



State of Wisconsin
2013 - 2014 LEGISLATURE



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**SENATE AMENDMENT 2,
TO ASSEMBLY BILL 180**

March 18, 2014 – Offered by Senator CARPENTER.

- 1 **1.** Page 3, line 12: after that line insert:
- 2 “**SECTION 2c.** 343.30 (1q) (b) 3. of the statutes is amended to read:
- 3 343.30 (**1q**) (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number
- 4 of convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total
- 5 number of other convictions, suspensions, and revocations counted under s. 343.307
- 6 (1) ~~within a 10-year period~~, equals 2, the court shall revoke the person’s operating
- 7 privilege for not less than one year nor more than 18 months. After the first 45 days
- 8 of the revocation period has elapsed, the person is eligible for an occupational license
- 9 under s. 343.10 if he or she has completed the assessment and is complying with the
- 10 driver safety plan ordered under par. (c).”.
- 11 **2.** Page 3, line 22: after that line insert:
- 12 “**SECTION 3a.** 343.305 (10) (b) 3. of the statutes is amended to read:

1 343.305 **(10)** (b) 3. Except as provided in subd. 4m., if the number of convictions
2 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
3 convictions, suspensions, and revocations counted under s. 343.307 (2) ~~within a~~
4 ~~10-year period~~, equals 2, the court shall revoke the person's operating privilege for
5 2 years. After the first 90 days of the revocation period or, if the total number of
6 convictions, suspensions, and revocations counted under this subdivision within any
7 5-year period equals 2 or more, after one year of the revocation period has elapsed,
8 the person is eligible for an occupational license under s. 343.10 if he or she has
9 completed the assessment and is complying with the driver safety plan.

10 **SECTION 3b.** 343.31 (3) (bm) 3. of the statutes is amended to read:

11 343.31 **(3)** (bm) 3. Except as provided in subd. 4m., if the number of convictions
12 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
13 suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within~~
14 ~~a 10-year period~~, equals 2, the department shall revoke the person's operating
15 privilege for not less than one year nor more than 18 months. If an Indian tribal court
16 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
17 for not less than one year nor more than 18 months for the conviction specified in par.
18 (bm) (intro.), the department shall impose the same period of revocation. After the
19 first 60 days of the revocation period or, if the total number of convictions,
20 suspensions, and revocations counted under this subdivision within any 5-year
21 period equals 2 or more, after one year of the revocation period has elapsed, the
22 person is eligible for an occupational license under s. 343.10.

23 **SECTION 3c.** 343.38 (1) (c) 2. d. of the statutes is amended to read:

24 343.38 **(1)** (c) 2. d. Reinstatement of an operating privilege revoked under s.
25 343.31 (1) (b) or (2) if, within the 5-year period preceding the violation, the person

1 has not been convicted of a prior offense that may be counted under s. 343.307 (2) and
2 if, ~~within the 10-year period preceding the violation,~~ the person has not been
3 convicted of 2 or more prior offenses that may be counted under s. 343.307 (2).

4 **SECTION 3d.** 346.65 (2) (am) 2. of the statutes is amended to read:

5 346.65 (2) (am) 2. Except as provided in pars. (bm) and (f), shall be fined not
6 less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more
7 than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the
8 person's lifetime, plus the total number of suspensions, revocations, and other
9 convictions counted under s. 343.307 (1) ~~within a 10-year period,~~ equals 2, except
10 that suspensions, revocations, or convictions arising out of the same incident or
11 occurrence shall be counted as one.

12 **SECTION 3h.** 346.65 (2) (am) 4. of the statutes is repealed.

13 **SECTION 3p.** 346.65 (2) (am) 4m. of the statutes is repealed.

14 **SECTION 3t.** 346.65 (2) (am) 5. of the statutes is amended to read:

15 346.65 (2) (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class H
16 felony and shall be fined not less than \$600 and imprisoned for not less than 6 months
17 if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime,
18 plus the total number of suspensions, revocations and other convictions counted
19 under s. 343.307 (1), equals 4, 5 or 6, except that suspensions, revocations or
20 convictions arising out of the same incident or occurrence shall be counted as one.”.

21 **3.** Page 4, line 15: after that line insert:

22 “**SECTION 5b.** 346.65 (2) (bm) of the statutes is amended to read:

23 346.65 (2) (bm) In any county that opts to offer a reduced minimum period of
24 imprisonment for the successful completion of a probation period that includes

1 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
2 and 940.25 in the person's lifetime, plus the total number of suspensions,
3 revocations, and other convictions counted under s. 343.307 (1) ~~within a 10-year~~
4 ~~period~~, equals 2, except that suspensions, revocations, or convictions arising out of
5 the same incident or occurrence shall be counted as one, the fine shall be the same
6 as under par. (am) 2., but the period of imprisonment shall be not less than 5 days,
7 except that if the person successfully completes a period of probation that includes
8 alcohol and other drug treatment, the period of imprisonment shall be not less than
9 5 nor more than 7 days. A person may be sentenced under this paragraph or under
10 par. (cm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

11 **SECTION 5d.** 346.65 (2) (dm) of the statutes is amended to read:

12 346.65 (2) (dm) In any county that opts to offer a reduced minimum period of
13 imprisonment for the successful completion of a probation period that includes
14 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
15 and 940.25 in the person's lifetime, plus the total number of suspensions,
16 revocations, and other convictions counted under s. 343.307 (1) equals 4, ~~and par.~~
17 ~~(am) 4m. does not apply~~, except that suspensions, revocations, or convictions arising
18 out of the same incident or occurrence shall be counted as one, the fine and the period
19 of imprisonment shall be the same as under par. (am) ~~4.~~, ~~but the period of~~
20 ~~imprisonment shall be not less than 60 days~~ 5., except that if the person successfully
21 completes a period of probation that includes alcohol and other drug treatment, the
22 period of imprisonment shall be not less than ~~29 days~~ 3 months. A person may be
23 sentenced under this paragraph or under par. (bm) or (cm) or sub. (2j) (bm), (cm), or
24 (cr) or (3r) once in his or her lifetime.

25 **SECTION 5f.** 346.65 (2) (f) 2. of the statutes is amended to read:

1 346.65 (2) (f) 2. If there was a minor passenger under 16 years of age in the
2 motor vehicle at the time of the violation that gave rise to the conviction under s.
3 346.63 (1), the applicable minimum and maximum fines and imprisonment under
4 par. (am) 2. to 7. for the conviction are doubled. An offense under s. 346.63 (1) that
5 subjects a person to a penalty under par. (am) 3., ~~4., 4m.,~~ 5., 6., or 7. when there is
6 a minor passenger under 16 years of age in the motor vehicle is a felony and the place
7 of imprisonment shall be determined under s. 973.02.

8 **SECTION 5h.** 346.65 (2c) of the statutes is amended to read:

9 346.65 (2c) In sub. (2) (am) 2., 3., ~~4., 4m.,~~ 5., 6., and 7., the time period shall
10 be measured from the dates of the refusals or violations that resulted in the
11 revocation or convictions. If a person has a suspension, revocation, or conviction for
12 any offense under a local ordinance or a state statute of another state that would be
13 counted under s. 343.307 (1), that suspension, revocation, or conviction shall count
14 as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., ~~4., 4m.,~~ 5.,
15 6., and 7.

16 **SECTION 5j.** 346.65 (2g) (a) of the statutes is amended to read:

17 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)
18 to provide that a defendant perform community service work for a public agency or
19 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.
20 (2) (am) 2., 3., ~~4., 4m.,~~ and 5., (f), and (g) and except as provided in par. (ag), the court
21 may provide that a defendant perform community service work for a public agency
22 or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub.
23 (2) (am) 1. or may require a person who is subject to sub. (2) to perform community
24 service work for a public agency or a nonprofit charitable organization in addition
25 to the penalties specified under sub. (2).

1 **SECTION 5L.** 346.65 (2g) (ag) of the statutes is amended to read:

2 346.65 **(2g)** (ag) If the court determines that a person does not have the ability
3 to pay a fine imposed under sub. (2) (am) 2., 3., ~~4., 4m.,~~ or 5., (f), or (g), the court shall
4 require the defendant to perform community service work for a public agency or a
5 nonprofit charitable organization in lieu of paying the fine imposed or, if the amount
6 of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the
7 fine. Each hour of community service performed in compliance with an order under
8 this paragraph shall reduce the amount of the fine owed by an amount determined
9 by the court.

10 **SECTION 5n.** 346.65 (2j) (am) 2. of the statutes is amended to read:

11 346.65 **(2j)** (am) 2. Except as provided in pars. (bm) and (d), shall be fined not
12 less than \$300 nor more than \$1,000 and imprisoned for not less than 5 days nor more
13 than 6 months if the number of prior convictions under ss. 940.09 (1) and 940.25 in
14 the person's lifetime, plus the total number of other convictions, suspension, and
15 revocations counted under s. 343.307 (2) ~~within a 10-year period~~, equals 2.

16 **SECTION 5p.** 346.65 (2j) (bm) of the statutes is amended to read:

17 346.65 **(2j)** (bm) In any county that opts to offer a reduced minimum period of
18 imprisonment for the successful completion of a probation period that includes
19 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
20 and 940.25 in the person's lifetime, plus the total number of suspensions,
21 revocations, and other convictions counted under s. 343.307 (1) ~~within a 10-year~~
22 ~~period~~, equals 2, except that suspensions, revocations, or convictions arising out of
23 the same incident or occurrence shall be counted as one, the fine shall be the same
24 as under par. (am) 2., but the period of imprisonment shall be not less than 5 days,
25 except that if the person successfully completes a period of probation that includes

1 alcohol and other drug treatment, the period of imprisonment shall be not less than
2 5 nor more than 7 days. A person may be sentenced under this paragraph or under
3 par. (cm) or (cr) or sub. (2) (bm), (cm), or (dm) or (3r) once in his or her lifetime.

4 **SECTION 5r.** 346.65 (2j) (cr) of the statutes is amended to read:

5 346.65 **(2j)** (cr) In any county that opts to offer a reduced minimum period of
6 imprisonment for the successful completion of a probation period that includes
7 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)
8 and 940.25 in the person's lifetime, plus the total number of suspensions,
9 revocations, and other convictions counted under s. 343.307 (1) equals 4, ~~and sub. (2)~~
10 ~~(am) 4m. does not apply~~, except that suspensions, revocations, or convictions arising
11 out of the same incident or occurrence shall be counted as one, the fine shall be the
12 same as under par. (am) 3., but the period of imprisonment shall be not less than 60
13 days, except that if the person successfully completes a period of probation that
14 includes alcohol and other drug treatment, the period of imprisonment shall be not
15 less than 29 days. A person may be sentenced under this paragraph or under par.
16 (bm) or (cm) or sub. (2) (bm), (cm), or (dm) or (3r) once in his or her lifetime.”.

17 **4.** Page 4, line 24: after that line insert:

18 **“SECTION 6t.** 346.65 (7) of the statutes is amended to read:

19 346.65 **(7)** A person convicted under sub. (2) (am) 2., 3., ~~4., 4m.,~~ 5., 6., or 7. or
20 (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than a
21 48-consecutive-hour period.”.

22 **5.** Page 5, line 12: after that line insert:

23 **“SECTION 7m.** 973.09 (2) (am) of the statutes is repealed.”.

