



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2373/1
EVM:cdc

2019 SENATE BILL 161

April 11, 2019 - Introduced by Senators WANGGAARD, DARLING, CARPENTER, JACQUE, KOOYENGA and SMITH, cosponsored by Representatives KERKMAN, OTT, ANDERSON, KULP, KURTZ, MURSAU, OHNSTAD, SKOWRONSKI, SPREITZER, C. TAYLOR, THIESFELDT and TUSLER. Referred to Committee on Judiciary and Public Safety.

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

Analysis by the Legislative Reference Bureau

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

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

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

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

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SECTION 1

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

5 (END)