



Legislation Details (With Text)

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On agenda: **Final action:** 4/19/2022

Effective date:

Title: Resolution directing the Department of Administration - Intergovernmental Relations Division to lobby for State law establishing an offense of Reckless Driving Creating Imminent Threat of Serious Bodily Harm.

Sponsors: ALD. MURPHY

Indexes: MOTOR VEHICLES, STATE LEGISLATION

Attachments:

Date	Ver.	Action By	Action	Result	Tally
4/4/2022	0	COMMON COUNCIL	ASSIGNED TO		
4/11/2022	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
4/19/2022	0	COMMON COUNCIL	ADOPTED	Pass	13:0
4/27/2022	0	MAYOR	SIGNED		

..Number
211923
..Version
ORIGINAL
..Sponsor
ALD. MURPHY

..Title
Resolution directing the Department of Administration - Intergovernmental Relations Division to lobby for State law establishing an offense of Reckless Driving Creating Imminent Threat of Serious Bodily Harm.

.. Analysis
This resolution directs the Department of Administration - Intergovernmental Relations Division to lobby for State law establishing an offense of Reckless Driving Creating Imminent Threat of Serious Bodily Harm.

..Body
Whereas, Innumerable tragedies, including the deaths of innocent children, continue to be caused by reckless drivers; and

Whereas, Reckless drivers turn cars, in effect, into stray bullets imminently endangering innocent residents; and

Whereas, Reckless drivers threatening public safety need to be taken off the streets immediately; and

Whereas, The scourge of reckless driving is not only acute in Milwaukee, but is a matter of statewide concern; and

Whereas, Proposed State legislation establishing an offense of Reckless Driving Creating Imminent Threat of Serious Bodily Harm would provide for impoundment of a vehicle upon arrest for the offense; and

Whereas, In drafting the legislation, it would be appropriate for State legislators to consider the following:

1. First offense as a misdemeanor with a minimum mandatory period of incarceration and maximum of 9 months and vehicle impoundment for a minimum of 90 days absent a court order and with an innocent owner exception.

2. Repeat offense within 5 years as a felony with a minimum mandatory period of incarceration and vehicle impoundment for a minimum of 6 months or longer at the discretion of the judge.
3. Imminent threat determined based upon consideration of the following factors: speed; pedestrian and other vehicular presence; simultaneous traffic violations (running red lights or stop signs, passing in prohibited areas, such as bike or parking lanes); unsafe lane deviation; racing, cutting off adjacent vehicles when the light changes; operating under the influence; resultant collision; driving record and licensing status of the offending driver; and corroborating video evidence or witness accounts.
4. The driver permitted to request a probable cause hearing to be conducted within 72 hours, and if the court does not find probable cause of imminent threat, the vehicle would be released.
5. A non-driver owner of the vehicle permitted to request release of the vehicle.
6. Vehicle release permitted if, by the preponderance of the evidence, the vehicle owner established not knowing the offender was driving the vehicle or had no significant reason to believe the driver was likely to operate in a reckless manner.
7. Stolen vehicles not impounded.
8. Impoundment fees assessed against the owner of the vehicle unless the owner is determined at the release hearing to be an innocent owner or probable cause of imminent threat is not established.
9. Vehicle forfeiture for repeat offenses.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Administration - Intergovernmental Relations Division is directed to lobby for State law establishing an offense of Reckless Driving Creating Imminent Threat of Serious Bodily Harm; and, be it

Further Resolved, That Resolution File Number 200668 is amended by inserting the following item in the document attached to the file and identified as "AMENDED 2021-2022 State Legislative Detailed Proposals and Key Issues":

Public Health and Safety Police Department Amend s. 346.62, Wis. Stats., and establish an offense of Reckless Driving Creating Imminent Threat of Serious Bodily Harm.

; and, be it

Further Resolved, That the City Clerk shall forward a copy of this resolution to the State legislative representatives.

..Requestor

..Drafter
LRB 177317-2
Tea B. Norfolk
3/28/2022