



## NEW OWI LAW IMPOSES STIFFER PENALTIES FOR OFFENDERS

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In response to growing public concerns over the effectiveness of Wisconsin's impaired-driving laws, the Wisconsin Legislature enacted 2009 Wisconsin Act 100, which takes effect July 1, 2010. The law makes several important changes to Wisconsin's pre-existing OWI regulations.

### **First Offenses Criminalized under Some Circumstances**

Under the old law, first-time OWI offenders were only guilty of a moving traffic violation. Though the new law largely keeps this rule in place, it does make one exception: If there is a child under the age of 16 in the car and the driver is intoxicated, the driver now can face a misdemeanor conviction, up to six months in jail and a maximum fine of \$1,100.00.

### **Expansion of the use of Ignition Interlock Devices**

The new law also expands the use of Ignition Interlock Devices (IIDs), and now requires IIDs in *all vehicles* driven or possessed by a person with two or more OWI convictions. First time offenders may also be required to use IIDs if their BAC (blood alcohol content) was 0.15 or higher. The legislature also increased the penalty for tampering with an IID to fines up to \$600.00 and six months in prison.

### **No More Expunction of Records**

A unique feature of the old OWI law was that a first-time offender who had a BAC between 0.08 – 0.099 could ask the court to “expunge” their OWI conviction. These “baby PAC” (prohibited alcohol concentrations) deals are no longer allowed. The new law prohibits expunction of any OWI offense convictions; in addition, the rule *retroactively* applies to *any conviction* in the last ten years. Thus, a driver expecting to have their OWI conviction expunged no longer has that relief.

### **Increased Sentences**

In addition to the penalties mentioned above, the new law also increases penalties in other areas. For example, the law increases the minimum jail sentence for three-peat offenders from 30 days to 45 days. In addition, any impaired driver who causes injury to another will now be subject to a Class H felony conviction, six years imprisonment, and a \$10,000.00 fine.

In summary, the legislature appears to be taking impaired driving seriously; consequently, before Wisconsin drivers drink that “last one,” they should remember that the new OWI penalties are by no means fun.