



# WISCONSIN LEGISLATURE

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## **Representative Jacque/Senator Roth bill to close OWI loophole clears State Senate** *Senate Bill 29 clarifies law following SCOTUS Missouri v. McNeely decision*

MADISON – Today, the Wisconsin State Senate passed Senate Bill 29, authored by Representative André Jacque (R-De Pere) and Senator Roger Roth (R-Appleton), by voice vote, sending the bill to the Assembly.

“By not having the ability to determine a blood alcohol concentration level, prosecutors have seen increases in costly litigation and more difficult convictions,” said Representative Jacque. “This bill strengthens Wisconsin’s OWI laws and will help keep drunk drivers off our roads.”

“This is common sense legislation to assist law enforcement and work to curb drunk driving,” Senator Roth said. “I was glad to work with my Assembly colleague to make Wisconsin a safer place to live and raise a family.”

The legislation was drafted at the request of local law enforcement following a recent U.S. Supreme Court ruling in *Missouri v. McNeely*. The decision ruled that law enforcement must obtain a search warrant to draw blood from an individual arrested for operating a vehicle while intoxicated. However, in Wisconsin a search warrant can only be obtained for the seizure of contraband or evidence for a crime. Because first offense OWI is not a crime in Wisconsin, officers have been advised against getting a warrants for a blood draw, denying prosecutors what is often their best evidence: a blood alcohol concentration level. Senate Bill 29 allows a court, upon finding probable cause, to authorize a search warrant in the case of a first offense operating while intoxicated.

The bi-partisan legislation is supported by a coalition of groups, including Mothers Against Drunk Driving, Wisconsin Chiefs of Police Association, and the Association of State Prosecutors. A vote on companion legislation is scheduled for tomorrow in the Assembly Committee on Judiciary.

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