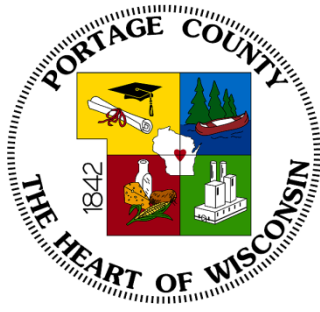




JUSTICE PROGRAMS DEPARTMENT

1462 STRONGS AVENUE, STEVENS POINT, WI 54481
PHONE: 715-346-1342 • FAX: 715-346-1677

TO: OWI 2nd Work Group Members

FROM: Anne Renc, Public Defender
Andrea Starr, Justice Programs Department

DATE: October 17, 2022

AGENDA

OWI 2nd Work Group
October 21, 2022 – 2:00 p.m. to 3:00 p.m.

Annex Conference Room 3

1. Review of submitted minutes from September 14, 2022
2. Discussion of WI State Statute 346.65 (2) (bm) (cm) (dm)
3. Statistics of OWI 2nds in Portage County that Qualify for Post Supervision
4. Review of Outagamie County SSTOP
5. Consideration of Drug OWI offenses Qualifying for Post Supervision
6. Set next meeting date
7. Adjourn

NOTICE: *A quorum of the Portage County Board of Supervisors or any committee thereof may be present at this meeting.*

Any person who has special needs and plans on attending this meeting should contact the Justice Programs Department as soon as possible to ensure that reasonable accommodations can be made. Telephone 715-346-1334.

MINUTES
OWI 2nd Work Group
September 9, 2022

Members Present: Anne Renc (arrived at 1:32 p.m.), Andrea Starr, Penny Borski, Jamie Kiener, Jed Dodge (left at 1:29 p.m.)

1. Why Work Group Was Created

Starr indicated that Anne Renc asked Starr if Pretrial Supervision could work with OWI 2nd individuals as there is a lack of services for them. This was informed to the Justice Coalition and the Justice Coalition Executive Committee and a create of a work group was approved.

Borski indicated that when the Pretrial Supervision Program was created, OWI 2nd's were a traffic ticket and now they are a misdemeanor.

2. Discussion of WI State Statute 346.65 (2) (bm) (cm) (dm)

Tabled until next meeting.

3. Statistics of OWI 2nds in Portage County

2019: 44, 2020: 33, 2021: 43

4. Current Bond Conditions for OWI 2nd

Dodge indicated that cash bond between \$500 - \$750 is recommended; however, the court will usually order a cash bond. Also ordered is absolute sobriety, don't possess or consume alcohol, and license is suspended. If someone receives their 2nd OWI while their 1st OWI is still pending, the individual usually will be ordered a cash bond.

Driving under the influence of Methamphetamine has significantly increased. The question was asked if Pretrial Supervision and Post Trial Supervision would be used for individuals that are under the influence of drugs. This will be explored.

5. Current Disposition for OWI 2nd

Dodge reviewed the Judicial Guidelines for OWI 2nds for alcohol only. Discussion took place that if an individual is sentenced to five days in jail and the sentencing guidelines do not allow for a reduction in time for enrolling in the Post Supervision Program, that would be little incentive for that person to want to participate in the program.

6. Services Provided in Pretrial Supervision

Kiener reviewed the services provide for Pretrial Supervision.

7. Services Provided in Post-Trial Supervision

Kiener reviewed the services provided for Post Trial Supervision. Individuals are on supervision for approximately 12-18 months and are tested approximately 1-3 times per week.

8. Information Needed for Next Meeting

How many of the OWI 2nds were within 10 years, was a homicide by intoxicated use of a vehicle, or serious injury by intoxicated use of a vehicle.

Starr will contact other county programs to see if they saw a reduction in OWI 3rds when they started providing services to OWI 2nds.

9. Next meeting date

October 28, 2022 at 1:30 p.m.

Meeting adjourned at 2:00 p.m.

Respectfully submitted,

Andrea Starr
Justice Programs Director/Recording Secretary

WI State Statute 346.65 (2) (bm) (cm) (dm)

346.65 Penalty for violating sections 346.62 to 346.64.

(bm) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. [940.09 \(1\)](#) and [940.25](#) in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. [343.307 \(1\)](#) within a 10-year period, equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. [\(am\) 2.](#), but the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 5 nor more than 7 days. A person may be sentenced under this paragraph or under par. [\(cm\)](#) or [\(dm\)](#) or sub. [\(2j\) \(bm\)](#), [\(cm\)](#), or [\(cr\)](#) or [\(3r\)](#) once in his or her lifetime.

(cm) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. [940.09 \(1\)](#) and [940.25](#) in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. [343.307 \(1\)](#) equals 3, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. [\(am\) 3.](#), but the period of imprisonment shall be not less than 45 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 14 days. A person may be sentenced under this paragraph or under par. [\(bm\)](#) or [\(dm\)](#) or sub. [\(2j\) \(bm\)](#), [\(cm\)](#), or [\(cr\)](#) or [\(3r\)](#) once in his or her lifetime.

(dm) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. [940.09 \(1\)](#) and [940.25](#) in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. [343.307 \(1\)](#) equals 4, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. [\(am\) 4.](#), but the period of imprisonment shall be not less than 60 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 29 days. A person may be sentenced under this paragraph or under par. [\(bm\)](#) or [\(cm\)](#) or sub. [\(2j\) \(bm\)](#), [\(cm\)](#), or [\(cr\)](#) or [\(3r\)](#) once in his or her lifetime.

Highlights

§346.65

They can only do the program once!

3rd Offense

Not less than 14 days (§346.65(3)(cm))

2nd Offense

Not less than 5 days nor more than 7 days (§346.65(2)(bm))

4th offense

Not less than 60 days (§346.65(4)(dm))