



1997 ASSEMBLY BILL 128

February 18, 1997 - Introduced by Representatives SCHNEIDER, WILLIAMS, L. YOUNG, WASSERMAN and MORRIS-TATUM. Referred to Joint committee on Finance.

- 1 **AN ACT to create** 20.445 (1) (fm) and 103.08 of the statutes; **relating to:**
2 convenience store, service station and restaurant security, a grant program for
3 workplace security training and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill permits counties, cities, villages and towns to enact local ordinances requiring convenience stores, service stations and restaurants that are regularly open for business at any time between 8 p.m. and 5 a.m. (at-risk businesses), other than at-risk businesses in which only the owner and his or her family members work during those hours, to do all of the following:

1. Adequately illuminate the parking lot at an intensity determined by the ordinance.
2. If the at-risk business is constructed or converted from another use on or after the effective date of the ordinance, place the cash register and transaction area and maintain window signs and tinting so as to provide a clear and unobstructed view of the cash register and transaction area from the street.
3. If the at-risk business is equipped with a security camera, make the recording device of the security camera inaccessible to employes and post a conspicuous sign at the entrance stating that a security camera with an inaccessible recording device is in place on the premises.

In addition to the requirements listed above, the bill also permits a local ordinance enacted under the bill to require the owner of an at-risk business that is subject to the ordinance to do any of the following:

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1. Equip the at-risk business with an inaccessible drop safe and post a conspicuous sign at the entrance stating that an inaccessible drop safe is on the premises.

2. Require all employes who work at any time between 8 p.m. and 5 a.m. to attend a workplace security training program that is provided by the law enforcement agency of the local governmental unit enacting the ordinance or by a local chamber of commerce or other local business group and that has been approved by the attorney general. The bill appropriates moneys and directs the department of industry, labor and job development to provide grants to assist local governmental units and local chambers of commerce or other local business groups in providing those training programs.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

| | | |
|--|----------------|----------------|
| | 1997-98 | 1998-99 |
|--|----------------|----------------|

3
4 **20.445 Industry, labor and job development,**
5 **department of**

6 (1) INDUSTRY, LABOR AND JOB DEVELOPMENT

7 (fm) Workplace security training

| | | | | |
|--------|-----|---|--------|--------|
| grants | GPR | A | 10,000 | 10,000 |
|--------|-----|---|--------|--------|

9 **SECTION 2.** 20.445 (1) (fm) of the statutes is created to read:

10 20.445 (1) (fm) *Workplace security training grants.* The amounts in the
11 schedule for workplace security training grants under s. 103.08 (6).

12 **SECTION 3.** 103.08 of the statutes is created to read:

13 **103.08 Convenience store, service station and restaurant security**
14 **ordinances.** (1) DEFINITIONS. In this section:

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1 (a) "Convenience store" means any place of business that is engaged in the
2 retail sale of groceries, including the sale of prepared foods.

3 (b) "Great bodily harm" has the meaning given in s. 939.22 (14).

4 (c) "Restaurant" has the meaning given in s. 254.61 (5).

5 (d) "Robbery" means conduct that is in violation of s. 943.32.

6 (e) "Service station" means any place of business that is engaged in the retail
7 sale of gasoline.

8 (f) "Sexual assault" means conduct that is in violation of s. 940.225.

9 (g) "Theft" means conduct that is in violation of s. 943.20.

10 **(2) LOCAL ORDINANCE.** A county, city, town or village may enact an ordinance
11 that is in strict conformity with subs. (3) and (4). An ordinance enacted by a county
12 under this subsection is applicable in that part of any city or village located in the
13 county and in any town located in the county, unless the city, village or town has
14 enacted an ordinance under this subsection.

15 **(3) CONVENIENCE STORE, SERVICE STATION AND RESTAURANT SECURITY.** (a) An
16 ordinance enacted under sub. (2) shall require all of the following:

17 1. That the owner of every convenience store, service station and restaurant
18 within the county, city, village or town enacting the ordinance that is regularly open
19 for business at any time between 8 p.m. and 5 a.m., other than a convenience store,
20 service station or restaurant in which only the owner and his or her family members
21 work during those hours, adequately illuminate the parking lot at an intensity
22 determined by the governing body of the county, city, village or town enacting the
23 ordinance.

24 2. That the owner of every convenience store, service station and restaurant
25 described in subd. 1. that is constructed or converted from another use on or after the

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1 effective date of the ordinance place the cash register and transaction area and
2 maintain window signs and tinting so as to provide a clear and unobstructed view
3 of the cash register and transaction area from the street.

4 3. That the owner of every convenience store, service station and restaurant
5 described in subd. 1. that is equipped with a security camera make the recording
6 device of the security camera inaccessible to employes and post a conspicuous sign
7 at the entrance stating that a security camera is in place on the premises and that
8 the recording device of the security camera is inaccessible to employes.

9 (b) An ordinance enacted under sub. (2), in addition to the requirements under
10 par. (a), may require any of the following:

11 1. That the owner of every convenience store, service station or restaurant
12 described in par. (a) 1. equip the convenience store, service station or restaurant with
13 a drop safe that is inaccessible to employes and post a conspicuous sign at the
14 entrance stating that a safe is on the premises and that the safe is inaccessible to
15 employes.

16 2. That the owner of every convenience store, service station or restaurant
17 described in par. (a) 1. require all employes who work at any time between 8 p.m. and
18 5 a.m. to attend a workplace security training program that has been approved by
19 the attorney general under sub. (5) or (6).

20 (4) PENALTIES. An ordinance enacted under sub. (2) shall provide that any
21 person who violates the ordinance may be required to forfeit not more than \$1,000.

22 (5) WORKPLACE SECURITY TRAINING. The law enforcement agency of a county, city,
23 village or town that enacts an ordinance under sub. (2) may provide for persons who
24 are required to attend a workplace security training program under sub. (3) (b) 2. a
25 workplace security training program that trains and familiarizes those persons with

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1 the security practices required under sub. (3). The law enforcement agency shall
2 submit the proposed training program to the attorney general and the attorney
3 general shall review and approve or disapprove the proposed training program
4 within 60 days after its receipt.

5 (6) GRANTS FOR WORKPLACE SECURITY TRAINING PROGRAMS. (a) From the
6 appropriation under s. 20.445 (1) (fm), the department shall provide grants to
7 applying local governmental units and to applying local chambers of commerce or
8 other local business groups to assist those local governmental units and local
9 chambers of commerce or other local business groups in providing workplace security
10 training programs for the employes of convenience stores, restaurants, service
11 stations and other places of business that are at risk of theft or robbery, including
12 persons who are required to attend a workplace security training program under sub.
13 (3) (b) 2.

14 (b) GRANT APPLICATION PROCESS. A local governmental unit or local chamber of
15 commerce or other local business group that applies for a grant under par. (a) shall
16 submit with its grant application a description of its proposed workplace security
17 training program containing any information that the department, after consulting
18 with the attorney general, may require. On receipt of a grant application, the
19 department shall submit the proposed workplace security training program to the
20 attorney general and the attorney general shall review and approve or disapprove
21 the proposed workplace security training program within 60 days after its receipt.

22 (c) Annually, the department shall notify all local governmental units and local
23 chambers of commerce or other local business groups in this state of the availability
24 of the grants provided under par. (a).

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1 (7) IMMUNITY FROM LIABILITY. The attorney general and his or her employes and
2 agents shall not be liable for any claim for damages to person or property arising out
3 of the approval or disapproval of a workplace security training program under sub.
4 (5) or (6). A local governmental unit, any governmental subdivision or agency
5 thereof, a local chamber of commerce or other local business group and any officer,
6 official, agent or employe of those entities shall not be liable for any claim for
7 damages to person or property arising out of the implementation of a workplace
8 security training program approved under sub. (5) or (6), if the workplace security
9 training program is actually provided.

SECTION 4. Nonstatutory provisions.

10 (1) REPORT ON SAFETY AND SECURITY REQUIREMENTS OF AT-RISK BUSINESSES. No
11 later than January 1, 1999, the department of justice shall submit a report to the
12 legislature, in the manner provided under section 13.172 (2) of the statutes, on the
13 safety and security requirements of businesses that have a high incidence of violent
14 crimes such as homicide and robbery, as determined under the uniform crime
15 reporting system of the Wisconsin office of justice assistance. The study shall include
16 the effects of multistaffing, bullet-resistant enclosures, security devices such as
17 cameras and alarm systems and other applicable crime prevention measures in
18 preventing violent crime at those businesses.

19
20 (END)