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Good Morning Committee members and thank you for hearing my testimony today on Assembly Bill 353.

While we often focus on those cases in which a victim is killed in a drunk driving crash, we hear very little about injury cases. Once the initial account of a serious injury accident is reported in the newspaper or on TV, the victims of these crashes are rarely heard from. But the fact is, the convalescence period may go on for months or even years, and in many cases the victims face disabilities for the rest of their lives.

I have heard from victims who have been hit by drunk drivers who were fleeing police officers, had their automobiles totaled, lost substantial time from work, spent time in the hospital, and still suffer from pain and other problems related to their injuries.

Current law in Wisconsin recognizes three classes of injury as detailed in Wis. Stats 939.22: bodily harm, substantial bodily harm and great bodily harm. While the maximum penalty for causing the most severe injury, great bodily harm, is a Class H felony, in general the greatest mandatory minimum sentence for causing injury is 30 days in jail.

As with homicide while OWI, many judges sentence appropriately in cases in which drunk drivers cause injury to others. However, in some cases the perpetrator is given a relatively light sentence for causing an injury that forever alters the life of an innocent victim.

This bill will insure appropriate sentences by establishing the following mandatory minimums in injury related OWI crashes:

For causing bodily harm while intoxicated: six months in jail.

For causing substantial bodily harm: 2 years in prison.

For causing great bodily harm (which includes causing serious permanent disfigurement or which causes a permanent or protracted loss of the function of any bodily member or organ): 3 years in prison.

The judge will be given discretion to impose lighter sentences in cases in which the injured person was a passenger in the automobile of the drunk driver and if the court finds that the best interest of the community will be served and the public will not be harmed.

Those injured in drunk driving crashes are often subject to a life of pain and even disability. This bill will send a strong message to those who choose to drive while impaired: If you injure someone while driving drunk in Wisconsin you are going to spend a substantial amount of time incarcerated.