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State of Misconsin 2015 - 2016 LEGISLATURE

LRBa2003/1 PJH:emw

ASSEMBLY AMENDMENT 1, TO ASSEMBLY BILL 839

February 9, 2016 - Offered by Representative Schraa.

At the locations indicated, amend the bill as follows:

1. Page 2, line 1: before that line insert:

"Section 1d. 165.957 (4) (a) 1. of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

165.957 (4) (a) 1. The person is ordered by a judge or by the department of corrections as a condition of <u>release under s. 969.01 (1)</u>, probation or deferred prosecution, release to parole, or release to extended supervision, to refrain from using alcohol or a controlled substance, and whose participation in the program is ordered by the judge or by the department of corrections as a condition of <u>release under s. 969.01 (1)</u>, probation, release to parole, or release to extended supervision.

Section 1k. 165.957 (4) (a) 2. of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

165.957 (4) (a) 2. The person agrees to refrain from using alcohol or a controlled substance while he or she is on release under s. 969.01 (1), on probation, participating in a deferred prosecution agreement, or on parole or extended supervision and volunteers to participate in the program even though his or her participation is not ordered by a judge or by the department of corrections as a condition of release pursuant to s. 969.01 (1), probation or deferred prosecution, or release to parole or to extended supervision.

SECTION 1n. 165.957 (4) (c) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

165.957 (4) (c) The program informs a participant that, if he or she fails to appear for a scheduled test or if his or her test results indicate that the participant used alcohol or a controlled substance, he or she may be placed under immediate arrest and referred to the department of corrections and to the appropriate prosecuting agency for violating a condition of his or her release under s. 969.01 (1), probation or deferred prosecution, or of his or her release to parole or extended supervision.".

- **2.** Page 2, line 18: after "order" insert ", unless the order restricts the person's operating privilege while he or she participates in the program".
- **3.** Page 3, line 18: after after "order" insert ", unless the order restricts the person's operating privilege while he or she participates in the program".
- **4.** Page 4, line 13: after "program," insert "or while the person participates in the program and for the additional period of time under sub. (2m) (b),".
- **5.** Page 5, line 6: after "2." insert "that does not restrict a person's operating privilege while he or she participates in a program".

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- **6.** Page 5, line 7: delete "a person" and substitute "the person".
- 7. Page 5, line 12: after "year." insert "If the court enters an order under sub. (1g) (am) 2. that restricts a person's operating privilege while he or she participates in a program, the court shall order that the time period for which the person's operating privilege is restricted under sub. (1g) (am) 2. equals not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation, except that if the maximum operating privilege revocation period is less than one year, the time period shall equal one year."
- **8.** Page 5, line 16: after "ends" insert "or while the person completes the program and for the additional period of time required under this paragraph".
- **9.** Page 5, line 17: delete the material beginning with "his" and ending with "ends" on line 18 and substitute "the date on which installation of the ignition interlock device is required under the order".

14 (END)