



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0609/1
ARG:jld:rs

2011 SENATE BILL 159

August 3, 2011 - Introduced by Senators KEDZIE, CARPENTER and GALLOWAY, cosponsored by Representatives SPANBAUER, STROEBEL, KERKMAN, A. OTT, PETRYK and BIES. Referred to Committee on Education.

1 **AN ACT** *to renumber and amend* 125.09 (2) (d); *to amend* 125.09 (2) (title) and
2 125.09 (2) (c); and *to create* 125.09 (2) (cm) and 125.09 (2) (d) 2. of the statutes;
3 **relating to:** underage persons under the influence of alcohol beverages on
4 school premises and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who has not attained the legal drinking age of 21 years (underage person), and who is not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age, may not knowingly possess or consume alcohol beverages. An underage person who violates this prohibition is subject to various possible penalties depending on the circumstances, including a minimum forfeiture of \$100 and a maximum forfeiture of \$1,000.

Current law also prohibits a person of any age from possessing or consuming alcohol beverages on premises owned, rented, or under the control of a public, parochial, private, or tribal elementary school, middle school, or high school (school premises), unless written permission is obtained from the school administrator and this permission is consistent with applicable laws, ordinances, and school board policies. A person who violates this prohibition is subject to a forfeiture of not more than \$200, except that an underage person who possesses or consumes alcohol beverages on school premises is subject to the penalties identified above.

This bill prohibits an underage person from being on school premises with any detectable alcohol concentration in his or her blood or breath, regardless of whether the underage person is accompanied by his or her parent, guardian, or spouse who

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has attained the legal drinking age. An underage person who violates this prohibition is subject to a forfeiture of not more than \$200. The bill also specifies that a school administrator's written permission to possess or consume alcohol beverages on school premises does not apply to underage persons.

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

1 **SECTION 1.** 125.09 (2) (title) of the statutes is amended to read:

2 125.09 (2) (title) ~~POSSESSION~~ POSSESSING, OR BEING UNDER THE INFLUENCE OF,
3 ALCOHOL BEVERAGES ON SCHOOL GROUNDS ~~PROHIBITED.~~

4 **SECTION 2.** 125.09 (2) (c) of the statutes is amended to read:

5 125.09 (2) (c) Alcohol beverages may be possessed or consumed on school
6 premises, in motor vehicles, or by participants in school-sponsored activities if
7 specifically permitted in writing by the school administrator consistent with
8 applicable laws, ordinances, and school board policies. This paragraph does not
9 apply to the possession or consumption of alcohol beverages by underage persons.

10 **SECTION 3.** 125.09 (2) (cm) of the statutes is created to read:

11 125.09 (2) (cm) No underage person may be on school premises if the underage
12 person has an alcohol concentration, as defined in s. 340.01 (1v), of more than 0.0.

13 **SECTION 4.** 125.09 (2) (d) of the statutes is renumbered 125.09 (2) (d) 1. and
14 amended to read:

15 125.09 (2) (d) 1. A person who violates ~~this subsection~~ par. (b) is subject to a
16 forfeiture of not more than \$200, except that ss. 125.07 (4) (c) and (d) and 938.344
17 provide the penalties applicable to underage persons.

18 **SECTION 5.** 125.09 (2) (d) 2. of the statutes is created to read:

