

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/22/99**

Received By: **isagerro**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

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

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Gambling - miscellaneous**

Extra Copies: **JEO
MGD**

Pre Topic:

SDC:.....Walter - AM # 2311,

Topic:

Lower penalties for video gambling machines

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 06/27/99	ygeller 06/27/99		_____			
/1			hhagen 06/28/99	_____	lrb_docadmin 06/28/99		

FE Sent For:

<END>

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/?	isagerro	1 ⁶ / ₂₇ jlg	Ksh	Wkj gm			

FE Sent For:

<END>

yes

SDC

ISR?
60868

Agency: Justice

caucus number 2110

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Methamphetamine Initiative. Add two positions in Division of Narcotics Enforcement. One special agent and one planning analyst. Allocate \$73,600 GPR during biennium.

other notes

drafting instructions: See above and attached
more instructions:

caucus number 2311

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 2160/2	LRB P-draft:

description: Eliminate the current penalty for the operation of up to 5 video gaming machines and substitute in its place a maximum \$500 civil forfeiture per machine.

other notes

drafting instructions: Include LRB 2160/2. (See above)
more instructions:

caucus number 3634

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
FM 341	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: FM 341. Methamphetamine Initiative. Provide \$73,600 GPR (\$16,800 in one-time financing) & 2 GPR positions (1 special agent/1 program) in Div. Of Narcotics Enforcement to begin 1/1/01 to investigate the manufacture and trafficking of methamphetamine.

other notes

drafting instructions: FM 341. See above and attached.
more instructions:

caucus number 3824

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 3149/1	LRB P-draft:

description: LRB 3149/1. Create a consumer Privacy Advocate in the Department of Justice.

other notes

drafting instructions: Include LRB 3149/1.
more instructions:

Agency: Justice

Number of Amendments: 4

Justice

EQUITY IN GAMING PROVISION

CN 2311

DESCRIPTION

This amendment would eliminate the current penalty for the operation of (up to five) video gaming machines and substitute in its place a maximum \$500 civil forfeiture per machine.

EXPLANATION/JUSTIFICATION

Under current law (effective 12/31/99), a tavern owner or other small business person may be fined \$10,000 and imprisoned for five (5) years simply for operating a video gaming machine in their establishment. This penalty is disproportionate to the offense and would adversely affect our tourism industry. It also poses a serious and unnecessary burden on our criminal justice and corrections systems.

AGENCY

Department of Justice/Courts/Criminal Justice System

LRB/FISCAL BUREAU HISTORY

LRB-2160/2 (*attached*)

An amendment (per machine) is necessary to the above listed draft.

TOTAL FISCAL EFFECT

Potential savings not quantified.

1999 - 2000 LEGISLATURE

LRB-21602
ISR/JEO/PEN:wj:km**1999 BILL**

1 **AN ACT to renumber and amend 945.03 and 945.04; to amend 125.12 (1) (a).**
2 **945.05 (1) (Intro.) and 946.82 (4); and to create 125.12 (1) (c), 945.03 (2m),**
3 **945.04 (2m), 945.041 (11) and 945.05 (1m) of the statutes; relating to:**
4 **prohibitions against video gambling machines and limitations on revoking,**
5 **suspending or refusing to renew a "Class B" license or permit and providing**
6 **penalties.**

Analysis by the Legislative Reference Bureau

Current law prohibits certain acts involving the operation or possession of gambling machines. Specifically, current law prohibits commercial gambling, which includes participating in the earnings of a gambling place, operating a gambling place for gain, setting a gambling machine up for use for the purpose of gambling or collecting the proceeds of a gambling machine. A person convicted of engaging in commercial gambling may be fined not more than \$10,000 or imprisoned for not more than two years, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years, if the offense occurs on or after December 31, 1999.

Current law also prohibits a person from permitting premises that he or she owns, occupies or controls to be used for commercial gambling. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

BILL

A person is also prohibited from dealing in gambling devices, which involves manufacturing or commercially transferring gambling devices. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years, if the offense occurs on or after December 31, 1999.

Finally, current law generally allows a municipality or the department of revenue to revoke, suspend or refuse to renew a license or permit to sell alcohol beverages if the licensee or permittee commits specified offenses or is not qualified to hold the license or permit. Current law requires the revocation of a license or permit to sell alcohol beverages for consumption on the premises where sold if the licensee or permittee knowingly permits any gambling machine to be set up, kept, managed or used on the premises.

This bill reduces the penalty for certain violations of the prohibitions against commercial gambling and permitting premises to be used for commercial gambling by certain persons licensed to sell alcohol beverages for consumption on the premises (including taverns, hotels and restaurants). Under the bill, a person licensed to sell alcohol beverages for consumption on the premises, other than a person licensed to sell only wine for consumption in a restaurant, who violates any of these prohibitions through use of not more than five video gambling machines may be required to forfeit not more than \$500 and is not subject to any actions against his or her alcohol beverage license as a result of a violation.

This bill also reduces the penalty for violations of the prohibition against dealing in gambling devices. Under this bill, a person who violates this prohibition by transferring commercially or possessing with intent to transfer commercially video gambling machines may be required to forfeit not more than \$500. This bill does not change the penalties for violations of the prohibition against manufacturing video gambling machines.

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.** 125.12 (1) (a) of the statutes is amended to read:
- 2 125.12 (1) (a) Except as provided in par. (b) ~~this subsection~~, any municipality
- 3 or the department may revoke, suspend or refuse to renew any license or permit
- 4 under this chapter, as provided in this section.
- 5 **SECTION 2.** 125.12 (1) (c) of the statutes is created to read:

BILL

1 **125.12 (1) (c) Neither a municipality nor the department may consider an**
2 **arrest or conviction for a violation punishable under s. 945.03 (2m), 945.04 (2m) or**
3 **945.05 (1m) in any action to revoke, suspend or refuse to renew a Class "B" or "Class**
4 **B" license or permit.**

5 **SECTION 3. 945.03 of the statutes is renumbered 945.03 (1m) and 945.03 (1m)**
6 **(intro.), as renumbered, is amended to read:**

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

10 **SECTION 4. 945.03 (2m) of the statutes is created to read:**

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

16 **SECTION 5. 945.04 of the statutes is renumbered 945.04 (1m), and 945.04 (1m)**
17 **(intro.), as renumbered, is amended to read:**

18 **945.04 (1m) (intro.) ~~Whoever~~ Except as provided in sub. (2m), whoever**
19 **intentionally does any of the following is guilty of a Class A misdemeanor:**

20 **SECTION 8. 945.04 (2m) of the statutes is created to read:**

21 **945.04 (2m) If the violation of sub. (1m) involves the set up or use of not more**
22 **than 5 video gambling machines on premises for which a Class "B" or "Class B"**
23 **license or permit has been issued under ch. 125, the person is subject to a Class C**
24 **forfeiture.**

25 **SECTION 7. 945.041 (11) of the statutes is created to read:**

BILL

1 **945.041 (11)** No proceeding under this section may be commenced to revoke a
2 Class "B" or "Class B" license or permit issued under ch. 125 to a person solely
3 because the person knowingly permits 5 or fewer video gambling machines to be set
4 up, kept, managed, used or conducted upon the licensed premises.

5 **SECTION 8.** 945.05 (1) (intro.) of the statutes is amended to read:

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

9 **SECTION 9.** 945.05 (1m) of the statutes is created to read:

10 945.05 (1m) If a violation of sub. (1) involves the commercial transfer of video
11 gambling machines or possession of video gambling machines with the intent to
12 transfer commercially, the person is subject to a Class C forfeiture.

13 **SECTION 10.** 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,
25 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31.

BILL

1 **946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05,**
2 **948.08, 948.12 and 948.30.**

3 **SECTION 11. Initial applicability.**

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

8 (2) The treatment of section 945.041 (11) of the statutes first applies to
9 revocation proceedings commenced on the effective date of this subsection.

10

(END)

**SENATE COMMITTEE ON INSURANCE, TOURISM,
TRANSPORTATION & CORRECTIONS**

Budget Recommendation Motion

Senator Roger Breske, Chair

Tourism – Equity in Gaming Provision

Not included in the LFB summary of the Governor's Budget Recommendations.

Governor: *No provision*

Current law: Under current law (effective 12/31/99), a tavern owner or other small business person may be fined \$10,000 and imprisoned for five (5) years simply for operating a video gaming machine in their establishment.

Senator Breske: Current law establishes a penalty that is disproportionate to the offense and which adversely affects our tourism industry. It also poses a serious and unnecessary burden on our criminal justice and corrections systems.

Motion: Eliminate the current penalty for the operation of video gaming machines and substitute in its place a maximum \$500 civil forfeiture.

MOTION PASSED

Ayes: 6; Breske, Schultz, Zien, Lasee, Baumgart & Shibilski
Noes: 1; Grobschmidt

Motion 7

Relating to the Penalties for Video Gaming in Taverns



State of Wisconsin
1999 - 2000 LEGISLATURE

0868
LRBb0705/2
ISR/JEO/PEN:jlq:kjf

SDC

Rm not run stays

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

son

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)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0868/1
ISR/JEO/PEN:jlg:ksh

SDC:.....Walter – AM # 2311, Lower penalties for video gambling machines

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:

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:

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.”.

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:

