

2019 Senate Bill 6 (LRB -1200)

An Act to amend 346.65 (2) (am) 5. of the statutes; relating to: committing a fifth or sixth offense related to operating a vehicle while intoxicated and providing a penalty. (FE)

2019

01-29.	S.	Introduced by Senators Darling, Bernier, Carpenter, Craig, Kooyenga, Marklein, Nass and L. Taylor ; cosponsored by Representatives Ott, Horlacher, Quinn, Spiros and Wichgers	48
01-29.	S.	Read first time and referred to Committee on Judiciary and Public Safety	48
02-15.	S.	Fiscal estimate received	
02-25.	S.	Fiscal estimate received	
03-04.	S.	Fiscal estimate received	
03-20.	S.	Fiscal estimate received	
04-10.	S.	Fiscal estimate received	
05-10.	S.	Fiscal estimate received	
06-06.	S.	Representative Rohrkaste added as a cosponsor	241
09-04.	S.	Public hearing held	
09-24.	S.	Senate Amendment 1 offered by Senator Darling (LRB a0527)	393
09-25.	S.	Executive action taken	
09-25.	S.	Report adoption of Senate Amendment 1 recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0	398
09-25.	S.	Report passage as amended recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0	398
09-25.	S.	Available for scheduling	
10-31.	S.	Senate Amendment 2 offered by Senator Darling (LRB a0721)	468
11-01.	S.	Placed on calendar 11-5-2019 pursuant to Senate Rule 18(1)	473
11-05.	S.	Read a second time	481
11-05.	S.	Senate Amendment 1 withdrawn and returned to author	482
11-05.	S.	Senate Amendment 2 adopted	482
11-05.	S.	Ordered to a third reading	482
11-05.	S.	Rules suspended	482
11-05.	S.	Read a third time and passed	482
11-05.	S.	Ordered immediately messaged	482
11-06.	A.	Received from Senate	362
11-12.	A.	Refused to suspend rules to withdraw from Senate message and take up, Ayes 59, Noes 36	391

2020

02-06.	A.	Read first time and referred to committee on Rules	545
02-06.	A.	Placed on calendar 2-11-2020 by Committee on Rules	
02-11.	A.	Read a second time	
02-11.	A.	Assembly Amendment 1 offered by Representatives Spreitzer, McGuire, Neubauer, Emerson, Goyke, Brostoff, Zamarripa, Vining and Cabrera (LRB a0889)	
02-11.	A.	Assembly Amendment 1 laid on table, Ayes 62, Noes 36	
02-11.	A.	Assembly Amendment 2 offered by Representatives McGuire, Ohnstad, Zamarripa, Neubauer, Emerson, Crowley and Cabrera (LRB a1142)	
02-11.	A.	Assembly Amendment 2 laid on table, Ayes 62, Noes 36	
02-11.	A.	Assembly Amendment 3 offered by Representatives Bowen, Spreitzer, Ohnstad, Neubauer, Sargent, Subeck, Zamarripa, Emerson, C. Taylor, Crowley, Cabrera and Brostoff (LRB a0890)	
02-11.	A.	Assembly Amendment 3 laid on table, Ayes 62, Noes 36	
02-11.	A.	Ordered to a third reading	
02-11.	A.	Rules suspended	
02-11.	A.	Read a third time and concurred in , Ayes 88, Noes 10	
02-11.	A.	Ordered immediately messaged	
02-12.	S.	Received from Assembly concurred in	



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ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19 1200 / 1

Amendments: None or Listed below.

SA 2

Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

2/12/20

Carroll

Date

Enrolling Drafter



2019 SENATE BILL 6

January 29, 2019 - Introduced by Senators DARLING, BERNIER, CARPENTER, CRAIG, KOOYENGA, MARKLEIN, NASS and L. TAYLOR, cosponsored by Representatives OTT, HORLACHER, QUINN, SPIROS and WICHGERS. Referred to Committee on Judiciary and Public Safety.

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.

SENATE BILL 6

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. ✓ ins SK 2 i.

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)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0721/1
ZDW:wlj

**SENATE AMENDMENT 2,
TO SENATE BILL 6**

October 31, 2019 - Offered by Senator DARLING.

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

2 **1.** Page 2, line 10: after “months.” insert “The court may impose a term of
3 confinement that is less than one year and 6 months if the court finds that the best
4 interests of the community will be served and the public will not be harmed and if
5 the court places its reasons on the record.”.

6 (END)

C INS SA 2
1.