



2023 ASSEMBLY BILL 55

February 20, 2023 - Introduced by Representatives DONOVAN, KNODL, ALLEN, BALDEH, BINSFELD, DUCHOW, GUNDRUM, S. JOHNSON, KURTZ, MAXEY, MURPHY, MYERS, NEDWESKI, NOVAK, O'CONNOR, ORTIZ-VELEZ, RETTINGER and STEFFEN, cosponsored by Senators STROEBEL, L. JOHNSON, JACQUE, NASS and TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 346.65 (1) (a), 346.65 (1) (b), 346.65 (3), 346.65 (4m), 346.65
2 (5), 346.655 (1) and 346.657 (1) of the statutes; **relating to:** penalties for
3 reckless driving and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may endanger the safety of any person or property by the negligent operation of a vehicle, commonly referred to as “reckless driving.” Under the bill:

1. The penalty for reckless driving is increased from a forfeiture of \$25 to \$200 to a forfeiture of \$50 to \$400.

2. The penalty for a second or subsequent reckless driving offense is increased from a fine of \$50 to \$500 to a fine of \$100 to \$1,000. Current law increases the penalty for a second reckless driving offense only if the person committed the second offense within four years of the first offense. Under the bill, a person who commits a second reckless driving offense is subject to the increased penalties regardless of whether the person commits the offense within four years of the person’s first offense. Under current law, a person who commits a second or subsequent reckless driving offense may also be imprisoned for not more than one year in the county jail. This penalty is unchanged.

3. The penalty for recklessly endangering safety by unlawfully driving across a railroad crossing when required to stop is increased from a forfeiture of \$300 to \$1,000 to a forfeiture of \$600 to \$2,000.

4. The penalty for reckless driving that causes bodily harm to another is increased from a fine of \$300 to \$2,000 to a fine of \$600 to \$4,000. Under current law,

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a person who causes bodily harm to another in the course of a reckless driving offense may also be imprisoned for not less than 30 days nor more than one year in the county jail. The bill increases the term of imprisonment for this offense to not less than 60 days nor more than two years in the county jail.

5. The penalty for reckless driving that causes great bodily harm to another is increased from a Class I felony to a Class H felony. The penalty for a Class I felony is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both. The penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

Current law imposes various surcharges against persons who violate certain laws. These surcharges must be paid in addition to any fine or forfeiture imposed for the violation. The driver improvement surcharge and safe ride surcharge are imposed on those who violate certain provisions related to operating while intoxicated. The driver improvement surcharge is \$435 and the safe ride surcharge is \$50. Under this bill, the driver improvement surcharge and safe ride surcharge are also imposed on persons found guilty of reckless driving.

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 (1) (a) of the statutes is amended to read:

2 346.65 (1) (a) May be required to forfeit not less than ~~\$25~~ \$50 nor more than
3 ~~\$200~~ \$400, except as provided in par. (b).

4 **SECTION 2.** 346.65 (1) (b) of the statutes is amended to read:

5 346.65 (1) (b) May be fined not less than ~~\$50~~ \$100 nor more than ~~\$500~~ \$1,000
6 or imprisoned for not more than one year in the county jail or both if ~~the total of~~
7 ~~convictions under s. 346.62 (2) or a local ordinance in conformity therewith or a law~~
8 ~~of a federally recognized American Indian tribe or band in this state in conformity~~
9 ~~with s. 346.62 (2) equals 2 or more in a 4-year period. The 4-year period shall be~~
10 ~~measured from the dates of the violations which resulted in the convictions~~ for a 2nd
11 or subsequent violation.

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1 **SECTION 3.** 346.65 (3) of the statutes is amended to read:

2 346.65 (3) Except as provided in sub. (5m), any person violating s. 346.62 (3)
3 shall be fined not less than ~~\$300~~ \$600 nor more than ~~\$2,000~~ \$4,000 and may be
4 imprisoned for not less than ~~30~~ 60 days nor more than ~~one year~~ 2 years in the county
5 jail.

6 **SECTION 4.** 346.65 (4m) of the statutes is amended to read:

7 346.65 (4m) Except as provided in sub. (5m), any person violating s. 346.62
8 (2m) shall forfeit not less than ~~\$300~~ \$600 nor more than ~~\$1,000~~ \$2,000.

9 **SECTION 5.** 346.65 (5) of the statutes is amended to read:

10 346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)
11 is guilty of a Class ~~I~~ H felony.

12 **SECTION 6.** 346.655 (1) of the statutes is amended to read:

13 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.62
14 or 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or
15 (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
16 impose a driver improvement surcharge under ch. 814 in an amount of \$435 in
17 addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under
18 ch. 814.

19 **SECTION 7.** 346.657 (1) of the statutes is amended to read:

20 346.657 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.62
21 or 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or
22 (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
23 impose a safe ride program surcharge under ch. 814 in an amount of \$50 in addition
24 to the fine or forfeiture, plus costs, fees, and other surcharges imposed under ch. 814.

25 **SECTION 8. Initial applicability.**

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SECTION 8

1 (1) This act first applies to violations committed on the effective date of this
2 subsection.

3 **(END)**