



2009 ASSEMBLY BILL 274

May 19, 2009 - Introduced by Representatives STASKUNAS, ZIGMUNT, ZIEGELBAUER, JORGENSEN, POPE-ROBERTS, KERKMAN, A. OTT, MASON and VAN ROY, cosponsored by Senators HOLPERIN, DARLING and HOPPER. Referred to Committee on Public Safety.

1 **AN ACT to repeal** 973.09 (1) (d) 1., 973.09 (1) (d) 2. and 973.09 (1) (d) 3.; **to**
2 **renumber and amend** 973.09 (1) (d) (intro.); and **to amend** 973.09 (2) (a) 1.
3 d. of the statutes; **relating to:** allowing probation after certain convictions
4 related to drunken driving.

Analysis by the Legislative Reference Bureau

Under current law, after a person is convicted of most crimes, the trial court may withhold the person's sentence, or impose a sentence of imprisonment but stay the imposition of imprisonment, and place the person on probation for a period of time. If the crime carries a mandatory minimum period of incarceration of one year or less, the person must be incarcerated for at least the mandatory minimum period as a condition of his or her probation.

Under current law, a trial court may not place a person on probation if the person has committed a second or third violation related to operating a vehicle while intoxicated or with a prohibited alcohol concentration, or three or fewer violations related to operating a commercial vehicle while intoxicated or with a prohibited alcohol concentration or causing injury while operating a vehicle while intoxicated or with a prohibited alcohol concentration. A trial court may place a person who commits more than three of these offenses on probation under current law.

Under this bill, a trial court may place a person who commits any of those offenses on probation. Under the bill, a person who commits an offense that carries a mandatory minimum period of incarceration of one year or less must be

