

SHEBOYGAN COUNTY RESOLUTION NO. 24 (2010/11)

Re: **Opting to Offer a Reduced Minimum Period of Imprisonment for OWI Offenders who Successfully Complete a Probation Period**

**Printed as amended*

WHEREAS, by the enactment of 2009 WI Act 100, the Wisconsin Legislature has made significant changes to the statutes relating to operating a vehicle while intoxicated, and

WHEREAS, in general, the statutes provide for increased penalties for violations of the laws prohibiting operation of the vehicle while intoxicated, and

WHEREAS, in Sections 45, 46, 47, 54, 55, 56, and 60 of 2009 WI Act 100, counties may opt "to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment," and

WHEREAS, 2009 WI Act 100 is unclear as to the methodology by which a county may so "opt," and it is unclear as to what may constitute a "successful completion of a probation period that includes alcohol and other drug treatment," and

WHEREAS, the Sheboygan County Board wants to give the broadest latitude to Sheboygan County Circuit Judges to utilize this option if they choose to do so;

NOW, THEREFORE, BE IT RESOLVED that to the extent required or necessary to obtain the fullest latitude for Sheboygan County Circuit Judges under 2009 WI Act 100, Sheboygan County opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, *Such as Wisconsin Community Services or similar program.*

BE IT FURTHER RESOLVED that to the extent required or necessary to obtain the fullest latitude for Sheboygan County Circuit Judges under 2009 WI Act 100, the Sheboygan County Board defers to such Circuit Judges all rights and authority to determine whether any alcohol and other drug treatment program funded in whole or in part by Sheboygan County or otherwise approved by the Sheboygan County Circuit Judges would qualify the offender who successfully completes it for the reduced minimum periods of imprisonment allowed under 2009 WI Act 100.

Respectfully submitted this 19th day of October, 2010.

LAW COMMITTEE

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Brian C. Hoffmann, Chairperson

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Thomas V. Epping, Vice-Chairperson

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