



2019 ASSEMBLY BILL 16

February 8, 2019 - Introduced by Representatives OTT, HORLACHER, NOVAK, PLUMER, QUINN, SORTWELL, SPIROS, C. TAYLOR, WICHGERS and HUTTON, cosponsored by Senators DARLING, CARPENTER, BERNIER, CRAIG, KOOYENGA, MARKLEIN and NASS. Referred to Committee on Criminal Justice 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.

