



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 116

Senate Amendments 1 and 3

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Current law provides that a person operating a motor vehicle while under the influence of an intoxicant or other drug will be guilty of a Class H felony for a fifth or subsequent conviction. The maximum punishment for this conviction is a \$10,000 fine, a term of confinement of three years, and a term of extended supervision of three years. Also, current law generally provides that a person convicted of this crime will be subject to a \$355 drunk driving surcharge. This amount is distributed in the following approximate amounts: \$218 to the county in which the conviction takes place; \$137 to a state general appropriation for drivers' services; and \$5 to the Safe-Ride Program from the state appropriation. [See, for example, ss. 20.435 (6) (hx), 346.65 (2) (am) 5., and 346.655, Stats.]

Senate Bill 116 provides that the Class H felony will apply to a person convicted a fifth or sixth time for operating a motor vehicle while under the influence of an intoxicant or other drug. A person convicted for a seventh, eighth, or ninth time, will be guilty of a Class G felony, which has a maximum punishment of a \$25,000 fine, a term of imprisonment of five years, and a term of extended supervision of five years. A person convicted a 10th or subsequent time will be guilty of a Class F felony, which has a maximum penalty of a \$25,000, a term of imprisonment of 7.5 years, and a term of extended supervision of five years.

Senate Amendment 1 provides that the law will first apply to violations committed on the effective date of the enactment, but does not preclude counting prior convictions.

Senate Amendment 3 increases the drunk driving surcharge to \$365 and distributes it, approximately, by sending \$219 to the county of conviction, \$146 to the state, and \$14 to the Safe-Ride Program from the state appropriation.

Legislative History

On December 4, 2007, the Senate Committee on Judiciary, Corrections, and Housing adopted Senate Amendments 1 and 3 and recommended Senate Bill 116 for passage, as amended, all on votes of Ayes, 5; Noes, 0.

RS:ksm