

State of Misconsin 1997 - 1998 LEGISLATURE

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ASSEMBLY AMENDMENT 2, TO 1997 ASSEMBLY BILL 426

September 23, 1997 – Offered by COMMITTEE ON NATURAL RESOURCES.

1	At the locations indicated, amend the bill as follows:
2	1. Page 16, line 3: delete lines 3 to 22 and substitute:
3	"SECTION 54m. 30.80 (6) (a) of the statutes is amended to read:
4	30.80 (6) (a) Penalties related to prohibited operation of a motorboat;
5	<i>intoxicants; refusal.</i> 1. Except as provided under subds. 2. and 3. to 5., a person who
6	violates s. 30.681 (1) (a) or (b), a local ordinance in conformity with s. 30.681 (1) (a)
7	<u>or (b)</u> or <u>30.684 (5)</u> <u>the refusal law</u> shall forfeit not less than \$150 nor more than \$300.
8	2. Except as provided under subd. 3., a <u>A</u> person who violates s. 30.681 (1) (a)
9	or (b), a local ordinance in conformity with s. 30.681 (1) or (b) or 30.684 (5) the refusal
10	law and who, within 5 years prior to the arrest for the current violation, was
11	convicted <u>one time</u> previously under the intoxicated boating law or the refusal law
12	shall be fined not less than \$300 nor more than \$1,000 and shall be imprisoned <u>for</u>
13	not less than 5 days nor more than 6 months.

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1	3. A person who violates s. 30.681 (1) (a) or (b), a local ordinance in conformity
2	<u>with s. 30.681 (1) (a) or (b)</u> or 30.684 (5) <u>the refusal law</u> and who, within 5 years prior
3	to the arrest for the current violation, was convicted 2 or more times previously under
4	the intoxicated boating law or refusal law shall be fined not less than \$600 nor more
5	than \$2,000 and shall be imprisoned <u>for</u> not less than 30 days nor more than one year
6	in the county jail.
7	SECTION 55m. 30.80 (6) (a) 4. and 5. of the statutes are created to read:
8	30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), a local ordinance
9	in conformity with s. 30.681 (1) (a) or (b) or the refusal law and who, within 5 years
10	prior to the arrest for the current violation, was convicted 3 times previously under
11	the intoxicated boating law or refusal law shall be fined not less than \$600 nor more
12	than \$2,000 and shall be imprisoned for not less than 60 days nor more than one year
13	in the county jail.
14	5. A person who violates s. 30.681 (1) (a) or (b), a local ordinance in conformity
15	with s. 30.681 (1) (a) or (b) or the refusal law and who, within 5 years prior to the
16	arrest for the current violation, was convicted 4 or more times previously under the
17	intoxicated boating law or refusal law shall be fined not less than \$600 nor more than
18	\$2,000 and shall be imprisoned for not less than 6 months nor more than one year
19	in the county jail.
20	SECTION 55p. 30.80 (6) (a) 6. of the statutes is created to read:
21	30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or a local ordinance in
22	conformity with s. 30.681 (1) (bn) shall forfeit \$50.
23	SECTION 55t. 30.80 (6) (c) of the statutes is amended to read:

30.80 (6) (c) Calculation of previous convictions. In determining the number
 of previous convictions under par. (a) 2. and 3. to 5., convictions arising out of the
 same incident or occurrence shall be counted as one previous conviction.".

- Page 20, line 14: delete the material beginning with "The" and ending with "subsection." on line 16 and substitute "The amendment of section 30.80 (6) (a) of the statutes and the creation of section 30.80 (6) (a) 4. and 5. of the statutes first apply to violations committed on the effective date of this subsection, but do not preclude the counting of previous convictions for sentencing a person.".
- 9 3. Page 21, line 7: delete "30.80 (6) (a) 4. and 885.235 (1m) and (4) of the
 10 statutes takes" and substitute "30.80 (6) (c) and 885.235 (1m) and (4) of the statutes,
 11 the amendment of section 30.80 (6) (a) of the statutes, the creation of section 30.80
 12 (6) (a) 4. and 5. of the statutes and SECTION 66 (1) of this act take".
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(END)