

**2011 DRAFTING REQUEST**

**Bill**

Received: 10/26/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Garey Bies (608) 266-5350

By/Representing: Andrew

May Contact:

Drafter: agary

Subject: Beverages

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Bies@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Penalty for serving alcohol to underage persons where great bodily harm or death results

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**Instructions:**

Redraft of 09 AB-155

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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>
/?	agary 10/26/2011	kfollett 10/27/2011		_____			Crime
/1			rschluet 10/27/2011	_____	mbarman 10/27/2011	lparisi 10/27/2011	

FE Sent For:

*None*

<END>

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1?	agary	11/5 f 10/27		_____ _____			

FE Sent For:

<END>



State of Wisconsin  
2009 - 2010 LEGISLATURE

in  
10/26

- 3335/1

LRB-110311

ARG:wjtj:md

11 2

wanted  
by 10/28

KMNK

KJF

2009 ASSEMBLY BILL 155

PWF

March 19, 2009 - Introduced by Representatives BIES, KERKMAN, MURSAU, A. OTT, TOWNSEND and ZEPNICK, cosponsored by Senator LEHMAN. Referred to Committee on Criminal Justice.

Regen

1 AN ACT *to amend* 125.075 (title), 125.075 (1) (intro.) and 125.075 (2); and *to*  
2 *create* 125.075 (2) (c) and (d) of the statutes; **relating to:** providing alcohol  
3 beverages to an underage person who suffers great bodily harm or death from  
4 their consumption and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, with certain exceptions, a person who has not reached the legal drinking age of 21 years (underage person), and who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age, may not knowingly possess or consume alcohol beverages and may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued (licensed premises). No person, including a licensee or permittee, may procure for, sell, dispense, or give away (provide) alcohol beverages to an underage person who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age. If a person provides alcohol beverages to a person under 18 years of age (minor) in violation of these prohibitions, and the provider knew or should have known that the minor was under the legal drinking age, the provider is guilty of a Class H felony if the minor suffers great bodily harm, and is guilty of a Class G felony if the minor dies, as a result of consuming the alcohol beverages provided. A Class H felony is punishable by a fine of not more than \$10,000 or a term of imprisonment of up to six years or both. A Class G felony is punishable by a fine of not more than \$25,000 or a term of imprisonment of up to ten years or both.

**ASSEMBLY BILL 155**

This bill creates penalties for persons who unlawfully provide, on licensed premises, alcohol beverages to underage persons who are 18, 19, or 20 years of age, if the provider knows or should know that the person is underage and the underage person suffers great bodily harm or death as a result of consuming the alcohol beverages. The provider is subject to a fine of not more than \$10,000 or a term of imprisonment of up to nine months in the county jail or both if the underage person suffers great bodily harm and must be fined not more than \$10,000 or imprisoned for not more than one year in the county jail or both if the underage person dies.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1           SECTION 1. 125.075 (title) of the statutes is amended to read:

2           125.075 (title) **Injury or death by providing alcohol beverages to a**  
3 **minor an underage person.**

4           SECTION 2. 125.075 (1) (intro.) of the statutes is amended to read:

5           125.075 (1) (intro.) Any person who procures alcohol beverages for or sells,  
6 dispenses, or gives away alcohol beverages to a person under 18 years of age, or to  
7 a person at least 18 years of age but less than 21 years of age on premises for which  
8 a retail license or permit has been issued under this chapter, in violation of s. 125.07  
9 (1) (a) 1. or 2. may be penalized as provided in sub. (2) if:

10          SECTION 3. 125.075 (2) of the statutes is amended to read:

11          125.075 (2) (a) Whoever violates sub. (1) is guilty of a Class H felony if the  
12 underage person is under 18 years of age and suffers great bodily harm, as defined  
13 in s. 939.22 (14).

14          (b) Whoever violates sub. (1) is guilty of a Class G felony if the underage person  
15 is under 18 years of age and dies.



**Pariši, Lori**

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**From:** Sivret, Tyler  
**Sent:** Thursday, October 27, 2011 10:45 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3335/1 Topic: Penalty for serving alcohol to underage persons where great bodily harm or death results

Please Jacket LRB 11-3335/1 for the ASSEMBLY.