

tinker with the elements of the crime of DWI itself. Anytime you change the elements of crime, you are in fact creating a new crime. I understand he got some of these changes from the Department of Motor Vehicles and these changes may, in fact, appeal to the Department of Motor Vehicles. They do not appear to be substantive in nature, but that is not the point. The point is you are changing the elements of the offense of DWI, and what does that mean? The first thing it could possibly mean is that the courts will not be able to take into consideration any prior conviction when sentencing is under this act. In effect, you are wiping the slate clean for all drunk drivers on the streets and highways of the state. You are allowing them to start all over. Well, let's see what they would be starting with. For a first offense, under the Haberman amendments the penalty is increased to a Class 3 misdemeanor. We are drafting minimum penalties into Class 3 misdemeanor and allowing the granting of probation. The Haberman amendments state that if probation is granted, the person will be required to work for a period of 16 hours in some sort of useful community work. Who is to decide what type of useful work this is? The county sheriff, the county board, somebody else, some other entity? Whatever it means. We have a lot of problems with the past because municipalities and villages simply don't want these type of people working in these areas because of liability problems. That is the decision you are to make....I just raised the question. What bothers me most about first offense DWI is that under the Haberman amendment there is no mandatory license suspension. You might think that there is but if you check Subsection 3 on page 12, line 7 exempts out first offense DWI from the mandatory minimum terms and the revocation of driver's license. The Haberman amendment provides for the second offense DWI the penalty is escalated to a Class 2 misdemeanor. Now in spite of later sections that say that cities and villages can enact ordinance in compliance with this section, I am telling you right now cities and villages cannot enact ordinances which contain penalties exceeding six months in jail and a \$500 fine. They simply can't do it. So right away we take the villages' and cities' ordinances out of the prosecution of DWI. This section further purports that the minimum sentence can be served on a weekend. I submit to you that the courts are able to do this now and, in fact, they do. Senator Haberman removes the felony provision for third offense DWI and makes it a Class 1 misdemeanor. Again cities and villages despite language of the bill simply cannot enact ordinances in compliance with