s participation ended
14 and the duration of the order restricting the operating privilege