

**1999 DRAFTING REQUEST**

**Bill**

Received: **03/4/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Beverages - miscellaneous**

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Prohibit use of minors in alcohol sting operations

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**Instructions:**

See Attached

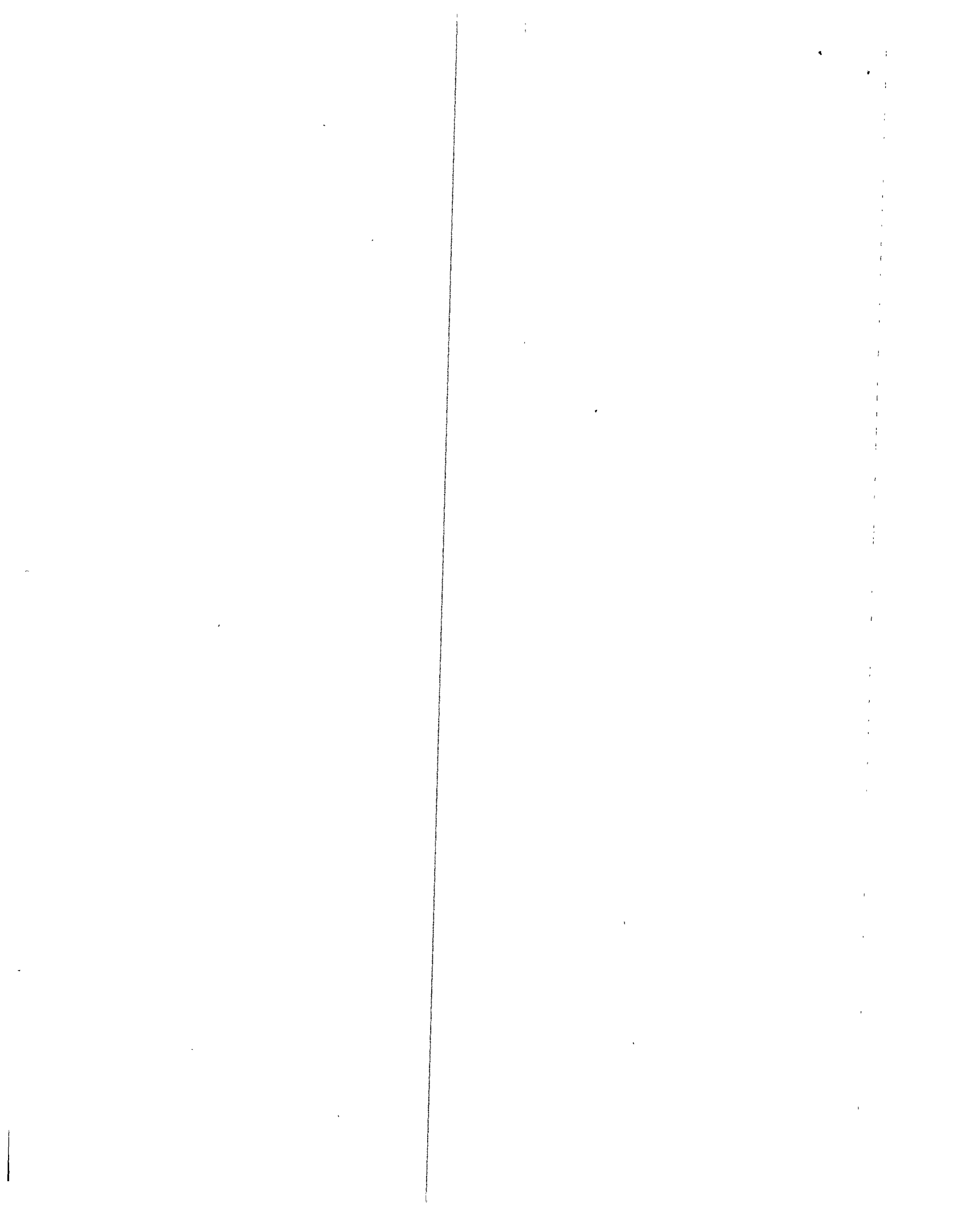
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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 03/5/99	ygeller 03/8/99		_____			
/1			hhagen 03/10/99	_____	lrb_docadmin 03/10/99	lrb_docadmin 03/16/99	

FE Sent For:

<END>



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/?	nilsepe	1 3/8 JLG	3/10	UF 3/10			

FE Sent For:

<END>

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PEN

-2412

Rep Peltis:

Prohibit minor (not underage person, but rather  
minor) from being used in sting operations against  
sellers of alcohol beverages

e.g. - law enforcement, health dept, advocacy group

"No person may use a minor to procure or attempt to  
procure; possess or consume; enter or attempt to enter;  
or falsely represent age for purposes of investigating

compliance w/ 125.07(1)(c)

Forfeiture - same as against minor, 1st  
violation (\$250 ↔ \$500)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2412

PEN.....

JG  
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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

d-note

gen cat

1 AN ACT ...; relating to: participation of minors in undercover investigations of  
2 certain underage drinking prohibitions.

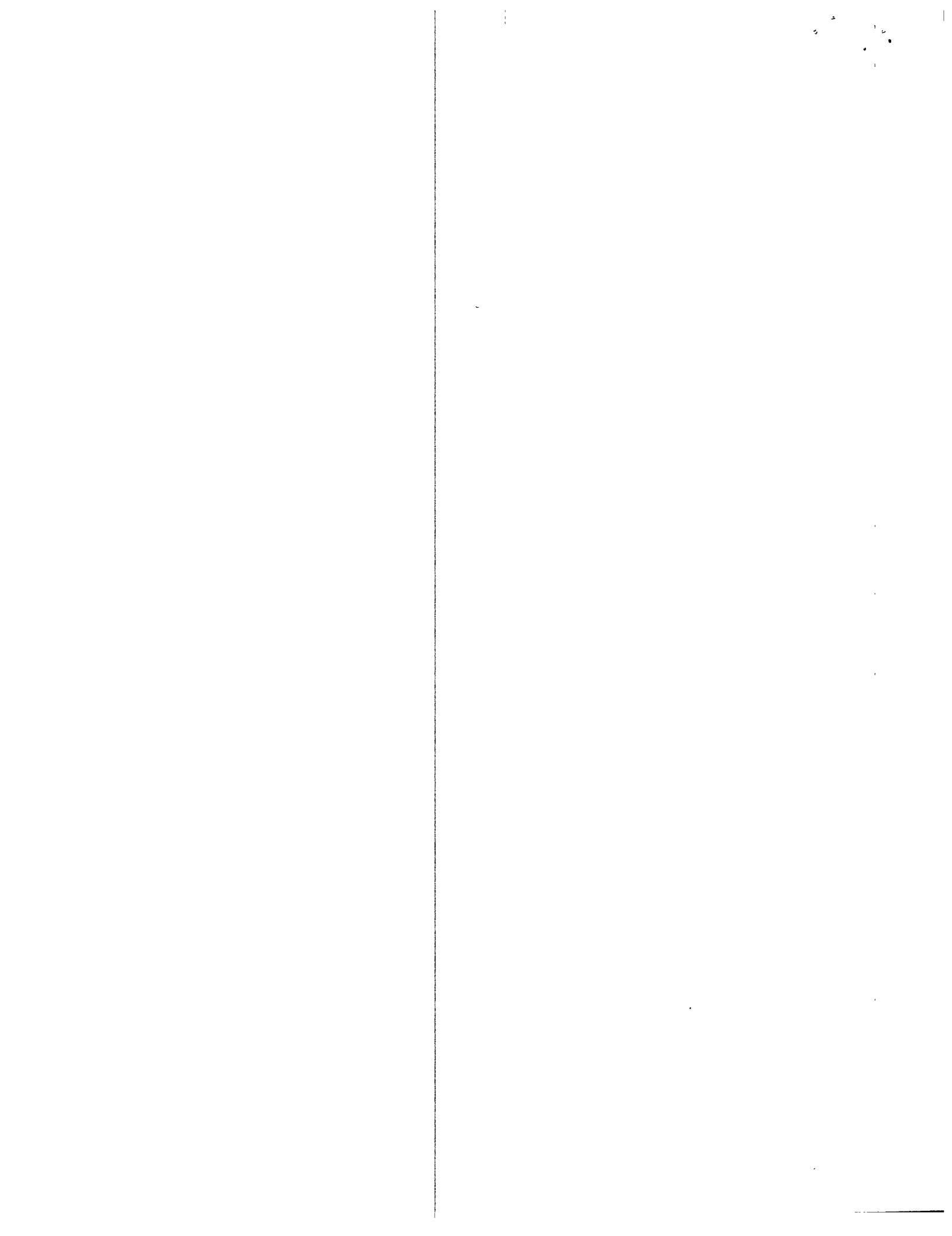
*Analysis by the Legislative Reference Bureau*

Under current law, no person, including a person holding a license or permit for the retail sale of alcohol beverages (licensee or permittee), may procure for, sell or give away alcohol beverages to any individual who has not attained the legal drinking age of 21 years (underage person) or who is not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age. No person may contribute to or fail to take action to prevent such procurement, sale or gift. No licensee or permittee may allow an underage person who is not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age to enter or remain on the licensed premises. Penalties for these offenses vary depending on the number of prior offenses within the preceding 30 months of the violation, but generally include a forfeiture, fine, period of imprisonment and, for violations committed by licensees or permittee, suspension of the violator's license or permit to sell alcohol beverages.

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This bill prohibits law enforcement agencies from allowing a person under 18 years of age to participate in any undercover investigation to determine compliance with the prohibitions described above. The bill specifies that any evidence obtained







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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2412/2an

PEN.....

March 5, 1999 } new  
date

jlj  
/ldg

Rep. Pettis

I added language to exclude evidence obtained in an undercover investigation in which a minor participated. This will exclude all evidence, not just evidence gathered by the minor. Is this OK?

Absent this specific exclusion the sole penalty for a violation is a \$200<sup>✓</sup> forfeiture (and the evidence will be excluded only if the investigation otherwise violated the accused's fourth amendment rights). See s. 939.61<sup>✓</sup>, stats.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2412/1dn  
PEN:jlg:hmh

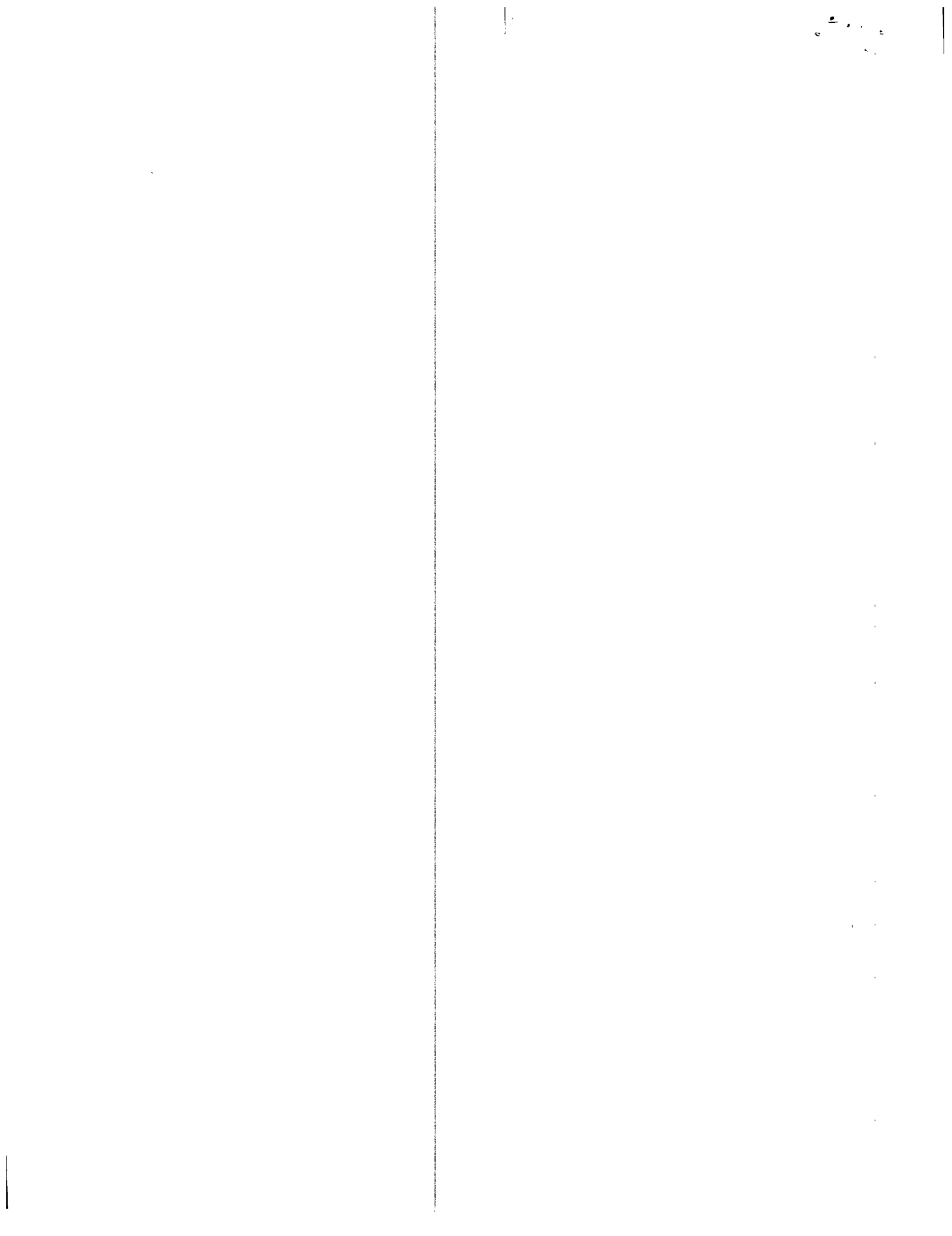
March 10, 1999

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Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 3/10/99

**To:** Representative Pettis

**Relating to LRB drafting number:** LRB-2412

**Topic**

Prohibit use of minors in alcohol sting operations

**Subject(s)**

Beverages - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_

in the **Senate** \_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney  
Telephone: (608) 261-6926



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