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How new laws could crack down on drunken driving

News Explainer

By Alicia Yager

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The Wisconsin Legislature is on the verge of passing two pieces of legislation aimed at reforming the drinking culture in the state.

Both the Assembly and Senate have drafted bills that would toughen existing penalties and fines against operating while under the influence of an intoxicant.

The proposed changes include making a first OWI offense a felony when a minor under age 16 is in the vehicle and requiring ignition interlocks for repeat offenders or offenders with high blood alcohol contents. The Senate and the Assembly versions differ by criminalizing a recent repeat OWI arrest for the third and fourth offense, respectively.

History of reform

According to Senate President Fred Risser, D-Madison, the Legislature has passed various reforms on OWI legislation over the years.

“We passed something on OWI almost every session,” Risser said. “We have changed penalties and definitions of when a person is considered under the influence; now it’s [a BAC] .08 when it [used to be] .1, and we have increased fines.”

Risser, who has served in the Legislature since 1956, said people have always been against drunken driving. He said the state has tried to pass numerous laws to remedy the problem, but the laws themselves are not at fault for the continued issues with drunken driving. Instead, he said the state needs to change the public attitude toward drinking.

Frank Harris, state policy specialist for the Wisconsin Mothers Against Drunk Driving, said the state has long been notorious for its lax OWI punishments.

“The new proposals are just the start of the future for repealing Wisconsin’s reputation of being lackadaisical on drunken driving,” Harris said.

The bills this session were authored by Rep. Tony Staskunas, D-West Allis, and Sen. Jim Sullivan, D-Wauwatosa. Staskunas and supporters introduced the bill in May, where the Assembly Committee on Public Safety took it up.

The bill passed out of committee after a month of consideration and went on to unanimously pass the Assembly on Sept. 17. Sullivan and fellow bipartisan cosponsors introduced the Senate version a few months sooner in February and turned it over to the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing.

The Senate bill took longer to leave committee, being passed Oct. 7, and is now available for scheduling on the floor.

What’s next?

When asked about whether the bills will be acted on before the end of the floor period Thursday, Risser said he was not sure.

“One thing that is certain about the Legislature is that it is uncertain,” Risser said. “[They] may hit floor and may be amended or referred back to committee. You never know.”

Risser said he thinks the Senate will act on the bill, but the question is whether it will pass this year or will be held until the restart of floor session in January.

Risser also said he does not think Gov. Jim Doyle will decide to extend the floor period just for consideration of the drunken driving reforms.

“You hear talk, but I doubt [Doyle] will lengthen the session for this bill because it’s quite complicated,” Risser said. “There are a lot of changes in law and it has to see its way through the process.”

Carrie Lynch, spokesperson for Senate Majority Leader Russ Decker, D-Schofield, said Decker also anticipates seeing the bill on the agenda for Thursday and having it pass through at that time.

Lynch said the proposed liquor tax increase included in the Senate bill is no longer necessary, as the cost issues with the bill have been resolved.

“Sullivan will offer an amendment to remove the liquor tax part,” Lynch said. “We worked with the Department of Corrections and the Legislative Fiscal Bureau to bring down costs.”

According to Bob Lang, director of the LFB, the costs issues stemmed from varying fiscal estimates on the costs of the bills.

Risser did not agree with the decision to take the liquor tax increase off, saying to pay for the costs incurred by the bill a reliable revenue source needs to be provided.

The Assembly’s version of the bill also ran into major costs issues and currently resides in the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing. The bill was set to be considered by the Joint Committee on Finance last week but was pulled from the agenda for revisions.

Rebekah Sweeney, spokesperson for Assembly Speaker Mike Sheridan, D-Janesville, said the Assembly bill is poised for a Senate vote, but if the Senate changes the bill the Assembly will have to revote on it.

Lynch said both the Senate and Assembly are working closely to pass the Assembly version before the end of the legislative session.

What remains to be accomplished?

Harris said MADD is pleased with the proposals put forth in the Senate and Assembly bills, but he said there are still reforms which need to be made, including requiring ignition interlocks for all offenders, not just those with high BACs on first offense.

Harris said MADD outlined their ideas in a letter to both Staskunas and Sullivan but said there has not been any response.

Harris said the state should also consider allowing law enforcement agencies to set up sobriety checkpoints, like 38 other states have already done, and also making the first OWI offense criminal.

“Wisconsin is the only state that doesn’t do it,” Harris said. “Now it’s a glorified traffic ticket, and how can a state be tough on drunken driving when the first offense is a traffic ticket?”

Risser, however, dismissed the idea of making a first OWI offense a felony, saying it will further congest the court and prison systems and cost the state too much money.

“If you make the first offense a felony, people are going to insist on going to court and clog the courts; if you can get them for misdemeanor then they are pegged,” Risser said.

Despite MADD’s desire for increased reform, Harris said the package is still the most comprehensive reform the Legislature has taken on and the state should be applauded for its efforts.

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