



# JIM OTT

STATE REPRESENTATIVE • 23<sup>rd</sup> ASSEMBLY DISTRICT

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P.O. Box 8953  
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Good Morning Committee members.

Thank you for hearing my testimony on Assembly Bill 71, and its Senate companion, SB 60, which would make third offense OWI a felony in Wisconsin.

Under current law in Wisconsin, an OWI conviction only becomes a felony, punishable by more than a year in prison, for a fourth offense if it occurs within five years of the third conviction.

So consider the following: A driver who is arrested for first offense OWI in Wisconsin only faces a civil forfeiture. If the same driver is arrested for a second offense OWI, and it occurs more than ten years after the first conviction, the driver would again face a civil forfeiture. Only upon the third offense would that driver face a criminal misdemeanor conviction.

If the same driver was arrested for a fourth offense OWI and it occurred more than five years after the third offense conviction, the driver would again face a criminal misdemeanor. Only after a fifth conviction could this driver be convicted of a felony.

So in our state it's possible to have four convictions for OWI within slightly more than fifteen years and only be found guilty of two civil forfeitures and two criminal misdemeanors. And if in this case the second conviction is less than ten years after the first, the total would be one civil forfeiture and three criminal misdemeanors. In this case the four convictions could occur within a little more than five years.

Since repeat drunk driving is a serious problem in Wisconsin, it's obvious that our current laws do not sufficiently deter this bad and dangerous behavior.

Making third offense a felony in Wisconsin would not make our laws out of line compared to other states. Currently in four states second offense OWI can result in a felony conviction and in 21 states third offense could result in a felony conviction.

Research has shown that before a person is arrested for first offense OWI they have probably driven drunk 70 to 80 times. That means that by the third offense arrest the person has probably driven drunk hundreds of times.

My purpose in introducing this bill is simple: By the time a person is convicted of a second offense OWI they have shown a pattern of behavior that is dangerous to themselves and other. We can send a strong message to anyone who chooses to get behind the wheel while impaired: If you convicted for OWI twice in Wisconsin, the next time you are facing a felony. Deal with your problem now or next time you will be a felon.



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Good Morning Committee members and thank you for hearing my testimony today on Assembly Bill 69 and its companion Senate bill SB 56.

While we often focus on those cases in which a victim is killed in a drunk driving crash, we hear very little about injury cases. Once the initial account of a serious injury accident is reported in the newspaper or on TV, the victims of these crashes are rarely heard from. But the fact is, the convalescence period may go on for months or even years, and in many cases the victims face disabilities for the rest of their lives.

I have heard from victims who have been hit by drunk drivers who were fleeing police officers, had their automobiles totaled, lost substantial time from work, spent time in the hospital, and still suffer from pain and other problems related to their injuries.

Current law in Wisconsin recognizes three classes of injury as detailed in Wis. Stats 939.22: bodily harm, substantial bodily harm and great bodily harm. While the maximum penalty for causing the most severe injury, great bodily harm, is a Class H felony, in general the greatest mandatory minimum sentence for causing injury is 30 days in jail.

As with homicide while OWI, many judges sentence appropriately in cases in which drunk drivers cause injury to others. However, in some cases the perpetrator is given a relatively light sentence for causing an injury that forever alters the life of an innocent victim.

This bill will insure appropriate sentences by establishing the following mandatory minimums in injury related OWI crashes:

- For causing bodily harm while intoxicated: six months in jail.
- For causing substantial bodily harm: 2 years in prison.

For causing great bodily harm (which includes causing serious permanent disfigurement or which causes a permanent or protracted loss of the function of any bodily member or organ ): 3 years in prison.

The judge will be given discretion to impose lighter sentences in cases in which the injured person was a passenger in the automobile of the drunk driver and if the court finds that the best interest of the community will be served and the public will not be harmed.

Those injured in drunk driving crashes are often subject to a life of pain and even disability. This bill will send a strong message to those who choose to drive while impaired: If you injure someone while driving drunk in Wisconsin you are going to spend a substantial amount of time incarcerated.



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Good Morning Committee members. Thank you for holding this hearing on Assembly Bill 70 and its Senate companion, SB 59.

Over the past ten years an average of about 200 Wisconsin residents have died each year as a result of alcohol related crashes. In some cases it was the drunk driver themselves who perished, but in others it was a passenger in the vehicle with the drunk driver, or a totally innocent third party in another vehicle, on a bicycle or someone simply crossing the street or walking along the road.

That's what happened in two separate crashes last Christmas in southeast Wisconsin in which a passenger died in each vehicle hit by drunk drivers who crossed the center line, causing a head-on crash. There is absolutely no excuse for these sorts of crashes in which a person in the prime of life is killed by someone who should not be driving. The effects on family members are difficult to imagine as children lose parents, parents lose children and husbands and wives lose spouses.

Under current law someone convicted of homicide while OWI in Wisconsin faces a maximum sentence of anywhere from 25 to 40 years in prison, and in many cases judges use the law to appropriately sentence such perpetrators. However, there is no mandatory minimum sentence, and the result is that in some cases perpetrators have been given extremely light sentences considering the gravity of the offense.

This bill would insure that those convicted of homicide while OWI will face an appropriate sentence, by establishing a mandatory minimum of ten years in prison. The judge would be given the discretion of a shorter sentence in cases in which the deceased person was a passenger in the automobile of the drunk driver if it the court finds that the best interest of the community will be served and the public will not be harmed.

One question that will arise in such cases is this: What about the situation in which two automobiles collide and both drivers were drunk? Why should the surviving driver face ten years in prison if the deceased driver was also driving drunk? The answer is simple: The district attorney can decide which charge is appropriate for the surviving driver, and the other driver is dead.

Too many lives and families have been destroyed by drunk drivers in Wisconsin. No law we pass can ever bring those who have died back, but at least we can let those who survive know that we acknowledge the gravity of their loss. And we can send a strong message to those who cause such crashes: If you kill someone with an automobile while driving drunk in Wisconsin, you are going to prison for a long time.



# Alberta Darling

Wisconsin State Senator  
Member, Joint Committee on Finance

## DRUNK DRIVING REFORMS TESTIMONY

Thank you Committee members for your time.

Wisconsin has a drunk driving problem and it is time our laws reflected that. We haven't updated our laws in four years. It's clear that more needs to be done to make sure consequences are more serious, people get help sooner, and there are less "do-overs."

While I'm excited that Wisconsin ranks second in the nation in economic growth of any state in the nation over the next six months, I'm very concerned that we rank number one in binge drinking.

More than 600-thousand people in Wisconsin have at least one OWI – that's a larger population than the city of Milwaukee. One hundred eighty-three thousand people are repeat offenders – more than the population of Racine and Kenosha combined. Seventy-one thousand people have 3 OWI's – more than the population of Waukesha.

Over the last ten years, 3,000 people have been killed and nearly 54,000 injured in alcohol related crashes. The average blood alcohol content is .17. Our bills target those who injure and kill people while driving drunk and repeat drunk drivers. For too long, we've looked the other way and protected drunk drivers from their crimes.

We need to stand up for the victims and their families. The bills offered by Representative Ott and myself will help get drunk drivers off our roads sooner and make sure they don't get off the hook. Wisconsin currently has no minimum sentences for injuring or killing someone from drunken driving. The victims of drunk driving and their families deserve better.

I realize that driving while impaired is a complex issue and that passing tougher drunk driving laws alone will not eliminate the problem of impaired drivers on our roads. However, it is an important starting point. Wisconsin has a drunk driving problem - in part because our laws have allowed it to happen. It's time to change our attitude toward drinking and driving, to stand up for victims, and make sure alcoholics get the help they need. It's our hope that these changes will be a huge step in that direction.

I believe these bills are an important first step in tackling our state's drunk driving problem, I am working on ways to help change behaviors. I'm looking at ways to expand treatment alternatives including using biomarkers and OWI courts within counties. Waukesha and Dane County have already had success using these courts.

Thank you for your time. I will gladly answer any questions you may have.

# Alberta Darling

Wisconsin State Senator  
Member, Joint Committee on Finance

## Drunk Driving Reforms Summary

### SB 56/AB 69 - OWI Injury

#### Current Law:

- \$300-\$2,000 fine and/or 30 days to 1 year imprisonment
- If Minor in Vehicle: Felony, \$600-\$4,000 fine and/or 60 days to 2 years imprisonment
- No Prior OWI: Sentence can be reduced with completion of treatment program
- Prior OWI: Class H Felony, Fine up to \$10,000 and/or up to 6 years imprisonment
- If Minor is in Vehicle, plus OWI: Felony, Fine up to \$20,000 and/or up to 12 years imprisonment
- Great Bodily Harm: Class F Felony, Fine up to \$25,000 and/or 12.5 years imprisonment

#### SB56/AB 69:

- Adds minimum of 6 months imprisonment the option for less if person killed was a passenger in defendant's vehicle. Court must provide reasoning in writing if minimum not issued.
- Substantial Bodily Harm: Class H Felony, must serve 2 years imprisonment
- Great Bodily Harm: Class F Felony, must serve 3 years imprisonment
- If Minor in Vehicle: Felony, \$600-\$4,000 fine and/or 60 days to 2 years imprisonment
- Prior OWI: Class H Felony, must serve 1 year in prison, if substantial bodily harm 3 years imprisonment
- If Minor in Vehicle with Prior OWI: Felony, Fine up to \$20,000 and/or up to 12 years imprisonment
- Eliminates ability to receive reduced sentence for completing a treatment program

### SB 59/AB 70 - OWI Homicide

#### Current Law

- No prior OWI: License suspended, Class D Felony, Up to \$100,000 fine and/or 25 years imprisonment
- Prior OWI: License suspended, Class C Felony, Up to \$100,000 fine and/or 40 years imprisonment

#### SB 59/AB 70

- Adds minimum of 10 years with the option for less if person killed was a passenger in defendant's vehicle. Court must provide reasoning in writing if minimum not issued.

### SB 60/AB 71 - 3<sup>rd</sup> OWI Felony

- Makes 3<sup>rd</sup> OWI a Class H Felony (\$600 Fine, 45 days jail minimum), instead of 4<sup>th</sup>
- Makes 4<sup>th</sup> OWI a Class G Felony (\$600, 3 year minimum), if within 5 years of prior
- Makes 5<sup>th</sup> OWI a Class G Felony (\$600, 3 year minimum), instead of 7<sup>th</sup>
- Makes 7<sup>th</sup> OWI a Class F Felony (3 year jail minimum), instead of 10<sup>th</sup>
- Makes 10<sup>th</sup> OWI a Class E Felony (4 year jail minimum)



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## WISCONSIN LEGISLATIVE COUNCIL

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Terry C. Anderson, Director  
Laura D. Rose, Deputy Director

TO: SENATOR ALBERTA DARLING

FROM:   
David Moore, Staff Attorney

RE: Summary of Bills You Are Authoring, Relating to Penalties for Operating While Intoxicated

DATE: March 29, 2013

This memorandum, prepared at your request, summarizes six bills you are authoring, relating to penalties for operating while intoxicated (OWI). OWI offenses include operating a vehicle while under the influence of an intoxicant and operating with a prohibited blood-alcohol concentration (BAC).<sup>1</sup> In most circumstances, the prohibited BAC is 0.08.

### **2013 SENATE BILL 56**

Under *current law*, causing injury to another person by the intoxicated operation of a vehicle is a misdemeanor, punishable by a fine of \$300 to \$2,000,<sup>2</sup> imprisonment for 30 days to one year, or both. If there was a passenger under 16 years of age in the vehicle at the time of the violation, the offense is a felony and the applicable minimum and maximum fines or periods of imprisonment are doubled. Under current law, a person may receive a shorter jail sentence if he or she completes a period of probation that includes successful completion of alcohol or drug counseling.

*Senate Bill 56* increases the penalties for causing injury by the intoxicated operation of a vehicle. The bill creates a variety of penalties for this crime depending on the severity of the

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<sup>1</sup> Generally, the prohibition against OWI is against operating under the influence of an intoxicant, a controlled substance, a controlled substance analog or any combination of an intoxicant, a controlled substance and a controlled substance analog. It also includes operating under the influence of any other drug to a degree that renders the person incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree that renders the person incapable of safely driving. Finally, it includes operating with a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his or her blood. For the sake of brevity, this memorandum simply refers to these offenses as "operating while intoxicated" or OWI.

<sup>2</sup> All OWI convictions also entail a \$365 OWI surcharge.

injury caused and whether the offender was previously convicted of an OWI offense. The chart below summarizes the penalties provided under the bill.

	No Prior OWI Convictions	One or More Prior OWI Convictions
Bodily Harm	Fine of \$300 - \$2,000 Mandatory imprisonment for six months to one year.	Class H felony <sup>3</sup> Confinement portion of prison sentence must be at least one year.
Substantial Bodily Harm	Class H felony Confinement portion of prison sentence must be at least two years.	Class H felony Confinement portion of prison sentence must be at least three years.
Great Bodily Harm	Class F felony <sup>4</sup> Confinement portion of prison sentence must be at least three years.	Class F felony Confinement portion of prison sentence must be at least three years.

The bill contains one exception to the sentencing requirements described above. If the person injured was in the vehicle operated by the convicted person at the time of the violation, the court may impose a sentence less than the one the bill requires if it finds that the best interests of the community will be served and the public will not be harmed. The court must also place its reasons for imposing a lesser sentence on the record.

The bill makes two additional changes to current law. It eliminates the provision that subjects a person convicted of injury by intoxicated operation of a vehicle to double penalties if a minor passenger was in the vehicle at the time of the violation. It also eliminates the opportunity for a person convicted of injury by intoxicated operation of a vehicle to receive a reduced sentence in exchange for completing a period of probation that includes drug or alcohol treatment.

<sup>3</sup> The attachment to this memorandum lists the penalties that apply to each class of felony.

<sup>4</sup> Causing great bodily harm by the intoxicated operation of a motor vehicle is a Class F felony under current law. The change Senate Bill 56 makes to the penalties for this crime relates to the minimum period of confinement.



**2013 SENATE BILL 57**

*2011 Senate Bill 57* provides that a person charged with first-offense OWI, either under the state statute or an ordinance in conformity with that statute, shall appear, in person, in court to plead guilty, no contest, or not guilty to the violation.

**2013 SENATE BILL 58**

*Under current law*, a first-offense OWI is generally a civil offense, punishable by a fine of \$150 to \$300 and license revocation for six to nine months. A first-offense OWI is a criminal offense if, at the time of the violation, the offender was transporting a passenger who was younger than 16 years old. An additional sanction applies to persons convicted of first-offense OWI who had a BAC of 0.15 or higher at the time of the offense. These offenders are required to install an ignition interlock device (IID) on their vehicles for a specified period of time.

*2013 Senate Bill 58* makes first-offense OWI a criminal offense if the offender had a BAC of 0.15 or greater at the time of the violation. The bill also increases the penalty for a second-offense OWI from a fine of \$350 to \$1,100, imprisonment for five days to six months, or both, to a fine of \$500 to \$1,500, imprisonment for 10 days to six months, or both.

**2013 SENATE BILL 59**

*Under current law*, a person who causes the death of another by OWI, is guilty of a felony. If the person has not previously been convicted of an OWI, he or she is guilty of a Class D felony. If he or she has one or more prior OWI convictions, he or she is guilty of a Class C felony.

When a person is sentenced to imprisonment for a felony, the sentence is bifurcated into a period of confinement, served in a prison, and a period of extended supervision, served while the person is in the community. With exceptions, current law does not generally specify a maximum period of confinement; one exception, however, is when a person is convicted of a seventh offense or subsequent OWI.

*2013 Senate Bill 59* requires a court to impose a bifurcated sentence with a minimum term of confinement of 10 years on any person who is convicted of causing the death of another by OWI. The bill provides that a court may impose a lesser sentence if the person or persons whose death was caused by the violation was or were in the vehicle operated by the convicted person at the time of the violation.

**2013 SENATE BILL 60**

*Under current law*, a third-offense OWI is a misdemeanor, punishable by a fine of \$600 to \$2,000, imprisonment of 45 days to one year, two to three years' revocation, and required IID installation. A fourth-offense OWI is also a misdemeanor if the offender has not been convicted of an OWI in the five years prior to his or her conviction for fourth-offense OWI; otherwise it is a Class H felony. Fifth-offense and sixth-offense OWI are also Class H felonies.

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on  
Thursday



*2013 Senate Bill 60* makes third and subsequent OWI offenses felonies. It also increases the felony classification of fifth and subsequent offense OWIs. Under the bill, third-offense and fourth-offense OWIs are Class H felonies. Fifth-offense and sixth-offense OWIs are Class G felonies. Seventh-offense, eighth-offense, and ninth-offense—which are all currently punished as Class G felonies—are Class F felonies. Tenth and subsequent offenses—currently punished as Class F Felonies—are Class E felonies.

**2013 SENATE BILL 61**

*Under current law*, law enforcement may seize certain property used in the commission of a crime and initiate forfeiture proceedings with respect to that property. *2013 Senate Bill 61* authorizes a court, upon a person's conviction for a third or subsequent offense OWI, to order a law enforcement officer to seize the motor vehicle used in the violation. The bill provides that after the motor vehicle has been seized, the district attorney must institute forfeiture proceedings regarding the vehicle. A vehicle is not subject to seizure and forfeiture, under the bill, if the owner of the vehicle establishes it is a rental vehicle or it was operated at the time of the violation without his or her knowledge or consent.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

DM:ty

Attachment

## ATTACHMENT

### Section 939.50 (3), Stats.

(3) Penalties for felonies are as follows:

(a) For a Class A felony, life imprisonment.

(b) For a Class B felony, imprisonment not to exceed 60 years.

(c) For a Class C felony, a fine not to exceed \$100,000 or imprisonment not to exceed 40 years, or both.

(d) For a Class D felony, a fine not to exceed \$100,000 or imprisonment not to exceed 25 years, or both.

(e) For a Class E felony, a fine not to exceed \$50,000 or imprisonment not to exceed 15 years, or both.

(f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months, or both.

(g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.

(h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

(i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.



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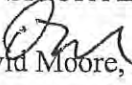
## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: SENATOR ALBERTA DARLING

FROM:  David Moore, Staff Attorney

RE: Comparison of Penalties for Operating While Intoxicated Offenses (OWI) in 2011 Assembly Bills 207 and 208 With OWI Penalties in the States that Border Wisconsin

DATE: January 25, 2013

This memorandum responds to your request for information about how legislation you are authoring, relating to penalties for certain operating while intoxicated (OWI) offenses, compares with penalties for these offenses in the states that border Wisconsin. My understanding is that the legislation you are authoring would essentially combine provisions that were contained in 2011 Assembly Bill 207 and 2011 Assembly Bill 208. Accordingly, this memorandum will refer to the combined provisions of these bills as “your legislation.”

### DISCUSSION

OWI offenses include operating a vehicle while under the influence of an intoxicant and operating a vehicle with a prohibited blood-alcohol concentration (BAC). In most circumstances, the prohibited BAC is 0.08.

The primary elements of your legislation concern the criminal status of certain first-offense OWIs, penalty enhancements for high-BAC offenses, and the number of offenses a person must commit before felony status attaches. Your legislation also increases the felony classifications for OWI fifth offenses and up. Accordingly, this memorandum provides a brief overview of how current Wisconsin law treats these issues with respect to first-offense through fifth-offense OWIs, the changes your legislation would make to current law, and how these changes compare with similar penalties in the states that border Wisconsin.

### First Offense

*Under current Wisconsin law*, a first-offense OWI is generally a civil offense, punishable by a fine of \$150 to \$300<sup>1</sup> and license revocation for six to nine months. Additionally, a person convicted of a first-offense OWI who had a BAC of 0.15 or greater at the time of the offense is required to install an ignition

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<sup>1</sup> All OWI convictions also entail a \$365 OWI surcharge.



interlock device (IID) on his or her vehicle.<sup>2</sup> A first-offense OWI is a criminal offense if, at the time of the violation, the offender was transporting a passenger who was younger than 16 years old.

*Your legislation* would make first-offense OWI a criminal offense if the offender had a BAC of 0.15 or greater at the time of the violation.

*Illinois, Iowa, Michigan, and Minnesota* laws all criminalize first-offense OWI. It is generally a misdemeanor in all four states.

Illinois, Iowa, Michigan,<sup>3</sup> and Minnesota laws all contain penalty enhancers for first-time OWI offenders who have high BACs. (Illinois, Iowa, and Minnesota also enhance the penalties for subsequent offenses committed with a high BAC. Wisconsin enhances the monetary penalties for high BAC OWIs beginning at the third offense.)

### Second Offense

*Under current Wisconsin law*, a second-offense OWI may be either a civil or criminal offense. It is a civil offense if the offender has not been convicted of an OWI within 10 years, or of causing great bodily harm or homicide by intoxicated use of a vehicle in his or her lifetime. If the OWI second offense meets these criteria, it is generally penalized as an OWI first, except that an IID is required regardless of the offender's BAC at the time of the offense. Although generally penalized as an OWI first, this offense counts as a second offense for the purpose of determining the penalties for subsequent OWI convictions.

If the offender has been convicted of an OWI within 10 years or of causing great bodily harm or homicide by intoxicated use of a vehicle in his or her lifetime, the OWI is a criminal offense, punishable by a fine of \$350 to \$1,100, imprisonment of five days to six months, 12 to 18 months' revocation, and required IID installation.

*Your legislation* would increase the penalty for second-offense OWIs that are punished as criminal offenses to a fine of \$500 to \$1,500, imprisonment of 10 days to six months, or both. It would not change current penalties for second-offense OWI convictions that are punished as first-offenses.

*Illinois, Iowa, Michigan, and Minnesota* all criminalize second-offense OWI. As with first-offense OWIs, Illinois, Iowa, and Michigan generally punish second offenses as misdemeanors; however, in Minnesota, the classification of a second offense depends on whether additional aggravating factors were present.

Like Wisconsin, Iowa generally treats OWI second offenses as first-offenses if a certain period of time has elapsed between the offenses. In Iowa, to be punished as an OWI first-offense, conviction for the second offense must occur at least 12 years after conviction for the first.

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<sup>2</sup> Wisconsin law requires all repeat OWI offenders and first-time OWI offenders with a BAC of 0.15 or higher to install IIDs on their vehicle. Illinois, Iowa, Michigan, and Minnesota laws also provide for the installation of ignition devices in certain circumstances.

<sup>3</sup> Michigan's high BAC penalties will be effective March 31, 2013.

### Third Offense

*Under current Wisconsin law*, a third-offense OWI is a misdemeanor, punishable by a fine of \$600 to \$2,000, imprisonment of 45 days to one year, two to three years' revocation, and required IID installation.

*Your legislation* would make this crime a Class H felony. A Class H felony is punishable by a fine of up to \$10,000, imprisonment of up to six years, or both.

*Illinois, Iowa, and Minnesota* treat third-offense OWIs as felonies. In *Michigan*, a third-offense OWI is a felony if the offender had a prior OWI conviction in the 10 years preceding the conviction for an OWI third offense. In *Minnesota*, any OWI is a felony if three or more aggravating factors are present. These aggravating factors are: (1) conviction for a prior OWI; (2) BAC of 0.20 or above; and (3) transporting a passenger younger than 16 at the time of the offense.

### Fourth Offense

*Under current Wisconsin law*, a fourth-offense OWI is a misdemeanor if the offender has not been convicted of an OWI in the five years prior to his or her conviction of a fourth-offense OWI; otherwise, it is a Class H felony. If punished as a misdemeanor, an OWI fourth offense is punishable by a fine of \$600 to \$2,000, imprisonment of 60 days to one year, two to three years' revocation, and required IID installation. If punished as a felony, a fourth-offense OWI is punishable by a fine of \$600 to \$10,000, imprisonment of six months to six years, two to three years' revocation, and required IID installation.

*Your legislation* would make all fourth-offense OWIs Class H felonies.

*Illinois, Iowa, Michigan, and Minnesota* treat fourth-offense OWIs as felonies.

### Fifth Offense

*Under current Wisconsin law*, a fifth-offense OWI is a Class H felony. In addition to the penalties for conviction of a Class H felony, a person convicted of fifth-offense OWI may be revoked for two to three years and is required to install an IID on his or her vehicle.

*Your legislation* would make fifth-offense OWIs Class G felonies. A Class G felony is punishable by a fine of up to \$25,000, imprisonment of up to 10 years, or both.

*Illinois, Iowa, Michigan, and Minnesota* treat fifth-offense OWIs as felonies.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

DM:jal

## OWI Treatment Court

Have you been charged with OWI 3rd with a Blood Alcohol Content of .20 or higher?

Would you like to quit drinking, but need support and treatment?

**DANE COUNTY OWI TREATMENT COURT IS HERE TO HELP YOU**

### Benefits of OWI Court

- Alcohol and/or Other Drug assessment and treatment
- Treatment programs qualify toward the Intoxicated Driver's Program and getting your license back
- Assistance with treatment costs
- Improve your chance for a sober and healthy life
- Support of the OWI Court Team
- Increasing public safety by reducing further drunk driving events

### Mission

Through the use of intensive case management, treatment, and judicial oversight, Dane County OWI Court will promote public safety by ensuring offenders receive the necessary treatment, thereby eliminating further drinking and driving events.

### Eligibility

- OWI 3rd Conviction
- BAC .20 or higher and Refusals
- Offender must be placed on probation, mandatory compliance with OWI Court as a condition
- Adult (Age 18 or older)
- Resident of Dane County
- Not currently or previously charged in conjunction with an OWI related death or serious personal injury
- Finding of Dependency or Suspected Dependency on assessment

### Program

- Upon conviction and placement on probation, you will serve your mandatory minimum jail time
- Mental Health Center of Dane County will meet with you to conduct an assessment
- Your Probation/Parole Agent will meet with you to discuss your strengths and goals and you will develop a plan together to assist in achieving those goals.
- You will be placed on a Sobriety to monitor your alcohol usage.
- You may volunteer to receive pharmacological treatments to assist you in your treatment goals.
- You will be referred to treatment based upon your assessment.
- You will be expected to follow all program rules and expectations
- If you fail to follow program rules and expectations, you may receive sanctions up to and including jail detention.

### Benefits of a Sober Life:

- Mental Clarity
- Financial Stability
- Improved Health
- Improved Relationships
- Employability
- Reliability
- Improved Success in All Areas of Your Life

### A Cooperative Effort Between the:

- WI Department of Corrections
- WI Department of Health Services
- Dane County Courts
- District Attorney's Office
- Public Defenders Office
- Dane County Sheriff's Office
- Dane County Department of Human Services
- Mental Health Center of Dane County

For more information, please contact your attorney or Karen Smith, Mental Health Center of Dane County at: (608) 280-2644.



July 17, 2013

RE: ALCOHOL BIOMARKERS – FOLLOW-UP

Dear Senator Darling,

I am writing this note as a follow-up to our recent visit to discuss the use of alcohol biomarkers in repeat intoxicated drivers in Wisconsin. You asked for: 1) a list of all the Counties which have manifested an interest in using biomarkers since 2006, 2) an estimate of the costs to implement and run the biomarker program and 3) to contact additional legislators to inform them of this new approach.

In regards to your first question, here is a list of 18 counties which have shown an interest so far.

<b>INTERESTED</b>	<b>IMPLEMENTED</b>
1. Brown	1. Dane
2. Grant	2. Forest
3. Green Lake	3. Kenosha
4. Marinette	4. Oneida
5. New Richmond	5. Taylor
6. Polk	6. Vilas
7. Portage	7. Waukesha
8. Price	
9. Richland	
10. Sawyer	
11. Washington	

In regards to costs, the table below reflects figures for different Counties. In essence, it costs an average of \$300 to monitor each repeat offender for an entire year with alcohol biomarkers versus \$30,000+ in jail costs alone for a single driver. Implementation costs, not included, are a one-time expense and they range around \$10,000 per county.

<b>Calendar year 2014</b>	<b>funds/year (\$)</b>	<b>#offenders served</b>	<b>annual cost/offender (\$)</b>
Dane (federal and county)	65,000	150	433
Oneida /Forest/Vilas (federal)	50,000	150	333
Kenosha (drivers pay)	0	100	200-300

In regards to approaching additional legislators, we are now in the process of scheduling a similar visit with Senator Robert Wirch and Representatives Tod Ohnstad and Peter Barca. Additional contact suggestions are highly welcome.

I would really appreciate you letting us know you received this report and we look forward to your continuous support.

Kind regards,




Dr. Pamela Bean –

The Biomarker Project, Madison – Wisconsin

Cc: Representative Samantha Kerkman and Biomarker Project team

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Judiciary

FROM: David Callender, Legislative Associate 

DATE: August 1, 2013

SUBJECT: Opposition to Mandatory Minimum Jail Sentences in Assembly Bill 69

The Wisconsin Counties Association (WCA) opposes Assembly Bill 69 as an unfunded mandate on county taxpayers.

WCA considers drunken driving a serious offense that jeopardizes the safety of Wisconsin residents. From enforcement efforts by county sheriffs' offices to intoxicated driver programs to Treatment, Alternatives and Diversion programs aimed at high-risk substance abusers, Wisconsin's counties are at the forefront of attempts to prevent drunken driving and protect the public.

However, WCA is concerned about the provision in Assembly Bill 69 that imposes a mandatory minimum penalty of six months in jail on any individual convicted of causing injury to another while driving while intoxicated. Current law gives judges the discretion to impose a fine, or jail sentence of not less than 30 days and not more than a year, or both, for this offense. The bill provides no funding for this new mandatory jail time.

WCA takes no position on the broader question of increasing penalties for drunken driving offenses. WCA's position is simply that if the Legislature chooses to increase jail time, the Legislature should pay for the additional costs of longer sentences.

Although it is difficult at this time to quantify how many offenders will be affected by this change in the law, the average cost of incarcerating an individual in a county jail is \$50 per day. A minimum sentence of 180 days would result in an average cost of \$9,000 per offender.

Counties already operate under a variety of financial constraints, ranging from levy limits to other unfunded mandates. AB 69, with its mandatory minimum jail time, will add to counties' financial burdens. Because jails receive little to no state or federal funding, the cost will be borne almost entirely by local property taxpayers.

WCA respectfully requests the Committee to amend the portion of the proposal that imposes mandatory minimum jail time to ensure that any additional costs related to longer jail sentences are paid by the state.

WCA takes no position on the rest of AB 69, and takes no position on Assembly Bills 70 and 71.





**David A. Clarke Jr.**  
**Sheriff**

*County of Milwaukee*  
**Office of the Sheriff**

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Assembly Committee on Judiciary  
Re: AB 69 / AB 70 / AB 71  
July 31, 2013

Chairman Ott, and Members of the Committee.

I have provided the committee with a copy of my brief remarks today.

In Milwaukee, our office is unique in that Wisconsin Statute mandates the privilege of patrolling the federal highways to the sheriff of the county. As we have told DOT Secretary Mark Gottlieb in discussing drunk driving, it is a responsibility that Sheriff Clarke takes to heart.

In 2007, we started working with this legislature, and committed Milwaukee-area legislators like Alberta Darling, Jim Ott, and Peggy Krusick, members from both sides of the aisle, to address the shortcomings in our drunk-driving laws. In 2008, we started our own MCSO OWI Task Force, supplementing the 55 officers that we already had in our Expressway patrolling division, and committed more of the valuable public resource of my officer's time and best efforts to the task of arresting drunk drivers. Soon after followed the Southeast Wisconsin Multi-Jurisdictional OWI Task Force that my agency founded, and continues to support. In 2009, after many stops and starts, so many shared efforts resulted in Act 100, with its promise of 4<sup>th</sup> offense OWI as a felony, Ignition interlocks devices for repeat offenders and high-blow first-time offenders and increased penalties for all, and most specifically for those driving drunk with a child in the vehicle.

The legislature has taken these brave steps as they realize that recklessly endangering another's life by repeatedly engaging in drunk driving is as deadly an act as pulling into Mayfair Mall, putting on a blindfold, and blasting a shotgun round out the window: Whether you hit and kill someone is a matter of simple chance and physics. Nothing more, nothing less.

So we cops arrest the drunks. 6665 by my agency since 2008, and 770 so far this year, a 70% increase over the same time last year. 76 of this year's, or almost precisely 10%, for OWI 3<sup>rd</sup> or greater. Over the past five years we have had 352 OWI 3<sup>rd</sup> cases, a drop-off rate from OWI 2<sup>nd</sup> of only 58%, and another hundred OWI 4<sup>th</sup> cases. That dropout rate needs to be much higher. As a comparison, our dropout rate from OWI 1<sup>st</sup> to OWI 2<sup>nd</sup> is 85%.

*Service to the Community Since 1835*

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And our conviction rate is 99.4% During the same timeframe, since 2008, we have arrested 6 for Homicide by Intoxicated Use of a Motor Vehicle, and 66 for OWI-Causing injury.

Why aren't the Jails getting loaded up with boozehounds who can't figure out how to call a cab? Because in Milwaukee County, the way a too often lenient judiciary handles drunk drivers is a natural out-cropping of the indulgent way we view crime related to addiction. In the only state in our nation that has not criminalized *all* drunk driving, even the first event, we show our true colors not in what we say, but in what we do. And the law ought reflect, and judges ought sentence, in a manner that ends drunk driving behaviors when the only other car on the side of the road is a squad car...not necessarily an ambulance.

ABs 69, 70 and 71, and their promise to extend the felony imprimatur to OWI 3<sup>rd</sup> convictions (and higher) regardless of a self-imposed "look back" window are a step in that direction. Their promise of severe, mandatory periods of confinement for those who maim and kill reflects our value of life, and quality of life.

It is an admirable effort, and we applaud Milwaukee area delegates Ott, Stone, Honadel, Darling and Carpenter, to halt on what is often (and erroneously) referred to as a "second chance" soft-on-crime therapeutic model that returns too many drunks back to the roads after a too-short stay in a county jail.

Thank you for your time today, and continued good luck in your committee's important work.

A handwritten signature in black ink, appearing to read "Edward Bailey", written over a horizontal line.

Edward Bailey, Inspector  
Milwaukee County Sheriff's Office



**Frank Harris  
State Legislative Affairs Manager  
Mothers Against Drunk Driving  
Assembly Judiciary Committee  
Testimony in Support of AB 69, AB 70 and AB 71  
1 August 2013**

Chairman Ott, and distinguished members of the Committee, thank you for allowing me the opportunity to testify on behalf of Mothers Against Drunk Driving in support of AB 69, AB 70 and AB 71. My name is Frank Harris, and I hold the position of State Legislative Affairs Manager for Mothers Against Drunk Driving, or MADD.

MADD thanks you Mr. Chairman for your leadership in authoring these proposals which will help reform Wisconsin's OWI law. The legislation is necessary as Wisconsin has a drunk driving problem. The Wisconsin Department of Transportation estimates there are 46,539 people with three or more OWI convictions and 8,088 with five or more convictions. According to the National Highway Traffic Safety Administration (NHTSA) in 2011, 196 people were killed in Wisconsin in crashes involving a drunk driver. Additionally, according to the Wisconsin Department of Transportation, there were 2,984 alcohol related injuries in 2011. The Pacific Institute for Research and Evaluation estimates the economic impact of these deaths and injuries are over \$1.4 billion. This estimate is made up of costs to taxpayers, cost to state and local governments and in quality of life losses.

AB 69 and AB 70 creating mandatory minimums in fatal or injury OWI crashes makes sense. As you hear the personal experiences from victims and survivors of drunk driving, it is evident that there is a strong need for lawmakers to take action to limit judicial discretion. A lack of guidance from lawmakers enables judges to sentence drunk drivers who kill innocent Wisconsin residents to incarceration periods of only one year. Such sentences do not represent justice.

Enclosed in my written testimony is data gathered by MADD on incarceration periods in fatal and injury OWI crashes in Wisconsin. Although this data may be a few years old, what remains true today is this: depending on the judge, incarceration periods of drunk drivers in fatal or injury crashes vary greatly.



AB 69 allows for mandatory minimums in OWI related injury crashes of at least six months and for higher periods depending on the severity of the injury. AB 70 allows for a mandatory minimum of incarceration of at least ten years if an individual was killed by a drunk driver. Both proposals allow a court to reduce the mandatory minimum if the injured or killed victim is a passenger of the drunk driver, and any reduction in sentence must be noted on the official court record. Mothers Against Drunk Driving understands this provision was put in the bill in cases of a family member killing or injuring another family member. MADD is concerned some judges may abuse this exception in reducing sentences, but we are hopeful this is not the case.

Some may argue that mandatory minimums pose a great fiscal cost and burden to the state. However, when it comes to predicting the cost of drunk driving legislation, such estimates are typically overblown and inflated. Again, there are exceptions where judges do not have to order the mandatory minimum, so not everyone who kills or injures will face a mandatory minimum. What is not taken into account with these fiscal estimates is the deterrence message that mandatory minimums and felony DUI laws may pose to potential drunk drivers.

MADD also supports AB 71 making a third OWI a felony. Currently, twenty-one states make a third OWI non-injury related offense a felony. Wisconsin is one of eighteen states that make a fourth offense a felony. Again, the fiscal estimate with this proposal is inflated. As an October 2008 Milwaukee Journal Sentinel article notes, most “felony drunken driving offenders avoid prison.” The newspaper

Reviewed all Milwaukee County criminal convictions for fifth-offense operating while intoxicated from 1999 through 2006, resulting in a detailed analysis of 161 cases. Just 70 defendants, or 43%, went to prison, receiving an average sentence of 18 months. Seventeen of those had an opportunity to shave substantial time off their sentences by completing boot camp or a treatment program. At least one defendant got out early after petitioning the judge. More defendants were sentenced to probation than prison. Although 70 of the 71 who got probation terms served between three and 12 months in the Milwaukee County House of Correction, about half were allowed to spend their days in the community on work release. Twenty more defendants received jail sentences, 11 with work-release privileges.<sup>1</sup>

Just 43 percent, or 71 of 161 of fifth time felony OWI offenders, went to prison. Under AB 71, most third OWI offenders will not see incarceration but instead work release or some other

alternative sentencing. Another option to limit the fiscal note would be to put a ten year look back period on previous offenses of OWI offenders facing only a felony non-injury related third and subsequent offense.

MADD believes these proposals are important and worthy of the legislature to advance as drunk driving kills and injures and leaves victims with an unimaginable loss. These proposals are about justice for victims and making sure the judicial system makes the punishment fit the crime of killing or injuring an innocent person. The third time felony OWI proposal helps hold drunk driving offenders accountable.

But these proposals are just a start, more legislative action is needed to fully reform the drunk driving law in Wisconsin. MADD urges this committee and the legislature to enact legislation requiring ignition interlocks for all convicted drunk drivers with an illegal blood alcohol concentration of .08 or greater.

As part of MADD's Campaign to Eliminate Drunk Driving launched in 2006, our top legislative priority in each state is advocating for legislation that requires or highly incentivizes ignition interlocks for all offenders. When the Campaign launched, only New Mexico had such a law on the books. Today, 20 states require or highly incentivize the use of these devices for all convicted drunk drivers with a blood alcohol concentration of .08 or higher.

Ignition interlocks make a convicted drunk driver demonstrate sobriety before operating a vehicle during their license suspension period. Interlocks cost the offender around \$2.50 a day to lease. If an offender is poor, the interlock is provided at half cost with the interlock companies covering the rest of the interlock fee. An offender is taught to use an interlock and the devices have anti-circumvention technology making it difficult to bypass. These include a camera to verify the user's identity and rolling retests to prevent a friend from starting the vehicle outside a bar.

In Wisconsin, ignition interlocks are required for refusals, repeat and first-time offenders with a blood alcohol concentration of .15 or greater. As of July 2012, 6,069 interlocks are installed in Wisconsin and nearly 280,000 in the United States.<sup>ii</sup>

States with well implemented interlock laws have seen significant reductions in drunk driving fatalities. Since New Mexico's interlock law was implemented in 2005, drunk driving fatalities are down by 33 percent. Since Arizona and Louisiana implemented their interlock law in 2007, drunk driving deaths have decreased by 46 and 40 percent. In Oregon and West Virginia, as a result of their 2008 interlock laws, OWI deaths are down 35 percent and 36 percent.

Studies by the Centers for Disease Control and Prevention (CDC) found that requiring interlocks for all drunk driving offenders saves lives by reducing rearrests for drunk driving by 67 percent over simply suspending offenders' licenses and hoping they don't drive.

Research shows that 50 to 75 percent of non-interlocked convicted drunk drivers will continue to drive even with a suspended driver's license. Wisconsin lawmakers should consider legislation permitting ignition interlock driving privileges as soon as practical after arrest and requiring the use of ignition interlocks immediately upon conviction to grant otherwise unlimited driving privileges to all convicted drunk drivers during their license suspension periods.

Nebraska is one of 20 states that is moving away from taking away a license of a convicted driver and instead requiring the use of an interlock instead. But Nebraska is doing so in an innovative way. In 2011, Nebraska tweaked their mandatory interlock law to more of an incentivized approach by allowing any arrested drunk driver to waive their administrative license hearing and starting 15 days after arrest being able to drive with no route or time restrictions if the offender goes on an interlock. An offender can still wait out and contest the administrative license hearing to avoid installing the interlock immediately. Nebraska's 2011 law has reduced administrative license hearings by 90 percent saving the state money. The law increased interlock installations for first-time convicted drunk drivers from 17 percent in 2009 when their mandatory all offender interlock law was implemented to at least 50 percent in 2012 of eligible offenders installing an interlock. This model should be used in Wisconsin as it is an effective

OWI countermeasure that saves lives and taxpayers money while allowing offenders to be part of society and provide for their family.

Focusing OWI reform on repeat offenders is important but only part of the approach to dealing with this deadly problem. There must be a focus on laws that stop convicted offenders from driving drunk again and deter potential OWI offenders from committing this violent crime. This focus must include first-time offenders as conservative estimates show OWI offenders have driven drunk at least 80 times before they are first arrested. In Wisconsin, a majority of drunk driving deaths and injuries are caused by drunk driving offenders with no prior convictions.<sup>iii</sup> Interlocks for first offenders with an illegal blood alcohol concentration of .08 or greater are a fair and necessary tool that will help deter future repeat offenses but also give convicted offenders the opportunity to provide for their families and the liberty to drive safe and sober in Wisconsin.

In conclusion, MADD thanks you Mr. Chairman and members of the Committee for allowing MADD the opportunity to testify in support of setting forth mandatory minimums in fatal and injury OWI crashes and making a third offense a felony. We hope lawmakers consider expanding the use of an ignition interlocks for all convicted drunk drivers. Thank you for the opportunity to testify before this distinguished committee.

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<sup>i</sup> Milwaukee Journal Sentinel. October 20, 2008. <http://www.jsonline.com/news/wisconsin/31262254.html>.

<sup>ii</sup> Dr. Richard Roth. Impact DWI. <http://www.rothinterlock.org/2012surveyofcurrentlyinstalledinterlocksintheus.pdf>

<sup>iii</sup> Wisconsin Department of Transportation. <http://www.dot.state.wi.us/safety/motorist/crashfacts/docs/alcohol-section6.pdf>





## Support Ignition Interlocks for All Convicted Drunk Drivers

An ignition interlock is a small breath test device linked to a vehicle's ignition system. When a convicted drunk driver wishes to start his or her vehicle, he or she must first blow into the device. The vehicle will not start unless the driver's blood alcohol concentration (BAC) is below a preset level.

**Interlocks are effective.** According to the Centers for Disease Control and Prevention (CDC), interlocks are effective in saving lives and reducing drunk driving repeat offenses by 67 percent.<sup>1</sup> Specifically, all offender interlock laws, when implemented well, are found to reduce repeat offenses significantly.<sup>2</sup>

**Interlock installation should occur immediately.** MADD supports immediate reinstatement of driving privileges for drunk drivers providing the offender uses an ignition interlock. An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.<sup>3</sup>

**Interlocks save lives.** States requiring all convicted drunk drivers to use an ignition interlock, such as Arizona, Oregon, New Mexico and Louisiana have cut DUI deaths by over 33 percent.<sup>4</sup>

**The public supports interlocks for all convicted drunk drivers.** Three different surveys indicate support of 76 to 88 percent.<sup>5</sup>

- **88 percent support** interlocks for all convicted drunk drivers.
- **84 percent support** ignition interlocks for convicted drunk drivers.
- **Over 3 of 4 persons support** requiring interlocks for first-time convicted drunk drivers.

**All-offender interlock laws are widespread.** 20 states and a California pilot program (covering a population of over 13 million) have laws requiring ignition interlocks for all first-time convicted drunk drivers. As of July 2012, there are approximately 279,000 interlocks in use in the United States.<sup>6</sup>

**First offenders are serious offenders.** Conservative estimates show DUI offenders have driven drunk at least 80 times before they are first arrested.<sup>7</sup> Additionally, research has found that first offenders' patterns of recidivism are generally similar to a repeat offender.<sup>8</sup>

**Safety groups supporting ignition interlocks for all convicted drunk drivers,** including all first offenders with an illegal BAC of .08 or greater.

- Advocates for Auto and Highway Safety
- American Automobile Association (AAA)
- Auto Alliance
- Centers for Disease Control and Prevention (CDC)
- Insurance Institute for Highway Safety (IIHS)
- International Association of Chiefs of Police (IACP)
- National Safety Council
- National Transportation Safety Board (NTSB)

**For more information, please visit [madd.org/interlock](http://madd.org/interlock).**

<sup>1</sup> Centers for Disease Control. Guide to Community Preventive Services. "Reducing Alcohol-Impaired Driving: Ignition Interlocks." 2011. <http://www.thecommunityguide.org/mvot/AID/ignitioninterlocks.html>

<sup>2</sup> McCart, Anne, et al. "Washington State's Alcohol Ignition Interlock Law: Effects on Recidivism Among First-Time DUI Offenders." March 2012. <http://www.iihs.org/research/topics/pdf/r1168.pdf>

<sup>3</sup> Nichols, James, and H. Lawrence Ross. "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." Alcohol, Drugs and Driving 6(2) (1990): 335-5. and

Peck, Raymond, R. Jean Wilson, and Lawrence Sutton. "Driver License Strategies for Controlling the Persistent DUI Offender," Strategies for Dealing with the Persistent Drinking Driver. Transportation Research Board, Transportation Research Circular No. 437. Washington, D.C.: National Research Council, 1999.

<sup>4</sup> National Highway Traffic Safety Administration. FARS Data, 2006-2011.

<sup>5</sup> 76 percent: AAA Foundation for Traffic Safety. "2011 Traffic Safety Index." January 2012. <http://www.aaafoundation.org/pdf/2011TSCIndex.pdf>

84 percent: Insurance Institute for Highway Safety. "Public Is Ready to Lock out Driving over the Legal Limit." Status Report, September 17, 2009. <http://www.iihs.org/externaldata/stidata/docs/sr4408.pdf>

88 percent: Center for Excellent in Rural Safety. "CERS Survey." Rural Safety News. June 2010. <http://www.ruralsafety.umri.edu/publications/ruralsafetynews/2010/02/>

<sup>6</sup> Based on survey data from interlock manufacturers.

<sup>7</sup> Centers for Disease Control. "Vital Signs: Alcohol-Impaired Driving Among Adults — United States, 2010." <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6029a4.htm>

<sup>8</sup> Jones, R. K., and Lacey, J. H. "State of Knowledge of Alcohol Impaired Driving: Research on Repeat DWI Offenders." DOT HS 809 027. Washington, DC: National Highway Traffic Safety Administration, 2000.

# Status of State Ignition Interlock Laws

CAMPAIGN TO  
**ELIMINATE**  
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Interlock requirement starts on the first conviction					
Mandatory with a BAC of .08 or greater			Mandatory with a BAC of .15 or greater		
Alaska (1/09)	Kansas (7/11)	Oregon (1/08)	Alabama (9/12)	New Hampshire .16 BAC (7/07)	
Arizona (9/07)	Louisiana (8/07)	Tennessee (7/13)	Delaware (7/09)	New Jersey (1/10)	
Arkansas (4/09)	Maine (12/13)	Utah (7/09)	Florida (10/08)	North Carolina (12/07)	
California Pilot Program* (7/10)	Missouri (3/14)	Virginia (7/12)	Iowa** .10 BAC (7/95)	Oklahoma (11/11)	
Colorado (1/09)	Nebraska (1/09)	Washington (1/09)	Maryland (10/11)	Texas (9/05)	
Connecticut (1/12)	New Mexico (6/05)	West Virginia (7/08)	Michigan .17 BAC (10/10)	Wisconsin (7/10)	
Hawaii (1/11)	New York (8/10)		Minnesota .16 BAC (7/11)	Wyoming (7/09)	
Illinois (1/09)			Nevada .18 BAC (7/05)		

(month/year listed note effective date)

Mandatory with a second conviction
Georgia (5/99)
Idaho (10/00)
Massachusetts (1/06)
Mississippi (7/14)
Montana (5/09)
Ohio (9/08)
Pennsylvania (10/03)
South Carolina (1/09)

Not mandatory
<b>Judicial discretion</b>
California <i>for any offender</i>
Indiana <i>for any offender</i>
Kentucky <i>for any offender</i>
North Dakota <i>for any offender</i>
Rhode Island <i>for repeat offenders</i>
<b>Other</b>
DC <i>any offender can choose to go an interlock</i>
South Dakota <i>part of the 24/7 program</i>
Vermont <i>any offender can choose to go an interlock</i>

\* California's pilot program covers the counties of Los Angeles, Alameda, Sacramento, and Tulare. These counties combined have a population of over 13 million.

\*\* In Iowa, interlocks are required starting on the first conviction for offenders with a BAC of .10 or greater.

July 11, 2013

# How Many OWI Convictions for a Felony?

Second Offense	Third Offense	Fourth Offense	Fifth Offense
<b>Indiana</b> (with previous offense within five years)	<b>Alaska</b> (With previous offense within ten years)	<b>Alabama</b> (with previous offense within five years)	<b>Washington</b>
<b>Minnesota</b> (based on circumstances)	<b>Arizona</b>	<b>Arkansas</b> (with previous offense within five years)	
<b>New York</b> (With previous offense within ten years)	<b>Connecticut</b> (With previous offense within ten years)	<b>California</b>	
<b>Oklahoma</b> (With previous offense within ten years)	<b>Delaware</b>	<b>Georgia</b> (With previous offense within ten years)	
	<b>Florida</b> (With previous offense within ten years)	<b>Hawaii</b>	
	<b>Idaho</b>	<b>Kentucky</b>	
	<b>Illinois</b>	<b>Louisiana</b>	
	<b>Iowa</b>	<b>Montana</b>	
	<b>Kansas</b>	<b>Nebraska</b> (with previous offense within twelve years)	
	<b>Massachusetts</b>	<b>New Hampshire</b>	
	<b>Michigan</b> (With previous offense within ten years)	<b>New Mexico</b>	
	<b>Mississippi</b>	<b>North Dakota</b> (with previous offense within seven years)	
	<b>Missouri</b>	<b>Ohio</b> (with previous offense within six years)	
	<b>Nevada</b>	<b>Oregon</b>	
	<b>North Carolina</b>	<b>South Carolina</b> (With previous offense within ten years)	
	<b>South Dakota</b> (with previous offense within five years)	<b>Tennessee</b> (With previous offense within ten years)	
	<b>Texas</b>	<b>Wisconsin</b> (with previous offense within five years)	
	<b>Utah</b> (With previous offense within ten years)	<b>Wyoming</b> (with previous offense within five years)	
	<b>Vermont</b>		
	<b>Virginia</b> (With previous offense within ten years)		
	<b>West Virginia</b>		

Source: NHTSA Impaired Driving Digest

Year	County	# of Victims	Valid License	BAC	Prior OWI	Age	Confinement	Supervision	Defendant
2008	Adams	1 killed 1 inj	Yes	.205	0 priors	32	2 3/4 yrs prsion	10 yrs supervision	Allman
2004	Adams	1 killed	Yes	.15	0 prior	38	1 year jail	10 yrs probation	Sommer
2001	Adams	1 killed	Yes	.171	0 priors	64	1 year jail	7 yrs probation	Broge
2008	Adams	1 killed	Yes	.235	0 priors	43	1 yr jail	8 yrs probation	Perrin
2006	Ashland	1 killed 1 inj	Yes	Unknown	0 priors	68	3 yrs prison	5 yrs supervision	Cebolski
2006	Ashland	1 killed 2 inj	Yes	Unknown	2 priors	27	4 yrs prison	3 yrs supervision	Williams
2003	Barron	1 killed	No	.132	0 priors	28	1 year jail	10 yrs probation	Lee
2007	Barron	1 killed	No	Unknown	1 prior	26	5 yrs prison	5 yrs supervision	Petersen
2006	Barron	1 killed	Yes	Unknown	1 prior	24	5 yrs prison	10 yrs supervision	Parduhn
2003	Barron	1 killed	Yes	.15	0 priors	23	1 year jail	10 yrs probation	Wahl
2003	Bayfield	1 killed	Yes	Unknown	0 priors	30	1 year jail	4 yrs probation	Aspros
2005	Block	1 killed	Yes	Unknown	0 priors	20	1 yr jail	10 yrs probation	Block
2001	Brown	1 killed	Yes	.26	0 priors	38	5 yrs prison	10 yrs supervision	Martinez
2002	Brown	1 killed	Yes	.201	0 priors	27	4 yrs prison	10 yrs supervision	Quayle
2001	Brown	1 killed	Yes	.207	0 priors	22	1 year jail	10 yrs probation	Fiel
2001	Brown	1 killed 5 inj	No	.164	2 priors	22	10 yrs prison	10 yrs supervision	Smith
2000	Brown	1 killed	No	.20	2 priors	26	20 yrs prison	10 yrs supervision	Kazik
2008	Brown	1 killed	Yes	Unknown	3 priors	42	20 yrs prison	15 yrs supervision	Voegtline
2002	Brown	1 killed	Yes	.216	0 priors	40	2 1/2 yrs prison	6 yrs supervision	LaFortune
2006	Brown	2 killed	Yes	Unknown	3 priors	34	15 yrs prison	10 yrs supervision	Ludwig
2005	Brown	1 killed	Yes	.265	0 priors	39	4 yrs prison	8 yrs supervision	Gedda
2003	Brown	1 killed	Unknown	Unknown	1 prior	40	5 yrs prison	5 yrs supervision	LaRock
2007	Brown	1 killed 1 inj	Yes	Unknown	0 prior	40	20 yrs prison	15 yrs supervision	Warrichaiet
2006	Brown	1 killed 1inj	Yes	Unknown	0 priors	19	3 yrs prison	7 yrs supervision	Weber
2004	Brown	1 killed	Yes	Unknown	0 prior	34	15 yrs prison	10 yrs supervision	Delaruelle
2001	Brown	1 killed	Yes	.155	1 prior	69	1 year jail	20 yrs probation	Bunnell
2000	Buffalo	1 fetus killed	Yes	.146	0 priors	61	6 months jail	5 yrs probation	Fry
2004	Buffalo	1 killed	Yes	Unknown	0 priors	21	5 yrs prison	10 yrs supervision	Urness
2003	Burnett	1 killed	Unknown	.261	1 prior	45	1 year jail	10 yrs probation	Benjamin
2001	Burnett	1 killed	Yes	Unknown	0 priors	28	6 months jail	4 yrs probation	Scanlon



Year	County	# of Victims	Valid License	BAC	Prior OWI	Age	Confinement	Supervision	Defendant
2005	Burnett	1 killed	No	Unknown	1 prior	21	1 year jail	10 yrs probation	Omalley
2006	Calumet	1 killed	Yes	Unknown	0 priors	44	2 yrs prison	4 yrs supervision	Remter
2004	Calumet	1 killed 1 inj	Unknown	.091	1 prior	49	4 yrs prison	6 yrs supervision	Lambie
2007	Calumet	1 killed	Yes	.272	0 priors	29	10 yrs prison	15 yrs supervision	Niesen
2006	Calumet	1 killed 1 inj	Yes	Unknown	0 priors	22	1 year jail	7 yrs probation	Niquette
2003	Chippewa	1 killed	Unknown	Unknown	2 priors	50	3 yrs prison	5 yrs supervision	Duffenbach
2000	Chippewa	1 killed	No	Unknown	0 priors	22	9 months jail	6 yrs probation	Johnson
2005	Chippewa	2 killed	Unknown	.19	1 prior	21	1 1/2 yrs prison	1 1/2 yrs supervision	Rubenzar
2006	Clark	1 killed	Unknown	Unknown	1 prior	23	1 year jail	3 yrs probation	Redding
2002	Columbia	1 killed	Yes	Unknown	0 priors	27	17 yrs prison	8 yrs supervision	Baker
2004	Columbia	1 killed	Yes	.178	0 priors	39	1 year jail	10 yrs probation	Sunde
2000	Columbia	1 killed	Yes	Unknown	0 priors	44	9 months jail	8 yrs probation	Colstad
2003	Columbia	1 killed	Yes	Unknown	0 priors	26	4 yrs prison	8 yrs supervision	Maas
2001	Crawford	2 killed	Yes	.187	0 priors	33	1 year jail	10 yrs probation	Silvers
2003	Dane	1 killed 2 inj	Unknown	Unknown	2 priors	31	13 yrs prison	12 yrs supervision	Lynch
2000	Dane	1 killed 1 inj	Unknown	.26	2 priors	39	10 yrs prison		Johnson
2000	Dane	1 killed	Yes	.12	0 priors	21	10 months jail	21 yrs probation	Squires
2005	Dane	1 killed	Yes	Unknown	0 priors	38	10 yrs prison	10 yrs supervision	Banks
2006	Dane	2 killed 2 inj	Yes	.14	0 priors	20	13 yrs prison	15 yrs supervision	Bowers
2007	Dane	1 killed	No	Unknown	1 prior	36	18 yrs prison	25 yrs supervision	Neupert
2005	Dane	1 killed	Yes	Unknown	0 prior	44	1 yr jail	12 1/2 yrs probation	Dartez
2007	Dane	1 killed 2 inj	No	Unknown	1 prior	25	8 yrs prison	7 yrs supervision	Romero-Toxqui
2007	Dane	1 killed	Yes	Unknown	0 prior	20	4 yrs prison	10 yrs supervision	Young
2007	Dane	1 killed	Yes	Unknown	2 priors	46	11 yrs prison	14 yrs supervision	Blizzard
2003	Dane	1 killed	Yes	Unknown	0 priors	19	4 yrs prison	4 yrs supervision	Ripp
2000	Dane	1 killed	Yes	.073	0 priors	29	1 year jail	14 yrs probation	Wildes
2004	Dane	1 killed	No	Unknown	2 priors	23	1 year jail	20 yrs probation	Stowell
2000	Dane	1 fetus killed	Yes	.22	0 priors	38	14 mo prison	10 yrs probation	Hodgkiss
2003	Dane	1 killed	Unknown	.30	3 priors	50	10 yrs prison	25 yrs supervision	Yurowski
2002	Dane	1 killed	Yes	Unknown	0 priors	18	8 months jail	15 yrs probation	Dellmann



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2007	Dane	1 killed	No	Unknown	0 priors	29	10 yrs prison	15 yrs supervision	Fenolio
2002	Dane	1 killed	Unknown	.241	0 priors	29	3 yrs prison	12 yrs supervision	Lawrence
2000	Dane	1 killed 1 inj	No	.103	0 priors	19	9 months jail	15 yrs probation	Erickson
2003	Dane	1 killed 1 inj	No	.08	0 priors	23	6 months jail	15 yrs probation	Hay/2nd OWI 11/06
2002	Dane	1 killed 1 inj	Unknown	.193	4 priors	44	13 yrs prison	27 yrs supervision	Stearn
2001	Dane	1 killed	No	.214	2 priors	36	16 yrs prison	25 yrs supervision	Medina-Fuentes
2001	Dane	1 killed	Yes	.119	0 priors	22	10 yrs prison	5 yrs supervision	Schwert
2000	Dane	1 killed	No	Unknown	5 priors	37	19 yrs prison		Smith
2003	Dane	1 killed	No	.158	0 priors	20	1 year prison	9 yrs supervision	Rice
2007	Dodge	1 killed	Yes	Unknown	0 prior	28	1 year jail	10 yrs probation	Schehr
2003	Dodge	1 killed 2 inj	Yes	Unknown	0 priors	21	1 year jail	15 yrs probation	Ladwig
2000	Dodge	1 killed	Unknown	Unknown	3 priors	31	5 yrs prison	2 yrs supervision	Ford
2000	Dodge	1 killed	Yes	.208	0 priors	27	6 months jail	10 yrs probation	Schmidt
2001	Dodge	1 killed 3 inj	Unknown	.304	1 prior	23	10 yrs prison	30 yrs supervision	Gross
2003	Dodge	1 killed 1 inj	Yes	.21	0 priors	34	5 yrs prison	5 yrs supervision	Hill
2004	Dodge	1 killed	No	.228	2 priors	36	7 yrs prison	18 yrs supervision	Reifsnider
2005	Dodge	1 killed	Yes	Unknown	0 priors	19	1 year jail	7 yrs probation	Rodriguez
2004	Dodge	1 killed	Unknown	.295	1 prior	34	5 yrs prison	15 yrs supervision	Olson
2005	Door	1 killed	No	Unknown	1 prior	34	3 yrs prison	4 yrs supervision	Dominguillo-Amateco
2000	Douglas	1 killed 1 inj	No	.19	0 priors	34	6 yrs prison	10 yrs supervision	Cole
2000	Douglas	1 killed	Yes	.19	0 priors	22	1 year jail	10 yrs probation	Hankins
2001	Eau Claire	1 killed	Unknown	.204	3 priors	34	5 yrs prison	25 yrs supervision	Marten
2006	Eau Claire	1 killed 1 inj	Yes	.218	0 priors	27	10 yrs prison	5 yrs supervision	Whitaker
2002	Eau Claire	2 killed	No	Unknown	0 priors	19	1 year jail	20 yrs probation	Cornehl
2005	Florence	1 killed	Yes	Unknown	0 prior	24	10 months jail	2 yrs probation	Burkart
2003	Fond du Lac	1 killed	No	Unknown	1 prior	32	8 yrs prison	6 yrs supervision	McKenna
2007	Fond du Lac	1 killed 4 inj	Yes	.144	0 priors	56	5 yrs prison	9 yrs supervision	Iberne
2007	Fond du Lac	1 killed 3 inj	Yes	Unknown	0 priors	32	1 year jail	15 yrs probation	Baierl
2002	Fond du Lac	1 killed	Yes	Unknown	0 priors	26	4 yrs prison	10 yrs supervision	Schraufnagel
2006	Forest	1 killed	Yes	Unknown	4 priors	37	1 year jail	15 yrs probation	Kasten

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2003	Grant	1 killed 1 inj	Yes	.11	0 priors	18	9 months jail	8 yrs probation	Busch
2006	Grant	1 killed	Yes	Unknown	0 priors	21	1 yr jail	10 yrs probation	Sweet
2005	Grant	1 killed	Unknown	Unknown	0 priors	26	1 year jail	8 yrs probation	Hayden
2005	Grant	1 killed	No	Unknown	1 prior	25	1 year jail	12 yrs probation	Kovars
2003	Green	1 killed	Yes	Unknown	0 priors	21	1 year jail	7 yrs probation	Yaun
2002	Green	1 killed 2 inj	Unknown	Unknown	0 priors	30	12 yrs prison	20 yrs supervision	Jorenby
2001	Green Lake	1 killed	No	.24	1 prior	47	3 yrs prison	12 yrs supervision	Cluppert
2001	Green Lake	1 killed 1 inj	Yes	Unknown	0 priors	22	6 yrs prison	13 yrs supervision	Lang
2004	Green Lake	1 killed	No	Unknown	2 priors	54	15 yrs prison	10 yrs supervision	Grimes
2004	Iowa	1 killed	No	Unknown	0 priors	45	6 months jail	6 yrs probation	Olson
2007	Iron	1 killed 2 inj	No	Unknown	0 prior	21	10 days jail	10 yrs probation	Simmons
2006	Iron	2 killed	Yes	Unknown	2 priors	43	3 yrs jail	25 yrs probation	Silanpa
2004	Jefferson	1 killed	No	Unknown	0 priors	71	1 year prison	9 yrs supervision	O'Brien
2005	Jefferson	1 killed 1 inj	Yes	.17	2 priors	34	15 1/2 yrs	10 yrs supervision	Kramer
2001	Jefferson	1 killed	Yes	.11	0 priors	26	15 yrs prison	10 yrs supervision	Koeffler
2007	Jefferson	1 killed	Yes	Unknown	0 prior	44	6 yrs prison	9 yrs supervision	Fleming
2006	Juneau	1 killed	No	Unknown	0 priors	19	6 months jail	3 yrs probation	Sobojski
2007	Juneau	1 killed 1 inj	Yes	Unknown	0 prior	22	1 yr jail	5 yrs probation	Lopez
2003	Juneau	1 killed	Yes	Unknown	0 priors	22	4 yrs prison	4 yrs supervision	Bredeson
2001	Kenosha	1 killed	Yes	Unknown	0 priors	46	8 yrs prison	12 yrs supervision	Dominguez
2003	Kenosha	1 killed	Yes	.101	0 priors	68	1 year jail	10 yrs probation	Wagner
2005	Kenosha	1 killed	Yes	.18	0 prior	23	6 yrs prison	15 yrs supervision	Gazda
2005	Kenosha	1 killed 3 inj	No	Unknown	1 prior	44	12 yrs prison	12 yrs supervision	Puhr
2002	Kenosha	1 killed	Unknown	Unknown	0 priors	21	7 yrs prison	10 yrs supervision	Darden
2006	Kenosha	1 killed	Yes	Unknown	0 priors	32	5 yrs prison	8 yrs supervision	Stricker
2000	Kenosha	1 killed 3 inj	Yes	.12	0 priors	19	7 yrs prison	30 yrs supervision	Michna
2003	Kenosha	2 killed	Yes	.18	0 priors	31	17 yrs prison	11 yrs supervision	Gonzalez
2007	Kenosha	1 killed	No	Unknown	0 priors	23	12 yrs prison	10 yrs supervision	Chavez-Chavez
2005	Kenosha	1 killed	Unknown	Unknown	1 prior	51	4 yrs prison	6 yrs supervision	Melby
2007	Kenosha	1 killed 1 inj	Yes	Unknown	0 prior	18	5 yrs prison	7 yrs supervision	Sellers

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2003	Kenosha	2 killed	Unknown	Unknown	0 priors	45	10 yrs prison	30 yrs supervision	Hinks
2000	Kenosha	1 killed	Yes	.20	1 prior	47	7 yrs prison	12 yrs supervision	Latta
2002	La Crosse	1 killed	Yes	Unknown	0 priors	22	1 year jail	10 yrs probation	Porath
2002	La Crosse	1 killed 1 inj	No	Unknown	2 priors	46	14 yrs prison	21 yrs supervision	Flury
2004	La Crosse	1 killed	Yes	Unknown	0 priors	49	8 yrs prison	10 yrs supervision	Nehring
2002	La Crosse	1 killed	Yes	.18	0 priors	26	6 yrs prison	14 yrs supervision	Piper
2004	Lafayette	1 killed	Yes	Unknown	0 priors	24	1 year jail	5 yrs probation	Reed
2001	Lafayette	1 killed 3 inj	Yes	Unknown	0 priors	25	2 years jail	15 yrs probation	Garside
2005	Langlade	1 killed	Yes	Unknown	0 priors	23	4 yrs prison	5 yrs supervision	Jansen
2003	Langlade	1 killed	Unknown	Unknown	1 prior	36	10 months jail	5 yrs probation	Jensen
2002	Langlade	2 killed	No	Unknown	2 priors	40	8 months jail	10 yrs probation	Godager
2002	Langlade	1 killed	Yes	Unknown	Unknown	23	10 yrs prison	5 yrs supervision	Bolen
2004	Langlade	1 killed 1 inj	Yes	Unknown	0 priors	25	9 months jail	5 yrs probation	Vandalen
2003	Lincoln	1 killed	No	Unknown	0 priors	39	5 yrs prison	10 yrs supervision	Deates
2005	Manitowoc	1 killed	Yes	.12	0 priors	36	3 yrs prison	5 yrs supervision	Kiehn
2007	Manitowoc	1 killed	Unknown	Unknown	2 priors	45	10 yrs prison	3 yrs supervision	Fox
2003	Manitowoc	1 killed	Yes	.162	0 priors	18	5 yrs prison	5 yrs supervision	Grotegut
2002	Manitowoc	1 killed	Yes	Unknown	0 priors	20	4 yrs prison	6 yrs supervision	Zimmer
2003	Manitowoc	2 killed 2 inj	Unknown	Unknown	0 priors	22	15 yrs prison	10 yrs supervision	Mills
2001	Manitowoc	1 killed	No	.227	2 priors	43	8 yrs prison	7 yrs supervision	Kostechka
2001	Manitowoc	1 killed	Yes	.18	0 priors	42	7 yrs prison	5 yrs supervision	Leiteritz
2003	Marathon	1 killed 1 inj	Yes	Unknown	0 priors	54	4 yrs prison	6 yrs supervision	Clark
2003	Marathon	2 killed	Yes	Unknown	0 priors	23	7 1/2 yrs prison	2 1/2 yrs prison	Vazquez-Vargas
2001	Marathon	1 killed	No	Unknown	1 prior	25	3 1/2 yrs prison	20 yrs supervision	Pospychalla
2005	Marathon	1 killed 2 inj	Yes	Unknown	0 priors	26	4 1/2 yrs prison	10 yrs supervision	Stoekmann
2003	Marathon	1 killed	Yes	Unknown	0 priors	19	1 year jail	10 yrs probation	Reynolds
2004	Marathon	1 killed	Yes	Unknown	0 priors	29	15 yrs prison	5 yrs supervision	Vallish
2003	Marathon	1 killed	Unknown	Unknown	0 priors	25	5 yrs prison	10 yrs supervision	Rutkowski
2005	Marathon	1 killed 1 inj	Unknown	Unknown	1 prior	59	15 yrs prison	10 yrs supervision	Arrowood
2003	Marinette	1 killed 4 inj	Yes	Unknown	0 priors	25	10 yrs prison	20 yrs supervision	Voigt

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2005	Marinette	1 killed 2 inj	Unknown	Unknown	3 priors	35	20 yrs prison	10 yrs supervision	VanDuyse
2006	Marinette	1 killed	Yes	Unknown	0 priors	30	3 yrs prison	5 yrs supervision	Brown
2002	Marinette	1 killed 1 inj	Yes	Unknown	0 priors	19	2 yrs prison	10 yrs supervision	Olson
2006	Marquette	1 killed	Yes	Unknown	0 priors	21	1 yr jail	5 yrs probation	Oren
2005	Marquette	1 killed	Yes	Unknown	0 priors	23	1 yr prison	2 yrs supervision	Gatz
2002	Milwaukee	1 killed	Yes	.208	0 priors	36	3 yrs prison	11 yrs supervision	Finchis
2006	Milwaukee	1 killed 2 inj	Yes	Unknown	0 priors	49	26 yrs prison	10 yrs supervision	Kletzien
2001	Milwaukee	1 killed	Unknown	.18	2 priors	39	3 1/2 yrs prison	6 yrs supervision	Roman
2006	Milwaukee	1 killed	Unknown	Unknown	1 prior	23	3 1/2 yrs prison	6 yrs supervision	Ruditys
2006	Milwaukee	1 killed 2 inj	Yes	.204	0 priors	22	17 yrs prison	10 yrs supervision	Stanley
2006	Milwaukee	1 killed	Unknown	Unknown	0 priors	22	8 yrs prison	5 yrs supervision	Jordan
2002	Milwaukee	2 killed	Yes	Unknown	0 priors	42	40 yrs prison	20 yrs supervision	Pollard
2006	Milwaukee	1 killed	Yes	Unknown	0 priors	24	3 yrs prison	7 yrs supervision	Zwicke
2005	Milwaukee	1 killed	Yes	.147	0 priors	47	2 yrs prison	6 yrs supervision	Nicholson
2002	Milwaukee	1 killed	Yes	.101	0 priors	19	2 yrs prison	5 yrs supervision	Gray
2005	Milwaukee	1 killed	Yes	Unknown	0 priors	70	2 yrs prison	8 yrs supervision	Cade
2001	Milwaukee	1 killed 1 inj	Yes	.12	0 priors	19	6 yrs prison	14 yrs supervision	Wicklund
2005	Milwaukee	1 killed	Yes	Unknown	0 priors	23	5 yrs prison	5 yrs supervision	Flores
2002	Milwaukee	1 killed	.209	2 priors	2 priors	37	14 yrs prison	10 yrs supervision	Priem
2005	Milwaukee	1 killed	Yes	Unknown	0 priors	44	5 yrs prison	5 yrs supervision	Love
2007	Milwaukee	2 killed	No	Unknown	3 priors	49	36 yrs prison	24 yrs supervision	Keck
2005	Milwaukee	1 killed	No	Unknown	1 prior	22	9 yrs prison	6 yrs supervision	Koch
2004	Milwaukee	1 killed	Yes	Unknown	0 priors	24	4 yrs prison	6 yrs supervision	Fowler
2000	Milwaukee	1 killed 1 inj	No	Unknown	Unknown	25	20 yrs prison	12 yrs supervision	Dismuke
2006	Milwaukee	2 killed	Yes	Unknown	0 priors	36	6 yrs prison	12 yrs supervision	Marley
2007	Milwaukee	1 killed	Yes	Unknown	0 priors	45	4 yrs prison	2 yrs supervision	Thrasher
2007	Milwaukee	1 killed	Yes	Unknown	0 priors	24	14 yrs prison	6 yrs supervision	Brown
2003	Milwaukee	4 killed 2 inj	No	Unknown	0 priors	19	19 yrs prison	8 yrs supervision	Promotor
2003	Milwaukee	1 killed	Yes	.112	0 priors	19	1 year jail	10 yrs probation	Sun
2003	Milwaukee	3 killed	Yes	.129	0 priors	18	36 yrs prison	24 yrs supervision	Caravella



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2006	Milwaukee	1 killed	Yes	.16	0 priors	21	10 yrs prison	6 yrs supervision	Smith
2000	Milwaukee	1 killed	Yes	.16	0 priors	31	3 yrs prison	17 yrs supervision	Singleton
2006	Milwaukee	3 killed 1 inj	Unknown	.242	0 priors	23	51 yrs prison	19 yrs supervision	Scolman
2000	Milwaukee	1 killed	Yes	Unknown	0 priors	43	8 yrs prison		Krause
2007	Milwaukee	1 killed	Yes	.136	0 priors	21	2 yrs prison	4 yrs supervision	Adams
2006	Milwaukee	1 killed 3 inj	Yes	Unknown	0 priors	32	3 yrs prison	5 yrs supervision	Wilson
2008	Milwaukee	1 killed	Yes	Unknown	2 priors	42	1 year jail	10 yrs probation	Pointer
2008	Milwaukee	2 killed	Unknown	.2	0 priors	39	5 yrs prison	8 yrs supervision	Wilson
2007	Milwaukee	1 killed 1 inj	Yes	Unknown	0 prior	31	2 yrs prison	8 yrs supervision	Randolph
2003	Milwaukee	1 killed	Yes	.167	0 priors	21	3 yrs prison	10 yrs supervision	Kral
2006	Milwaukee	1 killed	Yes	Unknown	0 priors	27	5 yrs prison	4 yrs supervision	Fitchpatrick
2004	Milwaukee	1 killed	Yes	Unknown	0 priors	22	6 yrs prison	8 yrs supervision	Murry
2006	Milwaukee	1 killed	Yes	Unknown	2 priors	37	11 yrs prison	7 yrs supervision	Kennedy
2007	Oconto	1 killed	No	Unknown	0 priors	34	6 yrs prison	6 yrs supervision	Trepanier
2005	Oconto	1 killed	Yes	Unknown	0 priors	42	1 year jail	4 yrs probation	Kopatz
2005	Oconto	1 killed 2 inj	Yes	.206	0 priors	45	5 yrs prison	5 yrs supervision	Adams
2001	Oconto	1 killed	Yes	Unknown	0 priors	20	1 year jail	10 yrs probation	Munes
2003	Oneida	1 killed 3 inj	Yes	.201	0 priors	67	6 months jail	8 yrs probation	Bong
2006	Oneida	1 killed	Yes	Unknown	0 priors	46	120 days jail	4 1/2 yrs probation	Savage
2007	Oneida	1 killed 1 inj	Yes	Unknown	1 prior	22	1 yr jail	8 yrs probation	Wallace
2006	Oneida	1 killed	Yes	Unknown	0 prior	46	3 yrs prison	5 yrs supervision	Habenicht
2000	Oneida	2 killed	Yes	Unknown	0 priors	18	1 year jail	13 yrs probation	Cirilli/2nd OWI 8/06
2007	Outagamie	2 killed 2 inj	Yes	.123	0 priors	22	10 yrs prison	15 yrs supervision	Biese
2005	Outagamie	1 killed	Unknown	.29	0 prior	30	4 yrs prison	6 yrs supervision	Nollenberg
2005	Outagamie	2 killed 5 inj	Yes	Unknown	0 priors	29	5 yrs prison	10 yrs supervision	Olson
2001	Outagamie	1 killed	Unknown	.09	0 priors	21	1 year jail	25 yrs probation	Brandt
2001	Outagamie	1 killed 1 inj	No	.164	0 priors	25	2 yrs prison	15 yrs supervision	Denny
2001	Outagamie	1 killed	No	.21	2 priors	22	5 yrs prison	20 yrs supervision	Luna
2003	Outagamie	1 killed	No	.173	0 priors	21	10 yrs prison	10 yrs supervision	Spencer
2000	Outagamie	1 killed	Yes	.19	0 priors	36	12 yrs prison	15 yrs supervision	Nebel



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2000	Outagamie	2 killed	Yes	.16	0 priors	23	13 yrs prison	7 yrs supervision	Furst
2007	Outagamie	1 killed 3 inj	No	.299	2 prior	21	10 yrs prison	10 yrs supervision	Miller
2001	Ozaukee	1 killed 1 inj	Yes	.16	0 priors	46	14 yrs prison	14 yrs supervision	Bertrand
2000	Ozaukee	1 killed 1 inj	Yes	.21	0 priors	41	26 yrs prison	14 yrs supervision	Guerrero
2002	Ozaukee	2 killed 1 inj	Yes	.1	0 priors	77	8 yrs prison	6 yrs supervision	Stenzel
2003	Pierce	1 killed 1 inj	Yes	.235	0 priors	22	7 yrs prison	5 yrs supervision	Foley
2001	Pierce	1 killed 1 inj	No	Unknown	4 priors	45	10 yrs prison	15 yrs supervision	Goodwin
2006	Pierce	1 killed 1 inj	Yes	Unknown	0 priors	22	1 year jail	7 yrs probation	Jensen
2001	Pierce	1 killed	Yes	.177	0 priors	27	1 year jail	10 yrs probation	Peterson
2003	Pierce	1 killed	Yes	.136	0 priors	24		3 yrs probation	Borst
2001	Pierce	1 killed	Yes	Unknown	0 priors	23	1 year jail	8 yrs probation	Halvorson
2006	Polk	1 killed	Unknown	Unknown	0 priors	22	4 yrs prison	4 yrs supervision	Mosay
2007	Polk	1 killed 1 inj	Yes	Unknown	2 prior	25	7 yrs prison	10 yrs supervision	Lord
2006	Racine	1 killed 1 inj	Unknown	Unknown	0 priors	29	3 yrs prison	7 yrs supervision	Gonzales
2005	Racine	1 killed	Yes	Unknown	0 priors	38	7 yrs prison	13 yrs supervision	Welsh
2002	Racine	1 killed 1 inj	Unknown	Unknown	4 priors	48	20 yrs prison	10 yrs supervision	Larson
2005	Racine	1 killed	No	Unknown	0 priors	36	6 yrs prison	10 yrs supervision	Taggart
2004	Racine	1 killed	Yes	Unknown	0 priors	19	11 yrs prison	4 yrs supervision	Galvan
2003	Racine	1 killed	Unknown	Unknown	1 prior	22	5 yrs prison	15 yrs supervision	Lueck
2007	Rock	1 killed 1 inj	Yes	Unknown	0 priors	17	1 year jail	12 yrs probation	Fleming
2005	Rock	1 killed	No	Unknown	0 priors	19	5 yrs prison	5 yrs supervision	Almanza
2002	Rock	1 killed	Unknown	.126	0 priors	24	3 yrs prison	12 yrs supervision	Johnson
2005	Rock	1 killed 3 inj	Yes	.11	0 priors	22	1 year jail	10 yrs probation	King
2000	Rock	1 killed	Yes	.19	0 priors	22	5 yrs prison	10 yrs supervision	Larson
2006	Rock	1 killed 2 inj	Yes	.236	0 priors	29	3 1/2 yrs prison	5 yrs supervision	O'Brien
2003	Rock	1 killed	Yes	Unknown	0 priors	23	1 year jail	10 yrs probation	Bone
2000	Rock	1 killed	No	.17	1 prior	24	10 yrs prison	10 yrs supervision	Jodoin
2003	Rock	1 killed 1 inj	Unknown	Unknown	1 prior	22	5 yrs prison	12 yr supervision	Hamilton
2003	Rock	1 killed	No	.188	0 priors	31	5 yrs prison	6 yrs supervision	Swan
2003	Rock	1 killed	Unknown	Unknown	3 priors	45	8 yrs prison	10 yrs supervision	Fisher

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2004	Rock	1 killed	No	Unknown	0 priors	25	5 yrs prison	8 yrs supervision	Lissner
2004	Rock	2 killed 1 inj	Yes	.21	0 priors	40	3 yrs prison	10 yrs supervision	Crowley
2006	Rock	1 killed	Yes	Unknown	0 priors	27	3 yrs prison	8 yrs supervision	Zapien-Montoia
2003	Rock	1 killed 3 inj	No	.24	3 priors	29	20 yrs prison	10 yrs supervision	Ramirez
2007	Sauk	2 killed 1 inj	Yes	Unknown	1 prior	24	14 yrs prison	15 yrs supervision	O'Donnell
2001	Sauk	1 killed 1 inj	Yes	Unknown	0 priors	29	1 year jail	5 yrs probation	Gotzion
2002	Sauk	1 killed	No	.201	2 priors	44	12 yrs prison	12 yrs supervision	Kasemodel
2007	Sawyer	1 killed 1 inj	Unknown	Unknown	0 priors	28	3 yrs prison	4 yrs supervision	Crowe
2001	Sawyer	1 killed	Unknown	.215	0 priors	44	1 year jail	10 yrs probation	Schroeder
2003	Sawyer	3 killed	No	.21	0 priors	18	10 yrs prison	10 yrs supervision	Quaderer
2002	Sawyer	1 killed	Yes	.128	0 priors	20	1 year jail	10 yrs probation	Miller
2001	Sawyer	1 killed 1 inj	No	.113	1 prior	38	3 yrs prison	5 yrs supervision	Mustache
2007	Shawano	2 killed 1 inj	No	Unknown	0 priors	52	25 yrs prison	20 yrs supervision	Ware
2000	Shawano	1 killed 1 inj	Yes	.15	0 priors	42	6 months jail	5 yrs probation	Pukall
2003	Shawano	1 killed	Unknown	Unknown	1 prior	46	4 yrs prison	6 yrs supervision	Tomow
2004	Shawano	1 killed	No	.214	3 priors	41	10 yrs prison	10 yrs probation	Firebaugh
2004	Shawano	1 killed 2 inj	Unknown	Unknown	0 priors	28	3 yrs prison	4 yrs supervision	Fehl
2005	Shawano	1 killed	Unknown	Unknown	3 priors	66	10 yrs prison	10 yrs supervision	Thomas
2001	Sheboygan	1 killed	Unknown	Unknown	1 prior	24	5 yrs prison	10 yrs supervision	Beaudry
2007	St Croix	1 killed	Yes	Unknown	0 priors	20	1 year jail	15 yrs probation	Fouks
2000	St Croix	1 killed	Unknown	Unknown	1 prior	25	15 yrs prison	5 yrs supervision	Davis
2002	St Croix	1 killed	Unknown	.131	1 prior	22	2 1/2 yrs prison	7 1/2 yrs supervision	Voeltz
2007	St Croix	1 killed	No	.13	1 prior	21	3 yrs prison	9 yrs supervision	Wolff
2006	Taylor	1 killed	No	Unknown	0 priors	21	10 yrs prison	10 yrs supervision	Bunkelman
2000	Trempealea	1 killed	No	Unknown	2 priors	28	1 year jail	15 yrs probation	Anderson
2005	Trempealea	1 killed	Yes	Unknown	1 prior	39	1 year jail	5 yrs probation	Bosworth
2002	Trempealea	1 killed	Yes	.14	0 priors	21	1 year jail	12 yrs probation	Sylla
2004	Vernon	1 killed 2 inj	Yes	Unknown	0 priors	69		3 yrs probation	Walter
2002	Vilas	1 killed	Yes	Unknown	0 priors	31	120 days jail	5 yrs probation	Johns
2008	Vilas	1 killed	Yes	Unknown	1 prior	47	15 yrs prison	10 yrs supervision	Valdez

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2001	Walworth	1 killed	Unknown	.23	Unknown	37	1 year jail	20 yrs probation	Berg
2005	Walworth	1 killed	Yes	.174	0 priors	21	10 yrs prison	5 yrs supervision	Andrade
2005	Walworth	1 killed 1 inj	Yes	Unknown	0 priors	23	15 yrs prison	5 yrs supervision	Vara
2007	Walworth	2 killed	Yes	Unknown	0 priors	22	1 year jail	7 yrs probation	Friesema
2007	Walworth	1 killed	Unknown	Unknown	2 prior	34	5 yrs prison	7 yrs supervision	Nicholson
2006	Walworth	1 killed	Yes	Unknown	0 priors	39	7 1/2 yrs prison	10 yrs supervision	Kuhnke
2002	Walworth	1 killed	Unknown	.118	Unknown	19	9 yrs prison		Liebnow
2005	Walworth	1 killed 1 inj	Yes	Unknown	0 priors	19		6 yrs probation	Hoffman
2001	Washington	1 killed	No	.316	1 prior	45	8 yrs prison	12 yrs supervision	Batzler
2001	Washington	1 killed	Yes	.143	0 priors	25	1 year jail	10 yrs probation	Schultz
2005	Washington	1 killed	No	.09	1 prior	28	6 yrs prison	14 yrs supervision	Dixon
2003	Washington	1 killed 2 inj	Yes	Unknown	0 priors	41	1 1/2 yrs prison	13 1/2 yrs supervision	Koepke
2005	Waukesha	1 killed	Yes	Unknown	0 priors	42	1 year jail	10 yrs probation	Hurzeler
2001	Waukesha	1 killed	Unknown	.141	2 priors	39	11 months jail	10 yrs probation	Donovon
2001	Waukesha	1 killed	Yes	.089	0 priors	19	4 yrs prison	6 yrs supervision	Kelly
2007	Waukesha	2 killed 6 inj	Yes	.348	0 priors	50	15 yrs prison	10 yrs supervision	Fekete
2003	Waukesha	1 killed 1 inj	No	.106	0 priors	20	4 yrs prison	8 yrs supervision	Dominick
2001	Waukesha	1 killed	Yes	.164	0 priors	47	1 year jail	5 yrs probation	Lindner
2006	Waukesha	1 killed	Yes	.2	0 priors	59	2 yrs prison	5 yrs supervision	Celmer
2002	Waukesha	1 killed	Yes	.147	0 priors	44	7 yrs prison	7 yrs supervision	Pfaff
2004	Waukesha	1 killed	Unknown	Unknown	0 priors	26	1 year jail	8 yrs probation	Carlsen
2005	Waukesha	1 killed 4 inj	Yes	.19	0 priors	47	3 yrs prison	7 yrs supervision	Robinson
2007	Waukesha	1 killed 4 inj	Yes	.104	0 priors	38	4 yrs prison	10 yrs supervision	Megal
2001	Waukesha	1 killed	Yes	.13	0 priors	33	2 1/2 yrs prison	12 1/2 yrs supervision	Mendoza
2003	Waukesha	1 killed	Unknown	.135	1 prior	27	15 yrs prison	15 yrs supervision	Olson
2006	Waukesha	1 killed 1 inj	No	Unknown	0 priors	18	9 months jail	5 yrs probation	Newkirk
2005	Waupaca	2 killed 1 inj	No	Unknown	1 prior	24	8 yrs prison	8 yrs supervision	Daul
2005	Waupaca	1 killed 4 inj	Yes	Unknown	0 priors	20	5 yrs prison	7 yrs supervision	Foster
2007	Waupaca	1 killed	Yes	Unknown	0 priors	28	3 yrs prison	3 yrs supervision	Blandon
2001	Waupaca	1 killed	No	.207	1 prior	24	10 yrs prison	10 yrs supervision	Martinez

Year	County	# of Victims	Valid License	BAC	Prior OWI	Age	Confinement	Supervision	Defendant
2002	Waupaca	1 killed	Yes	.116	0 priors	21	1 year jail	10 yrs probation	Freeman
2005	Waushara	1 killed	Yes	Unknown	0 priors	39	1 year jail	5 yrs probation	Mickelson
2005	Winnebago	1 killed	No	Unknown	0 priors	26	20 yrs prison	15 yrs supervision	Butler
2001	Winnebago	2 killed	Yes	.18	1 prior	27	60 yrs prison	40 yrs supervision	Nigl
2006	Winnebago	1 killed	Yes	Unknown	3 priors	30	4 yrs prison	4 yrs supervision	Weitz
2007	Winnebago	1 killed 1 inj	Yes	.246	1 prior	47	15 yrs prison	10 yrs supervision	Burr
2004	Winnebago	1 killed	No	Unknown	3 priors	22	25 yrs prison	15 yrs supervision	Delacruz
2007	Winnebago	1 killed	No	Unknown	0 priors	21	15 yrs prison	15 yrs supervision	Shanak
2003	Wood	1 killed	No	.227	1 prior	30	16 yrs prison	8 yrs supervision	Talbot
2001	Wood	1 killed	Unknown	.213	1 prior	21	3 yrs prison	7 yrs supervision	Orzuna
2002	Wood	1 killed	Unknown	Unknown	0 priors	36	3 yrs prison	10 yrs supervision	Flanary