



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa2174/1  
PJH:emw

**SENATE AMENDMENT 1,  
TO SENATE BILL 667**

February 16, 2016 – Offered by Senator GUDEx.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1c.** 165.957 (3) (a) of the statutes, as created by 2015 Wisconsin Act  
4 55, is amended to read:

5 165.957 (3) (a) A standard for frequent testing for the use of alcohol or a  
6 controlled substance that is an alternative to the testing described in sub. (4) (b) 1.

7 This paragraph does not apply to testing required pursuant to an order under s.  
8 343.301 (1g) (am) 2. that a court imposes on a person who meets the criteria under  
9 s. 343.301 (1g) (a) 2. b.

10 **SECTION 1d.** 165.957 (4) (a) 1. of the statutes, as created by 2015 Wisconsin Act  
11 55, is amended to read:

12 165.957 (4) (a) 1. The person is ordered by a judge or by the department of  
13 corrections as a condition of bond, release under s. 969.01 (1), probation or deferred

1 prosecution, release to parole, or release to extended supervision, to ~~refrain totally~~  
2 abstain from using alcohol or a controlled substance, and whose participation in the  
3 program is ordered by the judge or by the department of corrections as a condition  
4 of bond, release under s. 969.01 (1), probation, release to parole, or release to  
5 extended supervision.

6 **SECTION 1k.** 165.957 (4) (a) 2. of the statutes, as created by 2015 Wisconsin Act  
7 55, is amended to read:

8 165.957 (4) (a) 2. The person agrees to ~~refrain totally abstain~~ from using alcohol  
9 or a controlled substance while he or she is released on bond, on release under s.  
10 969.01 (1), on probation, participating in a deferred prosecution agreement, or on  
11 parole or extended supervision and ~~volunteers~~ agrees to participate in the program  
12 even though his or her participation is not ordered by a judge or by the department  
13 of corrections as a condition of bond, release pursuant to s. 969.01 (1), probation or  
14 deferred prosecution, or release to parole or to extended supervision. This  
15 subdivision does not apply to any person who meets the criteria under s. 343.301 (1g)  
16 (a) 2. b. and who is subject to an order under s. 343.301 (1g) (am) 2.

17 **SECTION 1L.** 165.957 (4) (b) 1. of the statutes, as created by 2015 Wisconsin Act  
18 55, is amended to read:

19 165.957 (4) (b) 1. Except as provided in subd. 2. or 2m., the program requires  
20 participants to be tested for the use of alcohol at least twice daily, at approximately  
21 12-hour intervals, or for the use of a controlled substance as frequently as  
22 practicable.

23 **SECTION 1m.** 165.957 (4) (b) 2. of the statutes, as created by 2015 Wisconsin Act  
24 55, is amended to read:

1           165.957 (4) (b) 2. If the standard for frequent testing described in subd. 1.  
2           creates an unreasonable hardship for the county administering the program, the  
3           program may utilize the standard established by the department of justice under  
4           sub. (3) (a). This subdivision does not apply to any person who meets the criteria  
5           under s. 343.301 (1g) (a) 2. b. and who is subject to an order under s. 343.301 (1g) (am)  
6           2.

7           **SECTION 1n.** 165.957 (4) (b) 2m. of the statutes is created to read:

8           165.957 (4) (b) 2m. Any person who meets the criteria under s. 343.301 (1g) (a)  
9           2. b. and who is subject to an order under s. 343.301 (1g) (am) 2. shall be tested as  
10          required under 23 USC 405 (d) (7) (A) (ii) and regulations adopted thereunder.

11          **SECTION 1p.** 165.957 (4) (c) of the statutes, as created by 2015 Wisconsin Act  
12          55, is amended to read:

13          165.957 (4) (c) The program informs a participant that, if he or she fails to  
14          appear for a scheduled test or if his or her test results indicate that the participant  
15          used alcohol or a controlled substance, he or she may be placed under immediate  
16          arrest and referred to the department of corrections and to the appropriate  
17          prosecuting agency for violating a condition of his or her bond, release under s. 969.01  
18          (1), probation or deferred prosecution, or of his or her release to parole or extended  
19          supervision.”.

20          **2.** Page 2, line 18: after “order” insert “, unless he or she is also subject to an  
21          order under s. 343.301 (1g) (am) 1.”.

22          **3.** Page 3, line 18: after “order” insert “, unless he or she is also subject to an  
23          order under s. 343.301 (1g) (am) 1.”.

24          **4.** Page 4, line 4: after “one” insert “or more”.

1           **5.** Page 4, line 11: after “(7) (A)” insert “and regulations adopted thereunder”.

2           **6.** Page 4, line 13: after “program,” insert “or while the person participates in  
3 the program and for the additional period of time under sub. (2m) (b),”.

4           **7.** Page 4, line 18: after “device.” insert “If the court orders that the person’s  
5 operating privilege for the operation of “Class D” vehicles is restricted to operating  
6 vehicles that are equipped with an ignition interlock device because of the person’s  
7 completion or non-participation in the program, the court shall indicate on the order  
8 the date on which the person’s operating privilege is so restricted and the time period  
9 for which the person’s operating privilege is so restricted, and shall forward a copy  
10 of the order to the department of transportation.”.

11           **8.** Page 5, line 6: after “2.” insert “that does not restrict a person’s operating  
12 privilege for the operation of “Class D” vehicles to operating vehicles that are  
13 equipped with an ignition interlock device while he or she participates in a program”.

14           **9.** Page 5, line 7: delete “a person” and substitute “the person”.

15           **10.** Page 5, line 12: after “year.” insert “If the court enters an order under sub.  
16 (1g) (am) 2. that restricts a person’s operating privilege for the operation of “Class  
17 D” vehicles to operating vehicles that are equipped with an ignition interlock device  
18 while he or she participates in a program, the court shall order that the time period  
19 for which the person’s operating privilege is restricted under sub. (1g) (am) 2. equals  
20 not less than one year nor more than the maximum operating privilege revocation  
21 period permitted for the refusal or violation, except that if the maximum operating  
22 privilege revocation period is less than one year, the time period shall equal one  
23 year.”.

