



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4973/P1  
EVM:emw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to repeal** 343.301 (1g) (a) 2. a. and 343.301 (1g) (a) 2. b.; **to renumber**  
2             **and amend** 343.301 (1g) (a) 2. (intro.); and **to amend** 165.957 (3) (a), 165.957  
3             (4) (a) 2., 165.957 (4) (b) 2. and 165.957 (4) (b) 2m. of the statutes; **relating to:**  
4             requiring an ignition interlock device to be installed for committing a drunken  
5             driving offense.

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***Analysis by the Legislative Reference Bureau***

This bill requires a court to order the operating privileges of a person who commits any OWI offense, regardless of his or her alcohol concentration, to be restricted to operating vehicles that are equipped with an ignition interlock device.

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

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

6             **SECTION 1.** 165.957 (3) (a) of the statutes is amended to read:  
7             165.957 (3) (a) A standard for frequent testing for the use of alcohol or a  
8             controlled substance that is an alternative to the testing described in sub. (4) (b) 1.

1 This paragraph does not apply to testing required pursuant to an order under s.  
2 343.301 (1g) (am) 2. that a court imposes on a person who ~~meets the criteria under~~  
3 ~~s. 343.301 (1g) (a) 2. b. has a total of one or more prior convictions, suspensions, or~~  
4 ~~revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person's~~  
5 ~~lifetime and other convictions, suspensions, and revocations counted under s.~~  
6 ~~343.307 (1).~~

7 **SECTION 2.** 165.957 (4) (a) 2. of the statutes is amended to read:

8 165.957 (4) (a) 2. The person agrees to totally abstain from using alcohol or a  
9 controlled substance while he or she is released on bond, on release under s. 969.01  
10 (1), on probation, participating in a deferred prosecution agreement, or on parole or  
11 extended supervision and agrees to participate in the program even though his or her  
12 participation is not ordered by a judge or by the department of corrections as a  
13 condition of bond, release pursuant to s. 969.01 (1), probation or deferred  
14 prosecution, or release to parole or to extended supervision. This subdivision does  
15 not apply to any person who ~~meets the criteria under s. 343.301 (1g) (a) 2. b. has a~~  
16 ~~total of one or more prior convictions, suspensions, or revocations, counting~~  
17 ~~convictions under ss. 940.09 (1) and 940.25 in the person's lifetime and other~~  
18 ~~convictions, suspensions, and revocations counted under s. 343.307 (1), and who is~~  
19 ~~subject to an order under s. 343.301 (1g) (am) 2.~~

20 **SECTION 3.** 165.957 (4) (b) 2. of the statutes is amended to read:

21 165.957 (4) (b) 2. If the standard for frequent testing described in subd. 1.  
22 creates an unreasonable hardship for the county administering the program, the  
23 program may utilize the standard established by the department of justice under  
24 sub. (3) (a). This subdivision does not apply to any person who ~~meets the criteria~~  
25 ~~under s. 343.301 (1g) (a) 2. b. has a total of one or more prior convictions, suspensions,~~

1 or revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person's  
2 lifetime and other convictions, suspensions, and revocations counted under s.  
3 343.307 (1), and who is subject to an order under s. 343.301 (1g) (am) 2.

4 **SECTION 4.** 165.957 (4) (b) 2m. of the statutes is amended to read:

5 165.957 (4) (b) 2m. Any person who ~~meets the criteria under s. 343.301 (1g) (a)~~  
6 2. b. has a total of one or more prior convictions, suspensions, or revocations, counting  
7 convictions under ss. 940.09 (1) and 940.25 in the person's lifetime and other  
8 convictions, suspensions, and revocations counted under s. 343.307 (1), and who is  
9 subject to an order under s. 343.301 (1g) (am) 2. shall be tested as required under 23  
10 USC 405 (d) (7) (A) (ii) and regulations adopted thereunder.

11 **SECTION 5.** 343.301 (1g) (a) 2. (intro.) of the statutes is renumbered 343.301 (1g)  
12 (a) 2. and amended to read:

13 343.301 (**1g**) (a) 2. The person violated s. 346.63 (1) or (2), 940.09 (1), or 940.25  
14 ~~and either of the following applies:.~~

15 **SECTION 6.** 343.301 (1g) (a) 2. a. of the statutes is repealed.

16 **SECTION 7.** 343.301 (1g) (a) 2. b. of the statutes is repealed.

17 **SECTION 8. Initial applicability.**

18 (1) This act first applies to violations committed on the effective date of this  
19 subsection.

20 (END)