

2019 DRAFTING REQUEST

Bill

For: Jim Ott (608) 266-0486

Drafter: zwyatt

By: Virginia

Secondary Drafters:

Date: 12/10/2018

May Contact:

Same as LRB:

Submit via email: YES
Requester's email: Rep.OttJ@legis.wisconsin.gov
Carbon copy (CC) to: zachary.wyatt@legis.wisconsin.gov
eric.mueller@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Increased minimum period of imprisonment for 5th and 6th OWI

Instructions:

Redraft 2017 AB 99 (17-1384), requiring 1.5 year minimum sentence for 5th and 6th OWI.

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. Contains draft history for versions /?, /P1, and /1.

Handwritten note: Per ZJDW with an arrow pointing to the Jacketed column.

FE Sent For:

Handwritten note: 2 at intro

<END>



W 12/10/2018
OVT 12/11/2018

LRB-1384/1 1025/P1
ZDW:wj

93

2017 ASSEMBLY BILL 99

February 24, 2017 - Introduced by Representatives OTT, JAGLER, ZEPNICK, QUINN, KREMER, GANNON, HORLACHER, RIPP, SKOWRONSKI, SANFELIPPO, NOVAK, JACQUE, TUSLER, ALLEN, MURPHY, SUBECK, KNODL, LOUDENBECK, TITTL, MURSAU, E. BROOKS, KOYENGA and R. BROOKS, cosponsored by Senators DARLING, MARKLEIN, CARPENTER, NASS, HANSEN, OLSEN and CRAIG. Referred to Committee on Criminal Justice and Public Safety.

*Carson
X rep
St. John
H. Ham*

Ger

1 AN ACT to amend 346.65 (2) (am) 5. of the statutes; relating to: committing a
2 fifth or sixth offense related to operating a vehicle while intoxicated and
3 providing a criminal penalty.

for a person

Analysis by the Legislative Reference Bureau

This bill imposes a mandatory minimum period of confinement in prison for fifth and sixth offenses of operating a motor vehicle while intoxicated (OWI).

Under current law, it is an OWI offense to operate a motor vehicle while under the influence of an intoxicant, a controlled substance, a controlled substance analog, or any combination thereof, under the influence of any substance to a degree that renders him or her incapable of safely driving, with a detectable amount of a restricted controlled substance in his or her blood, or with a prohibited alcohol concentration. Under current law, a person who commits a fifth or sixth OWI offense is guilty of a Class G felony and may be fined up to \$25,000, imprisoned for up to ten years, or both. Under current law, a person who commits a fifth or sixth OWI offense must be fined at least \$600 and imprisoned for at least six months.

Under this bill, for a fifth or sixth OWI offense, a sentencing court is required to impose a sentence that orders the person to spend at least 18 months confined in prison.

ASSEMBLY BILL 99

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

CRIME

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

X

SECTION 1. 346.65 (2) (am) 5. of the statutes is amended to read:

346.65 (2) (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class G felony and shall be fined not less than \$600 and imprisoned for not less than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations and other convictions counted under s. 343.307 (1), equals 5 or 6, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one. The court shall impose a bifurcated sentence under s. 973.01, and the confinement portion of the bifurcated sentence imposed on the person shall be not less than one year and 6 months.

SECTION 2. Initial applicability.

(1) This act first applies to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other violations, convictions, suspensions, or revocations for purposes of administrative action by the department of transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1025/P1
ZDW:cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 346.65 (2) (am) 5. of the statutes; **relating to:** committing a
2 fifth or sixth offense related to operating a vehicle while intoxicated and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill imposes a mandatory minimum period of confinement in prison for fifth and sixth offenses of operating a motor vehicle while intoxicated (OWI).

Under current law, it is an OWI offense for a person to operate a motor vehicle while under the influence of an intoxicant, a controlled substance, a controlled substance analog, or any combination thereof, under the influence of any substance to a degree that renders him or her incapable of safely driving, with a detectable amount of a restricted controlled substance in his or her blood, or with a prohibited alcohol concentration. Under current law, a person who commits a fifth or sixth OWI offense is guilty of a Class G felony and may be fined up to \$25,000, imprisoned for up to ten years, or both. Under current law, a person who commits a fifth or sixth OWI offense must be fined at least \$600 and imprisoned for at least six months.

Under this bill, for a fifth or sixth OWI offense, a sentencing court is required to impose a sentence that orders the person to spend at least 18 months confined in prison.

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.

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.** 346.65 (2) (am) 5. of the statutes is amended to read:

2 346.65 (2) (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class G
3 felony and shall be fined not less than \$600 and imprisoned for not less than 6 months
4 if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime,
5 plus the total number of suspensions, revocations and other convictions counted
6 under s. 343.307 (1), equals 5 or 6, except that suspensions, revocations or
7 convictions arising out of the same incident or occurrence shall be counted as one.
8 The court shall impose a bifurcated sentence under s. 973.01, and the confinement
9 portion of the bifurcated sentence imposed on the person shall be not less than one
10 year and 6 months.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to violations committed or refusals occurring on the
13 effective date of this subsection, but does not preclude the counting of other
14 violations, convictions, suspensions, or revocations for purposes of administrative
15 action by the department of transportation, sentencing by a court, or revocation or
16 suspension of motor vehicle operating privileges.

17 **(END)**