



2001 SENATE BILL 324

November 21, 2001 – Introduced by Senators DECKER and BRESKE, cosponsored by Representatives MUSSER and F. LASEE. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT** *to create* 175.50 of the statutes; **relating to:** passive alcohol sensors.

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate a motor vehicle, a snowmobile, or an all-terrain vehicle while under the influence of an intoxicant or with a blood or breath alcohol concentration in excess of a certain level. This bill prohibits a law enforcement officer from using a passive alcohol sensor for the purpose of detecting alcohol in a person's breath unless the person consents to its use. The bill defines "passive alcohol sensor" as a device that is used to determine the presence of alcohol in the air but that does not require a person to breathe directly into it through a mouthpiece, tube, or similar device.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 175.50 of the statutes is created to read:

3 **175.50 Use of passive alcohol sensors.** (1) In this section:

4 (a) "Law enforcement officer" means a Wisconsin law enforcement officer, as
5 defined in s. 175.46 (1) (g).

SENATE BILL 324**SECTION 1**

1 (b) "Passive alcohol sensor" means a device that is used to determine the
2 presence of alcohol in the air but that does not require a person to breathe directly
3 into it through a mouthpiece, tube, or similar device.

4 (2) A law enforcement officer may not use a passive alcohol sensor for the
5 purpose of detecting the presence of alcohol in a person's breath unless the person
6 consents to its use.

7 (END)