



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1816/1  
EVM:cdc

## 2019 BILL

1     **AN ACT** *to amend* 345.24 (1) of the statutes; **relating to:** release of person after  
2             arrest for operating a motor vehicle while intoxicated.

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*Analysis by the Legislative Reference Bureau*

Under current law, if a person is arrested for operating a motor vehicle while under the influence of an intoxicant or with a prohibited alcohol concentration, the person is taken into custody by a law enforcement officer. The arrested person may not be released until 12 hours have elapsed from the time of the arrest, or until a chemical test shows that the person has an alcohol concentration of 0.04 or less, except that the person may be released to a responsible adult at any time. This bill eliminates the option of releasing the person to a responsible adult.

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:*

3             **SECTION 1.** 345.24 (1) of the statutes is amended to read:  
4             345.24 (1) A person arrested under s. 346.63 (1) or (5) or an ordinance in  
5             conformity therewith or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense  
6             involved the use of a vehicle, may not be released until 12 hours have elapsed from

**BILL**

**SECTION 1**

1 the time of his or her arrest or unless a chemical test administered under s. 343.305  
2 shows that the person has an alcohol concentration of less than 0.04, ~~but the person~~  
3 ~~may be released to his or her attorney, spouse, relative or other responsible adult at~~  
4 ~~any time after arrest.~~

5 (END)