
Wisconsin Legislative Council

ACT MEMO



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2019 Wisconsin Act 31 [2019 Assembly Bill 17]

Minimum Sentence for Homicide by Intoxicated Use of a Motor Vehicle

CURRENT LAW

Under current law, person who is convicted of homicide by intoxicated use of a motor vehicle is guilty of a Class D felony. A Class D felony is punishable by a fine of up to \$100,000, imprisonment of up to 25 years, or both. Also under current law, whenever a court sentences a person to imprisonment in the Wisconsin state prisons for a felony committed on or after December 31, 1999, the court must impose a bifurcated sentence. A bifurcated sentence is a sentence that consists of a term of confinement in prison followed by a term of extended supervision. The total length of a bifurcated sentence equals the length of the term of confinement in prison plus the length of the term of extended supervision.

2019 WISCONSIN ACT 31

2019 Wisconsin Act 31 provides that when a person is convicted of homicide by intoxicated use of a vehicle (OWI homicide), the court must impose a bifurcated sentence and the bifurcated sentence must include a term of confinement in prison of at least five years. The act allows a court to impose a term of confinement that is less than five years if the court finds a compelling reason and places its reason on the record.

Effective date and initial applicability: 2019 Wisconsin Act 31 took effect on November 22, 2019. The act first applies to violations committed on this date, but does not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for purposes of administrative action by the Department of Transportation or sentencing by a court.

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