

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/18/99

Received By: isagerro

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Miller

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: **Gambling - miscellaneous**
Criminal Law - miscellaneous
Beverages - miscellaneous

Extra Copies: **JEO**
MGD
PEN

Pre Topic:

ARC:.....Miller - Am # 56,

Topic:

Reduce penalty for possession of five or fewer video gambling devices

Instructions:

See Attached

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>
/?	isagerro 06/21/99	jgeller 06/22/99		_____			
/1			martykr 06/22/99	_____	lrb_docadmin 06/22/99		
/2	olsenje 06/25/99	jgeller 06/25/99	kfollet 06/25/99	_____	lrb_docadmin 06/26/99		

6/26/99 8:01:42 AM

Page 2

FE Sent For:

<END>

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/1		1/2 6/25 jg	martykr 06/22/99 kjf 6/25	_____	lrb_docadmin 06/22/99		

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1?	isagerro	1/1 6/22 jlg	Kim 6/22	JF 6/22 KM 6/22			

FE Sent For:

<END>

To Be Drafted

Agency Justice

Amendment# 56

ARC Analyst Miller

LRB#

Tax Cut

Summary

Currently, possession and operation of a video gambling machine is a felony offense punishable by a fine of up to \$10,000 and two years in prison. Under this amendment, the penalty for possession of five or fewer video gambling devices for a Class B license holder would be reduced to a misdemeanor offense punishable by a maximum \$500 fine.

Amend the motion to specify that this provision cannot be used in evaluation for renewal of liquor license (if not already current law). A \$500 fine per machine per offense. up to five offenses. For six offenses or mor. no change to current law.

Fiscal Impact

none

Statement of Intent

This amendment reduces the penalty for possession of five or fewer video gambling devices to a misdemeanor offense punishable by a maximum \$500 fine.

* Called Rob Muller - ARC 6-1452 6/21/99
- referred to Rep. Musser's Office

* Rep. Musser 6/21/99 6-7461

- \$500 fine per machine as long as no more than 5 machines.

- if 6 machines, current law fine applies
- 6th offense should read 6th machine in ~~amendment~~ amendment

* Brian Dake 6/25/99 - Redlog 6-0705/2

- should be 6th offense back to current law.

ARC

Stays Redraft makes not run

CAUCUS
ASSEMBLY AMENDMENT,
→ TO ASA 1
TO 1999 ASSEMBLY BILL 133

Anote
serom

substitute amendment

1
2

At the locations indicated, amend the ~~bill~~ as follows:

1. Page ¹¹³⁷ 1020, line ⁵ 9: after that line insert:

"SECTION 2164r. 125.12 (1) (a) of the statutes is amended to read:

125.12 (1) (a) Except as provided in ~~par. (b)~~ this subsection, any municipality or the department may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

SECTION 2164s. 125.12 (1) (c) of the statutes is created to read:

125.12 (1) (c) Neither a municipality nor the department may consider an arrest or conviction for a violation punishable under s. 945.03 (2m), 945.04 (2m) or 945.05 (1m) in any action to revoke, suspend or refuse to renew a Class "B" or "Class B" license or permit."

12

2. Page ¹⁴³⁶ 1353, line ²³ 18: after that line insert:

1

^b
SECTION 3191d. 945.03 of the statutes is renumbered 945.03 (1m), and 945.03

2 (1m) (intro.), as renumbered, is amended to read:

3 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
4 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
5 felony:

6

^b
SECTION 3191f. 945.03 (2m) of the statutes is created to read:

7 945.03 (2m) If the violation of sub. (1m) involves the possession, operation, set
8 up, collection of proceeds, participation in earnings or maintenance of, or involves
9 acting as the custodian of anything of value bet or offered to be bet on, not more than
10 5 video gambling machines on premises for which a Class "B" or "Class B" license or
11 permit has been issued under ch. 125, the person ^{may be penalized as follows:} ~~is subject to a Class C forfeiture.~~

11

→ Insert 2-11

12

^b
SECTION 3191h. 945.04 of the statutes is renumbered 945.04 (1m), and 945.04

13 (1m) (intro.), as renumbered, is amended to read:

14 945.04 (1m) (intro.) Whoever Except as provided in sub. (2m), whoever
15 intentionally does any of the following is guilty of a Class A misdemeanor:

16

^b
SECTION 3191j. 945.04 (2m) of the statutes is created to read:

17 945.04 (2m) If the violation of sub. (1m) involves the set up or use of not more
18 than 5 video gambling machines on premises for which a Class "B" or "Class B"
19 license or permit has been issued under ch. 125, the person ^{may be penalized as follows:} ~~is subject to a Class C~~

19

→ Insert 2-19 ✓

20

forfeiture.

21

^b
SECTION 3191m. 945.041 (11) of the statutes is created to read:

22 945.041 (11) No proceeding under this section may be commenced to revoke a
23 Class "B" or "Class B" license or permit issued under ch. 125 to a person solely
24 because the person knowingly permits 5 or fewer video gambling machines to be set
25 up, kept, managed, used or conducted upon the licensed premises.

1 **SECTION 3191^bn.** 945.05 (1) (intro.) of the statutes is amended to read:

2 945.05 (1) (intro.) ~~Whoever~~ Except as provided in sub. (1m), whoever
3 manufactures, transfers commercially or possesses with intent to transfer
4 commercially either of the following is guilty of a Class E felony:

5 **SECTION 3191^bp.** 945.05 (1m) of the statutes is created to read:

6 945.05 (1m) If a violation of sub. (1) involves the commercial transfer of ^avideo
7 gambling machines or possession of ^avideo gambling machines with the intent to
8 transfer commercially, the person is subject to a Class C forfeiture." ✓

9 **3.** Page ¹⁴³⁹ ~~1355~~, line ⁷ ~~9~~ after that line insert:

10 **"SECTION 3196^b.** 946.82 (4) of the statutes is amended to read:

11 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
12 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
13 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
14 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
15 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
16 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
17 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
18 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),
19 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,
20 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
21 (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,
22 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,
23 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05,
24 948.08, 948.12 and 948.30." ✓

1

4. Page 1466, line 22: after that line insert:
1604 21
25

2

~~(5c)~~ VIDEO GAMBLING MACHINES. The treatment of section 945.05 (1) (intro.) and
3 (1m) of the statutes, the renumbering and amendment of sections 945.03 and 945.04
4 of the statutes and the creation of sections 945.03 (2m) and 945.04 (2m) of the
5 statutes first apply to offenses committed on the effective date of this subsection.

6

~~(5d)~~ REVOCATION OF CLASS "B" AND "CLASS B" LICENSES. The treatment of section
7 945.041 (11) of the statutes first applies to revocation proceedings commenced on the
8 effective date of this subsection."

9

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0705/1dn
ISR:.....

↑
Jg

June 21, 1999 } new date

* Robert Miller:

* Please review this amendment carefully to make sure it ^{achieves} reflects your intent. In particular, please note the following. and 945.05(1m)

* Are the penalties for violating ss. 945.03 (2m) and 945.04 (2m), stats., what you intended?

2. Under this amendment a person who transfers commercially video gambling machines in violation of s. 945.05 (1m), stats., is subject to a forfeiture of not more than \$500 regardless of the number of machines transferred. Is this your intent?

* Finally, the penalty for violating s. 945.03, 945.04 or 945.05, stats., does not change according to the number of times a person is convicted of a violation of ss. 945.02, 945.03 and 945.05, stats. For example, a person is subject to the same penalty for a violation regardless of whether the violation is the person's first or sixth. Is this your intent?

If you have any questions or comments, please feel free to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0705/lins
ISR.....

Insert 2-11

- one*
text: treat (a) If the violation involves ~~2~~ video gambling machine, the person may be required to forfeit not more than \$500.
- (b) If the violation involves 2 video gambling machines, the person may be required to forfeit not more than ~~\$1000~~ ³ \$1000.
- text: treat* (c) If the violation involves 3 video gambling machines, the person may be required to forfeit not more than ~~\$1500~~ ³ \$1500.
- (d) If the violation involves 4 video gambling machines, the person may be required to forfeit not more than ~~\$2000~~ ³ \$2000.
- text: treat* (e) If the violation involves 5 video gambling machines, the person may be required to forfeit not more than ~~\$2500~~ ³ \$2500.

Insert 2-19

- one*
text: treat (a) If the violation involves ~~2~~ video gambling machine, the person may be required to forfeit not more than \$500.
- text: treat* (b) If the violation involves 2 video gambling machines, the person may be required to forfeit not more than ~~\$1000~~ ³ \$1000.
- text: treat* (c) If the violation involves 3 video gambling machines, the person may be required to forfeit not more than ~~\$1500~~ ³ \$1500.
- text: treat* (d) If the violation involves 4 video gambling machines, the person may be required to forfeit not more than ~~\$2000~~ ³ \$2000.
- text: treat* (e) If the violation involves 5 video gambling machines, the person may be required to forfeit not more than ~~\$2500~~ ³ \$2500.

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

LRBb0705/1dn
ISR:jlg:km

June 22, 1999

Robert Miller:

Are the penalties for violating ss. 945.03 (2m), 945.04 (2m) and 945.05 (1m), stats., what you intended?

The penalty for violating s. 945.03, 945.04 or 945.05, stats., does not change according to the number of times a person is convicted of a violation. For example, a person is subject to the same penalty for a violation regardless of whether the violation is the person's first or sixth. Is this your intent?

Please review this amendment carefully to make sure it achieves your intent. If you have any questions or comments, please feel free to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us

6th offense of § or fewer medicines
→ current penalty

(b) ~~if the person who is standing~~
~~part of~~ ~~if~~ the person has been penalized
~~for~~ under par. (a) on ~~five~~ ⁵ separate or
more separate occasions at any time pre-
ceding the ~~via~~ date of the violation
of sub. (1m), the person is guilty of
a Class E felony

41-2 SNE

and the person has not been penalized
under this subsection on more than
5 separate occasions at any time preceding
the date of the violation of sub. (1m),

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0705/2ins
ISR/JEO/PEN:.....

1 ***INSERT 2-24:***

2 (b) Notwithstanding par. (a), if the person has been penalized under paragraph
3 (a) on 5 or more separate occasions at any time preceding the date of the violation
4 of sub. (1m), the person is guilty of a Class E felony.

5 ***INSERT 3-19:***

6 (b) Notwithstanding par. (a), if the person has been penalized under paragraph
7 (a) on 5 or more separate occasions at any time preceding the date of the violation
8 of sub. (1m), the person is guilty of a Class E felony.

9 ***INSERT 4-7:***

10 (b) Notwithstanding par. (a), if the person has been penalized under paragraph
11 (a) on 5 or more separate occasions at any time preceding the date of the violation
12 of sub. (1), the person is guilty of a Class E felony.”.

b. Note

2
*redraft
make
for*

ARC:.....Miller – Am # 56, Reduce penalty for possession of five or fewer video gambling devices

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1137, line 5: after that line insert:

3 “**SECTION 2164r.** 125.12 (1) (a) of the statutes is amended to read:

4 125.12 (1) (a) Except as provided in ~~par. (b)~~ this subsection, any municipality
5 or the department may revoke, suspend or refuse to renew any license or permit
6 under this chapter, as provided in this section.

7 **SECTION 2164s.** 125.12 (1) (c) of the statutes is created to read:

8 125.12 (1) (c) Neither a municipality nor the department may consider an
9 arrest or conviction for a violation punishable under s. 945.03 (2m), 945.04 (2m) or

1 945.05 (1m) in any action to revoke, suspend or refuse to renew a Class "B" or "Class
2 B" license or permit."

3 2. Page 1436, line 23: after that line insert:

4 "SECTION 3191bd. 945.03 of the statutes is renumbered 945.03 (1m), and
5 945.03 (1m) (intro.), as renumbered, is amended to read:

6 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
7 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
8 felony:

9 SECTION 3191bf. 945.03 (2m) of the statutes is created to read:

10 945.03 (2m) If the violation of sub. (1m) involves the possession, operation, set
11 up, collection of proceeds, participation in earnings or maintenance of, or involves
12 acting as the custodian of anything of value bet or offered to be bet on, not more than
13 5 video gambling machines on premises for which a Class "B" or "Class B" license or
14 permit has been issued under ch. 125, the person may be penalized as follows:

✓
INDS
2-14 (14)

15 (a) If the violation involves one video gambling machine, the person may be
16 required to forfeit not more than \$500.

17 (b) If the violation involves 2 video gambling machines, the person may be
18 required to forfeit not more than \$1,000.

19 (c) If the violation involves 3 video gambling machines, the person may be
20 required to forfeit not more than \$1,500.

21 (d) If the violation involves 4 video gambling machines, the person may be
22 required to forfeit not more than \$2,000.

23 (e) If the violation involves 5 video gambling machines, the person may be
24 required to forfeit not more than \$2,500.

1 **SECTION 3191bh.** 945.04 of the statutes is renumbered 945.04 (1m), and 945.04
2 (1m) (intro.), as renumbered, is amended to read:

3 945.04 (1m) (intro.) ~~Whoever~~ Except as provided in sub. (2m), whoever
4 intentionally does any of the following is guilty of a Class A misdemeanor:

5 **SECTION 3191bj.** 945.04 (2m) of the statutes is created to read:

6 945.04 (2m) If the violation of sub. (1m) involves the set up or use of not more
7 than 5 video gambling machines on premises for which a Class "B" or "Class B"
8 license or permit has been issued under ch. 125, the person may be penalized as
9 follows:

✓
INS
3-8

10 (a) If the violation involves one video gambling machine, the person may be
11 required to forfeit not more than \$500.

12 (b) If the violation involves 2 video gambling machines, the person may be
13 required to forfeit not more than \$1,000

14 (c) If the violation involves 3 video gambling machines, the person may be
15 required to forfeit not more than \$1,500.

16 (d) If the violation involves 4 video gambling machines, the person may be
17 required to forfeit not more than \$2,000

18 (e) If the violation involves 5 video gambling machines, the person may be
19 required to forfeit not more than \$2,500.

20 **SECTION 3191bm.** 945.041 (11) of the statutes is created to read:

21 945.041 (11) No proceeding under this section may be commenced to revoke a
22 Class "B" or "Class B" license or permit issued under ch. 125 to a person solely
23 because the person knowingly permits 5 or fewer video gambling machines to be set
24 up, kept, managed, used or conducted upon the licensed premises.

25 **SECTION 3191bn.** 945.05 (1) (intro.) of the statutes is amended to read:

1 945.05 (1) (intro.) ~~Whoever~~ Except as provided in sub. (1m), whoever
2 manufactures, transfers commercially or possesses with intent to transfer
3 commercially either of the following is guilty of a Class E felony:

4 **SECTION 3191bp.** 945.05 (1m) of the statutes is created to read:

5 945.05 (1m) If a violation of sub. (1) involves the commercial transfer of a video
6 gambling machine or possession of a video gambling machine with the intent to
7 transfer commercially, the person is subject to a Class C forfeiture.”

INS
4-7

8 **3.** Page 1439, line 7: after that line insert:

9 **SECTION 3196m.** 946.82 (4) of the statutes is amended to read:

10 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
11 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
12 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
13 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
14 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
15 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
16 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
17 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),
18 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,
19 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
20 (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,
21 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,
22 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05,
23 948.08, 948.12 and 948.30.”

24 **4.** Page 1604, line 21: after that line insert:

1 “(6d) VIDEO GAMBLING MACHINES. The treatment of section 945.05 (1) (intro.) and
2 (1m) of the statutes, the renumbering and amendment of sections 945.03 and 945.04
3 of the statutes and the creation of sections 945.03 (2m) and 945.04 (2m) of the
4 statutes first apply to offenses committed on the effective date of this subsection.

5 (6e) REVOCATION OF CLASS “B” AND “CLASS B” LICENSES. The treatment of section
6 945.041 (11) of the statutes first applies to revocation proceedings commenced on the
7 effective date of this subsection.”.

8

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0705/2ins
ISR/JEO/PEN:.....

1 **INSERT 2-14:**

2 ~~2F~~ and the person has been penalized under this subsection for a violation of sub. (1) ~~and~~
3 on 4 or fewer previous separate occasions, ~~2F~~

4 **INSERT 3-8:**

5 ~~2F~~ and the person has been penalized under this subsection for a violation of sub. (1) ~~and~~
6 on 4 or fewer previous separate occasions, ~~2F~~

7 **INSERT 4-7:**

8 ~~2F~~ and the person has been penalized under this subsection for a violation of sub. (1) ~~and~~
9 on 4 or fewer previous separate occasions, ~~2F~~

LRB 60905 / 20
ISR / JEO PEN: jlg

D-Note

Redrafted per Brian Dake
at ARC.

(JEO)

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

LRBb0705/2dn
ISR/JEO/PEN;jlg:kjf

June 25, 1999

Redrafted per Brian Dake at ARC.

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E-mail: Jefren.Olsen@legis.state.wi.us

ARC:.....Miller – Am # 56, Reduce penalty for possession of five or fewer video gambling devices

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1137, line 5: after that line insert:

3 **“SECTION 2164r.** 125.12 (1) (a) of the statutes is amended to read:

4 125.12 (1) (a) Except as provided in ~~par. (b)~~ this subsection, any municipality
5 or the department may revoke, suspend or refuse to renew any license or permit
6 under this chapter, as provided in this section.

7 **SECTION 2164s.** 125.12 (1) (c) of the statutes is created to read:

8 125.12 (1) (c) Neither a municipality nor the department may consider an
9 arrest or conviction for a violation punishable under s. 945.03 (2m), 945.04 (2m) or

1 945.05 (1m) in any action to revoke, suspend or refuse to renew a Class “B” or “Class
2 B” license or permit.”.

3 **2.** Page 1436, line 23: after that line insert:

4 “**SECTION 3191bd.** 945.03 of the statutes is renumbered 945.03 (1m), and
5 945.03 (1m) (intro.), as renumbered, is amended to read:

6 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
7 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
8 felony:

9 **SECTION 3191bf.** 945.03 (2m) of the statutes is created to read:

10 945.03 (2m) If the violation of sub. (1m) involves the possession, operation, set
11 up, collection of proceeds, participation in earnings or maintenance of, or involves
12 acting as the custodian of anything of value bet or offered to be bet on, not more than
13 5 video gambling machines on premises for which a Class “B” or “Class B” license or
14 permit has been issued under ch. 125, and the person has been penalized under this
15 subsection on 4 or fewer previous separate occasions, the person may be penalized
16 as follows:

17 (a) If the violation involves one video gambling machine, the person may be
18 required to forfeit not more than \$500.

19 (b) If the violation involves 2 video gambling machines, the person may be
20 required to forfeit not more than \$1,000.

21 (c) If the violation involves 3 video gambling machines, the person may be
22 required to forfeit not more than \$1,500.

23 (d) If the violation involves 4 video gambling machines, the person may be
24 required to forfeit not more than \$2,000.

1 (e) If the violation involves 5 video gambling machines, the person may be
2 required to forfeit not more than \$2,500.

3 **SECTION 3191bh.** 945.04 of the statutes is renumbered 945.04 (1m), and 945.04
4 (1m) (intro.), as renumbered, is amended to read:

5 945.04 (1m) (intro.) ~~Whoever~~ Except as provided in sub. (2m), whoever
6 intentionally does any of the following is guilty of a Class A misdemeanor:

7 **SECTION 3191bj.** 945.04 (2m) of the statutes is created to read:

8 945.04 (2m) If the violation of sub. (1m) involves the set up or use of not more
9 than 5 video gambling machines on premises for which a Class “B” or “Class B”
10 license or permit has been issued under ch. 125, and the person has been penalized
11 under this subsection on 4 or fewer previous separate occasions, the person may be
12 penalized as follows:

13 (a) If the violation involves one video gambling machine, the person may be
14 required to forfeit not more than \$500.

15 (b) If the violation involves 2 video gambling machines, the person may be
16 required to forfeit not more than \$1,000

17 (c) If the violation involves 3 video gambling machines, the person may be
18 required to forfeit not more than \$1,500.

19 (d) If the violation involves 4 video gambling machines, the person may be
20 required to forfeit not more than \$2,000

21 (e) If the violation involves 5 video gambling machines, the person may be
22 required to forfeit not more than \$2,500.

23 **SECTION 3191bm.** 945.041 (11) of the statutes is created to read:

24 945.041 (11) No proceeding under this section may be commenced to revoke a
25 Class “B” or “Class B” license or permit issued under ch. 125 to a person solely

1 because the person knowingly permits 5 or fewer video gambling machines to be set
2 up, kept, managed, used or conducted upon the licensed premises.

3 **SECTION 3191bn.** 945.05 (1) (intro.) of the statutes is amended to read:

4 945.05 (1) (intro.) ~~Whoever~~ Except as provided in sub. (1m), whoever
5 manufactures, transfers commercially or possesses with intent to transfer
6 commercially either of the following is guilty of a Class E felony:

7 **SECTION 3191bp.** 945.05 (1m) of the statutes is created to read:

8 945.05 (1m) If a violation of sub. (1) involves the commercial transfer of a video
9 gambling machine or possession of a video gambling machine with the intent to
10 transfer commercially, and the person has been penalized under this subsection on
11 4 or fewer previous separate occasions, the person is subject to a Class C forfeiture.”.

12 **3.** Page 1439, line 7: after that line insert:

13 “**SECTION 3196m.** 946.82 (4) of the statutes is amended to read:

14 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
15 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
16 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
17 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
18 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
19 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
21 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),
22 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,
23 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
24 (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,

1 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,
2 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05,
3 948.08, 948.12 and 948.30.”.

4 **4.** Page 1604, line 21: after that line insert:

5 “(6d) VIDEO GAMBLING MACHINES. The treatment of section 945.05 (1) (intro.) and
6 (1m) of the statutes, the renumbering and amendment of sections 945.03 and 945.04
7 of the statutes and the creation of sections 945.03 (2m) and 945.04 (2m) of the
8 statutes first apply to offenses committed on the effective date of this subsection.

9 (6e) REVOCATION OF CLASS “B” AND “CLASS B” LICENSES. The treatment of section
10 945.041 (11) of the statutes first applies to revocation proceedings commenced on the
11 effective date of this subsection.”.

12

(END)