



## 1997 ASSEMBLY BILL 48

February 3, 1997 - Introduced by Representatives MORRIS-TATUM, URBAN, COGGS, RYBA and WASSERMAN, cosponsored by Senator ROSENZWEIG. Referred to Committee on State Affairs.

1     **AN ACT** *to repeal* 125.07 (1) (b) 2. b. and 125.07 (1) (b) 5.; *to amend* 125.07 (1)  
2           (b) 1., 125.07 (1) (b) 2. (intro.), 125.07 (1) (b) 2. a., 125.07 (1) (b) 2. c. and 125.07  
3           (1) (b) 2. d.; *to repeal and recreate* 125.07 (1) (b) 3.; and *to create* 125.07 (1)  
4           (b) 3m. of the statutes; **relating to:** the sale of alcohol beverages to underage  
5           persons and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions, no person may provide or sell alcohol beverages to a person younger than the legal drinking age of 21 years of age (underage person). A person who violates this prohibition may be required to forfeit up to \$500 or, if the person committed one or more prior offenses within the previous 30 months, may be fined up to \$10,000 or imprisoned for not longer than 9 months, or both. The maximum fine and term of imprisonment depend on the number of violations committed within the previous 30 months. These penalties do not apply to a person who holds a license or permit for the retail sale of alcohol beverages (license or permit holder). Instead, a license or permit holder who provides or sells alcohol beverages to an underage person is subject to having his or her license or permit suspended for a period of up to 30 days.

This bill eliminates the time period for counting previous violations of providing or selling alcohol beverages to an underage person and changes the penalties that apply. Also under the bill, license and permit holders are subject to the same forfeiture, fines and imprisonment as other violators. Under the bill, the penalties for a violation are as follows:

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1) For a first violation, a mandatory forfeiture of not less than \$500 nor more than \$1,000.

2) For a 2nd violation, a mandatory fine of not less than \$1,000 nor more than \$2,000 and imprisonment for not less than 30 days nor more than 90 days. In addition, if the violator is a license or permit holder a court must suspend the violator's license or permit for not less than 30 days nor more than 90 days.

3) For a 3rd or subsequent violation, a mandatory fine of not less than \$2,000 nor more than \$10,000 and imprisonment for not less than 90 days nor more than 9 months. In addition, if the violator is a license or permit holder a court must revoke the violator's license or permit.

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

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

1           **SECTION 1.** 125.07 (1) (b) 1. of the statutes is amended to read:

2           125.07 (1) (b) 1. In this paragraph, "violation" means a violation of this  
3 subsection or of a local ordinance that strictly conforms to par. (a) if the violation  
4 results in an imposition of a forfeiture or a conviction. ~~For purposes of determining~~  
5 ~~previous violations under subd. 2., the 30-month period shall be measured from the~~  
6 ~~dates of violations that resulted in an imposition of a forfeiture or a conviction. For~~  
7 ~~the purpose of determining whether or not a previous violation has occurred, if more~~  
8 ~~than one violation occurs at the same time all those violations shall be counted as one~~  
9 violation.

10           **SECTION 2.** 125.07 (1) (b) 2. (intro.) of the statutes is amended to read:

11           125.07 (1) (b) 2. (intro.) A person who commits a violation ~~may~~ shall be:

12           **SECTION 3.** 125.07 (1) (b) 2. a. of the statutes is amended to read:

13           125.07 (1) (b) 2. a. Required to forfeit not ~~more~~ less than \$500 nor more than  
14 \$1, 000 if the person has not committed a previous violation ~~within 30 months of the~~  
15 violation.

