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Good Morning Assembly Judiciary Committee members. Thank you for hearing my testimony on Assembly Bill 536.

As you know, drunk driving continues to be a serious problem in Wisconsin, with an average of 200 persons killed each year on Wisconsin's roads and thousands more injured. These people are innocent victims killed while crossing the street, biking or driving when a drunk driver crosses the center line and hits them head on.

Assembly Bill 536 increases the penalties for repeat drunk drivers by combining elements of Assembly Bills 444 and 447. Fourth offense OWI will be charged as a felony regardless of when it occurs. Under current law the fourth offense is only considered a felony if it occurs within five years of the third offense.

Under this bill each subsequent offense beyond the fourth is increased by one felony level. So fifth and sixth offenses would increase from class H felonies to class G, and sixth, seventh and eight from a G to an F, and so on.

In addition, this bill repeals the specific definition of "injury" in OWI cases, so that prosecutors also will be able to charge for injuries that do not involve broken bones or the requirement of stitches.

I realize that tougher penalties alone will not solve the drunk driving problem in Wisconsin, but I firmly believe that this is at least a part of the solution, and a part that we as legislators can work on. It will give judges the ability to impose significantly harsher penalties on repeat drunk drivers.

Members of this committee have shown a willingness to support bills that toughen OWI laws in the past. I hope you will join me in supporting AB 536.

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

TESTIMONY BEFORE THE ASSEMBLY COMMITTEE ON JUDICIARY

Assembly Bill 536

Senator Alberta Darling

December 17, 2015

Thank you Chairman Ott and committee members for holding a public hearing this morning on Assembly Bill 536. The legislation before you will eliminate the 4th offense look back period and increases the penalties for subsequent drunk driving offenses.

As many of you know, the drinking culture in our state has always been prevalent. Considering Wisconsin's drinking culture it is alarming that the penalties we have in place are less severe than most of our surrounding states. Many of our penalties for driving drunk do not match the severity of the crime.

One aspect of AB 536 I want to highlight is the elimination of the fourth offense look back period. One of the most significant developments in Wisconsin's OWI laws over the past 25 years is the development of lifetime counting.

Prior to the 1990's, OWI convictions were based on the number of times the offender had been convicted in a five-year period preceding arrest. For this reason, DOT only kept OWI records for roughly 6½ years after the offense date. Eventually the state of Wisconsin moved to a 10 year record keeping policy to give judges a chance to evaluate a person's driving record more thoroughly. During this time courts would impose different sanctions according to the number of prior offenses in the 10 year period preceding arrest.

Wisconsin has moved to a lifetime record keeping process that is currently in place today. However, the lookback periods are still kept in place. I think it is time we updated our approach. It is time for the state of Wisconsin to take drunk driving seriously.

Throughout this hearing, you will hear tragic examples of how the act of operating a vehicle while intoxicated devastates a families. It is my hope that you support our effort and vote to move forward on this legislation.

Additionally, I want to thank Representative Ott for co-authoring Assembly Bill 536. For the past few sessions I have been very lucky to work with a colleague who is equally passionate about changing the culture of driving while drunk in Wisconsin.

Thank you again committee members and have a safe and happy holiday season.