

ANDRÉ JACQUE

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

(608) 266-9870
Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

TO: Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Rep. André Jacque

DATE: February 7, 2018

RE: Assembly Bill 873

Chairman Spiros and Colleagues,

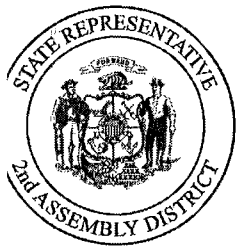
Thank you for holding this hearing on Assembly Bill 873, common sense bi-partisan legislation to provide more uniform penalties for intoxicated operation of ATVs, UTVs, snowmobiles, motorboats, and motor vehicles.

Operating while intoxicated is a significant contributing factor for fatalities with any motorized vehicle.

Unlike Michigan and Minnesota, which link drunken driving recreational vehicle citations with motor vehicle licenses, in Wisconsin drunken drivers who lose their licenses can still drive snowmobiles, boats and ATVs. AB 873 will close the loophole in Wisconsin law that currently allows a person suspended or revoked for intoxicated driving of a car to drive a snowmobile, boat or ATV/UTV without any restrictions. AB 873 would add suspension of ATV, snowmobile and boating privileges for 12 to 16 months on first offense and make the penalties the same for all three vehicles. Currently, individuals could commit a first offense OWI on each of these different types of vehicles without any of them counting as a repeat offense. Under AB 873, a court must count previous convictions of any of these intoxicated operation or refusal laws that occurred within the previous five years when imposing a penalty for a violation of any of these laws.

Other updates for uniformity include:

1. Adopting the higher penalties for various violations where the penalties for violations of the intoxicated operation of an ATV or UTV law, the intoxicated boating law, the intoxicated snowmobiling law, and the refusal law conflict.
2. Imposing increased penalties for violating the intoxicating boating law or the intoxicated snowmobiling law or related refusal law if the motorboat or snowmobile is operated with a passenger under 16 years of age. The increased penalty already exists for a violation of the intoxicated operation of an ATV or UTV law and the ATV or UTV refusal law.



ANDRÉ JACQUE

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

(608) 266-9870
Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

3. Repealing the provisions that imposed increased penalties for operating an ATV or UTV with an alcohol concentration level that is 0.17 or more. Under current law, these increased penalties are not imposed for violations of the intoxicated boating or the intoxicated snowmobiling laws.
4. Under current law, the sentences of persons who are convicted of certain second, third, or fourth offenses involving the operation of a motor vehicle while under the influence of an intoxicant may be reduced if the violator successfully completes a period of probation that includes alcohol and other drug treatment. This bill allows this option to be used for persons convicted of a violation of the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, or the intoxicated snowmobiling law or the applicable refusal law.

I am pleased to be joined today by my former Assembly colleague and past lead author of this legislation, Portage County District Attorney Louis Molepske, and have received support for AB 873 from many groups, including the Wisconsin Chiefs of Police Association, the leadership team of the Wisconsin ATV/UTV Association, and Healthiest Brown County.

Thank you for your consideration of Assembly Bill 873.