



City of West Allis

Resolution: R-2019-0504

File Number: R-2019-0504

Final Action:

Sponsor(s): Alderperson Roadt

Resolution supporting passage of Wisconsin State Legislature 2019 Assembly Bill 18 relating to penalties for operating a vehicle while intoxicated, including making the first offense a criminal offense.

WHEREAS, [2019 Assembly Bill 18 <https://docs.legis.wisconsin.gov/2019/proposals/ab18>](https://docs.legis.wisconsin.gov/2019/proposals/ab18) was introduced by [State Representative Jim Ott <https://docs.legis.wisconsin.gov/2019/legislators/assembly/1817>](https://docs.legis.wisconsin.gov/2019/legislators/assembly/1817) and [State Senator Alberta Darling <https://docs.legis.wisconsin.gov/2019/legislators/senate/1898>](https://docs.legis.wisconsin.gov/2019/legislators/senate/1898) with the intention of stopping operating while intoxicated; and

WHEREAS, Wisconsin is the only state in which first offense Operating While Intoxicated (OWI) is not a criminal offense; and

WHEREAS, the Wisconsin Department of Transportation reports that alcohol remains the single greatest contributing cause of fatal crashes; and

WHEREAS, a first offense OWI is currently treated as a civil forfeiture, unless there was a minor passenger under the age of 16 at the time of the offense, in which case the first offense is treated as a criminal misdemeanor; and

WHEREAS, 2019 Assembly Bill 18 makes all first offense OWI convictions a class C misdemeanor with a potential fine of up to \$500, jail time up to 30 days, or both; and

WHEREAS, under 2019 Assembly Bill 18, similar to provisions included in [2019 Assembly Bill 15 <https://docs.legis.wisconsin.gov/2019/proposals/ab15>](https://docs.legis.wisconsin.gov/2019/proposals/ab15), eliminates the current ten year look-back and second offense OWI will be a criminal misdemeanor regardless of when it took place; and

WHEREAS, under 2019 Assembly Bill 18 a person convicted of a first offense OWI who does not commit any other OWI related offenses within a five year period after the conviction, may petition the court to vacate the criminal conviction and amend the record to a civil violation; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of West Allis supports the passage of 2019 Assembly Bill 18 relating to penalties for offenses related to operating a vehicle while intoxicated; and

BE IT FURTHER RESOLVED that the Common Council of West Allis requests the Wisconsin State Legislature to strengthen drunk driving laws, while offering a second chance to those who do not reoffend within five years;

BE IT FURTHER RESOLVED that copies of this resolution be provided to the City's two State Senator's, three State Representatives, Governor Evers, the chair(s) of the appropriate committee(s) where 2019 Assembly Bill 18 is assigned, and the Wisconsin League of Municipalities.

ADOPTED _____

APPROVED _____

Steven A. Braatz, Jr., City Clerk

Dan Devine, Mayor