



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa3146/1
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**ASSEMBLY AMENDMENT 1,
TO 2005 SENATE BILL 530**

May 4, 2006 – Offered by COMMITTEE ON CRIMINAL JUSTICE AND HOMELAND SECURITY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 8: after that line insert:

3 “**SECTION 1m.** 346.65 (2) (b) of the statutes, as affected by 2005 Wisconsin Act
4 (this act), is amended to read:

5 346.65 **(2)** (b) Except as provided in ~~pars. (b) and par.~~ (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 **2.** Page 2, line 19: after “lifetime” insert “, and only if the underlying offense
13 is related to the person’s use of alcohol”.

1 **3.** Page 2, line 19: after that line insert:

2 “**SECTION 2m.** 346.65 (2) (bm) of the statutes, as created by 2005 Wisconsin Act
3 (this act), is repealed.”

4 **4.** Page 3, line 7: after that line insert:

5 “**SECTION 3m.** 346.65 (2) (c) of the statutes, as affected by 2005 Wisconsin Act
6 (this act), is amended to read:

7 346.65 (2) (c) Except as provided in pars. ~~(em)~~, (f), and (g), shall be fined not
8 less than \$600 nor more than \$2,000 and imprisoned for not less than 30 days nor
9 more than one year in the county jail if the number of convictions under ss. 940.09
10 (1) and 940.25 in the person’s lifetime, plus the total number of suspensions,
11 revocations, and other convictions counted under s. 343.307 (1), equals 3, except that
12 suspensions, revocations, or convictions arising out of the same incident or
13 occurrence shall be counted as one.”

14 **5.** Page 3, line 18: after “lifetime” insert “, and only if the underlying offense
15 is related to the person’s use of alcohol”.

16 **6.** Page 3, line 18: after that line insert:

17 “**SECTION 4m.** 346.65 (2) (cm) of the statutes, as created by 2005 Wisconsin Act
18 (this act), is repealed.”

19 **7.** Page 3, line 24: after that line insert:

20 “**SECTION 5m.** 346.65 (2j) (b) of the statutes, as affected by 2005 Wisconsin Act
21 (this act), is amended to read:

22 346.65 (2j) (b) Except as provided in pars. ~~(bm)~~ and par. (d), shall be fined not
23 less than \$300 nor more than \$1,000 and imprisoned for not less than 5 days nor more
24 than 6 months if the number of prior convictions under ss. 940.09 (1) and 940.25 in

1 the person’s lifetime, plus the total number of other convictions, suspension, and
2 revocations counted under s. 343.307 (2) within a 10–year period, equals 2.”.

3 **8.** Page 4, line 10: after “lifetime” insert “, and only if the underlying offense
4 is related to the person’s use of alcohol”.

5 **9.** Page 4, line 10: after that line insert:

6 “**SECTION 6m.** 346.65 (2j) (bm) of the statutes, as created by 2005 Wisconsin Act
7 (this act), is repealed.”.

8 **10.** Page 4, line 16: after that line insert:

9 “**SECTION 7m.** 346.65 (2j) (c) of the statutes, as affected by 2005 Wisconsin Act
10 (this act), is amended to read:

11 346.65 (**2j**) (c) Except as provided in ~~pars. (em) and par.~~ (d), shall be fined not
12 less than \$600 nor more than \$2,000 and imprisoned for not less than 30 days nor
13 more than one year in the county jail if the number of convictions under ss. 940.09
14 (1) and 940.25 in the person’s lifetime, plus the total number of other convictions,
15 suspensions, and revocations counted under s. 343.307 (2), equals 3 or more.”.

16 **11.** Page 5, line 2: after “lifetime” insert “, and only if the underlying offense
17 is related to the person’s use of alcohol”.

18 **12.** Page 5, line 2: after that line insert:

19 “**SECTION 8m.** 346.65 (2j) (cm) of the statutes, as created by 2005 Wisconsin Act
20 (this act), is repealed.”.

21 **13.** Page 5, line 11: after that line insert:

22 “**SECTION 9m.** 346.65 (3m) of the statutes, as affected by 2005 Wisconsin Act
23 (this act), is amended to read:

1 346.65 (3m) ~~Except as provided in sub. (3r), any~~ Any person violating s. 346.63
2 (2) or (6) shall be fined not less than \$300 nor more than \$2,000 and may be
3 imprisoned for not less than 30 days nor more than one year in the county jail. If
4 there was a minor passenger under 16 years of age in the motor vehicle at the time
5 of the violation that gave rise to the conviction under s. 346.63 (2) or (6), the offense
6 is a felony, the applicable minimum and maximum fines or periods of imprisonment
7 for the conviction are doubled and the place of imprisonment shall be determined
8 under s. 973.02.”.

9 **14.** Page 5, line 23: after “lifetime” insert “, and only if the underlying offense
10 is related to the person’s use of alcohol”.

11 **15.** Page 5, line 23: after that line, before the material inserted by senate
12 amendments 1 and 2, insert:

13 “**SECTION 10b.** 346.65 (3r) of the statutes, as created by 2005 Wisconsin Act ...
14 (this act), is repealed.”.

15 **16.** Page 5, line 23: after that line, after the material inserted by senate
16 amendments 1 and 2, insert:

17 “**SECTION 10n.** 346.65 (8) of the statutes, as created by 2005 Wisconsin Act ...
18 (this act), is repealed.”.

19 **17.** Page 6, line 5: after that line, delete the material inserted by senate
20 amendment 1.

21 **18.** Page 6, line 5: after that line, after the material inserted by senate
22 amendment 2, insert:

23 “**SECTION 11n.** 973.11 (1) (intro.) of the statutes, as affected by 2005 Wisconsin
24 Act ... (this act), is amended to read:

1 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
2 no contest to one or more misdemeanors for which either mandatory periods of
3 imprisonment are not required ~~or the person is sentenced under s. 346.65 (2) (bm)~~
4 ~~or (cm), (2j) (bm) or (cm), or (3r)~~, if the chief judge of the judicial administrative
5 district has approved a volunteers in probation program established in the
6 applicable county, and if the court decides that volunteer supervision under the
7 program will likely benefit the person and the community and subject to the
8 limitations under sub. (3), the court may withhold sentence or judgment of conviction
9 and order that the person be placed with that volunteers in probation program. A
10 person's participation in the program may not be used to conceal, withhold, or mask
11 information regarding the judgment of conviction if the conviction is required to be
12 included in a record kept under s. 343.23 (2) (a). Except as provided in sub. (3), the
13 order shall provide any conditions that the court determines are reasonable and
14 appropriate and may include, but need not be limited to, one or more of the
15 following:".

16 **19.** Page 6, line 8: after that line insert:

17 **"SECTION 12m. Effective dates.** This act takes effect on the day after
18 publication, except as follows:

19 (1) The treatment of sections 346.65 (2) (b) (by SECTION 1m) and (c) (by SECTION
20 3m), (2j) (b) (by SECTION 5m) and (c) (by SECTION 7m), and (3m) (by SECTION 9m) and
21 973.11 (1) (intro.) (by SECTION 11n) of the statutes and the repeal of sections 346.65
22 (2) (bm) and (cm), (2j) (bm) and (cm), (3r), and (8) of the statutes take effect on the
23 first day of the 72nd month beginning after publication."

24 **(END)**