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STATE REPRESENTATIVE • TWENTY FIFTH ASSEMBLY DISTRICT

Issue Summary #1
February 3, 2003

.08 FIRST OFFENSE OWI LAW

Background Information:

According to the Wisconsin Department of Transportation January 2003 Issue Paper, the U.S. DOT's 2001 Appropriation Act (HR 4475) requires states to lower the legal limit for an OWI first offense to .08 BAC (blood alcohol concentration) by September 30, 2003, in order to receive the full share of federal highway funds. Failure to enact conforming legislation by July 15, 2003 (effective by September 30, 2003) would subject Wisconsin to an annual increasing series of withholdings in federal highway construction funds.

Rep. Ziegelbauer's View:

I do not support lowering the BAC to .08 despite the obvious reality of the Federal DOT cash mandate, which all but forces states like Wisconsin to comply. I oppose it because I see it as mostly "feel good" legislation that will have little real impact on the problem. Local law enforcement professionals understand very well that the problem of drinking drivers is most acute among a relatively small number of serious offenders who are repeatedly driving with BAC levels well in excess of the current standards.

The danger of drinking drivers is not one to be minimized. I support strong deterrent penalties, especially for repeat violators who really are the crux of the problem. However in my view, criminalizing the behavior of multitudes of otherwise law-abiding citizens is counterproductive to the goal of safe roads, and further risks undermining that important relationship between a free people and their police.

As you might guess, proposals like these hit home for me as examples of what is becoming a very troubling trend, one that I am very concerned about. The movement toward enacting into law proposals that merely sound good but are actually quite ineffective while undermining personal responsibility hurts us all.

As always, I appreciate hearing from you and the opportunity to exchange views on issues of importance to you.

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