



TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY AND PUBLIC SAFETY  
Senate Bill 455  
January 7, 2016

Thank you Chairman Wanggaard and committee members for hearing Senate Bill 455. The legislation before you eliminates the 4<sup>th</sup> offense look back period and increases the penalties for subsequent drunk driving offenses.

With our bipartisan value for public safety it is alarming that penalties are less severe than most of our surrounding states. Many of our penalties for habitual drunk driving do not match the severity of the choice to drive drunk.

I want to highlight the elimination of the fourth offense look back period in SB 455. One of the most significant developments in Wisconsin's OWI laws over the past 25 years is the development of lifetime counting, which ensures a driver's entire driving history is available to the courts for sentencing.

Prior to the 1990's, OWI convictions were based on the number of times the offender had been convicted in the five-year period preceding arrest. For this reason, DOT only kept OWI records for roughly 6½ years after the offense date. Eventually the state of Wisconsin moved to a 10 year record keeping policy to give judges a chance to evaluate a person's driving record more thoroughly. Courts would then impose different sanctions according to the number of prior offenses in the 10 year period preceding arrest.

Wisconsin has moved to a lifetime record keeping process. However, under current law, the lookback periods are still kept in place. I think it is time we updated our approach. It is time for the state of Wisconsin to take drunk driving seriously and ensure our roads are safe.

Throughout this hearing, you may hear tragic examples of how the act of operating a vehicle while intoxicated devastates families. It is my hope that you support our effort and vote to move forward on this legislation.

Additionally, I want to thank Representative Ott for co-authoring Senate Bill 455. I have been very lucky to work with a colleague who is equally passionate about changing the culture of driving while drunk in Wisconsin.

Again, thank you committee members for your consideration of SB 455.



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## Memo

To: Senate Committee Judiciary and Public Safety

From: Representative Jim Ott

Subject: Bill Author Testimony in Support of Senate Bill 455

Good Morning Senate Judiciary and Public Safety Committee members. Thank you for hearing my testimony on Senate Bill 455. I apologize for being unable to testify in person, as I am currently chairing the Assembly Judiciary committee.

As you know, drunk driving continues to be a serious problem in Wisconsin, with an average of 200 persons killed each year on Wisconsin's roads and thousands more injured. Many of these people are innocent victims killed while crossing the street, biking or driving when a drunk driver crosses the center line and hits them head on.

Senate Bill 455 increases the penalties for repeat drunk drivers by combining elements of Assembly Bills 444 and 447. Fourth offense OWI will be charged as a felony regardless of when it occurs. Under current law the fourth offense is only considered a felony if it occurs within five years of the third offense.

Under this bill each subsequent offense beyond the fourth is increased by one felony level. So fifth and sixth offenses would increase from class H felonies to class G, and sixth, seventh and eight from a G to an F, and so on.

In addition, this bill repeals the specific definition of "injury" in OWI cases, so that prosecutors also will be able to charge for injuries that do not involve broken bones or the requirement of stitches.

I realize that tougher penalties alone will not solve the drunk driving problem in Wisconsin, but I firmly believe that this is at least a part of the solution, and a part that we as legislators can work on. It will give judges the ability to impose significantly harsher penalties on repeat drunk drivers.

Members of this committee have shown a willingness to support bills that toughen OWI laws in the past. I hope you will join me in supporting Senate Bill 455.