

2013 DRAFTING REQUEST

Bill

Received: 3/7/2013 Received By: agary
Wanted: As time permits Same as LRB: -0293
For: Joan Ballweg (608) 266-8077 By/Representing: Bethany Anderson
May Contact: Drafter: agary
Subject: Beverages Addl. Drafters: mkunkel
Higher Education - UW System
Extra Copies:

Submit via email: YES
Requester's email: Rep.Ballweg@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov
mark.kunkel@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Prohibiting issuance of citations for underage alcohol violations if emergency medical assistance or law enforcement assistance is requested; student disciplinary actions

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>
/?	agary 3/7/2013	wjackson 3/7/2013	rschluet 3/7/2013	_____			
/1				_____	lparisi 3/7/2013	srose 3/15/2013	Crime

FE Sent For:

*Not
needed*

<END>

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/?	agary	1 WJ JH		_____			

FE Sent For:

<END>

Gary, Aaron

From: Anderson, Bethany
Sent: Thursday, March 07, 2013 12:59 PM
To: Gary, Aaron
Subject: RE: Responsible action

An introducible /1. Thanks!

Bethany

From: Gary, Aaron
Sent: Thursday, March 07, 2013 12:52 PM
To: Anderson, Bethany
Cc: Kunkel, Mark
Subject: RE: Responsible action

Hi Bethany,

I have entered this request as LRB-1833. Do you want it drafted as a "/P1" or as an introducible "/1"? Thanks.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Anderson, Bethany
Sent: Thursday, March 07, 2013 10:49 AM
To: Gary, Aaron
Subject: Responsible action

Aaron,

Rep. Ballweg would like to request the Assembly companion bill to Sen. Risser's responsible action draft.

Thanks!

Bethany

Bethany Anderson
Office of Rep. Ballweg
o | 608.266.8077
e | bethany.anderson@legis.wi.gov



State of Wisconsin
2013-2014 LEGISLATURE

Seen



LRB-0293/23 1833/1

ARG&MDK:wlj:jf

wanted 3/8

in 3/7

stays RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes - companion

Regen

1 **AN ACT to amend** 36.35 (1), 125.07 (4) (bs) (intro.) and 125.07 (4) (c) (intro.); and
2 **to create** 36.35 (4) and 125.07 (5) of the statutes; **relating to:** citations to
3 underage persons for alcohol beverages violations and disciplinary sanctions
4 against University of Wisconsin System students for such violations and
5 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, a person who has not attained the legal drinking age of 21 years and who is not accompanied by his or her parent, guardian, or spouse who is at least age 21 (underage person) may not 1) procure or attempt to procure alcohol beverages from an alcohol retailer; 2) possess or consume alcohol beverages on licensed retail premises or knowingly possess or consume alcohol beverages elsewhere; 3) enter or be on licensed retail premises, subject to various exceptions; or 4) falsely represent his or her age to obtain alcohol beverages from a retailer (underage violation). A person who commits an underage violation is subject to various penalties, including a forfeiture ranging in amount from \$250 to \$1,000 depending on the number of prior underage violations the person has committed.

Under this bill, an underage person may not be issued a citation for, or convicted of, an underage violation if all of the following apply:

1. A law enforcement officer has contact with the underage person because the underage person requested emergency medical assistance for himself or herself or for another person; another person requested emergency medical assistance for the

underage person; or the underage person requested law enforcement assistance to report, request investigation of, or prevent a possible crime. The request for assistance may be made by dialing "911" or by other means.

2. The underage person remains at the scene until emergency medical assistance or law enforcement assistance arrives and thereafter cooperates with providers of emergency medical assistance or law enforcement assistance. However, this requirement does not apply if the underage person is the person in need of emergency medical assistance and lacks capacity to cooperate.

A person who requests assistance with an intention to claim this protection against citation or conviction for an underage violation knowing that the fact situation that he or she reports does not exist must be fined not less than \$100 nor more than \$600 or imprisoned not more than 90 days or both for the first offense and is guilty of a Class H felony for a subsequent offense within four years. A Class H felony is punishable by a fine not exceeding \$10,000 or imprisonment not exceeding six years or both.

The bill also prohibits the Board of Regents of the University of Wisconsin (UW) System and any two-year or four-year UW System school from imposing specified disciplinary sanctions against a student who commits an underage violation, but only if the bill exempts the student from a citation or conviction for the violation and the student has not committed the offense described above. The prohibited disciplinary sanctions are the following: 1) removal from a course in progress; 2) enrollment restrictions on a course or program; 3) suspension or expulsion; and 4) exclusion from student housing.

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.

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

1 **SECTION 1.** 36.35 (1) of the statutes is amended to read:

2 36.35 (1) POWER TO SUSPEND; RULES. The board may delegate the power to
3 suspend or expel students for misconduct or other cause prescribed by the board. The
4 Subject to sub. (4), the board shall promulgate rules under ch. 227 governing student
5 conduct and procedures for the administration of violations.

6 **SECTION 2.** 36.35 (4) of the statutes is created to read:

1 36.35 (4) UNDERAGE ALCOHOL VIOLATIONS. The board or an institution or college
2 campus may not impose any of the following disciplinary sanctions against a student
3 for the student’s violation of s. 125.07 (4) (a) or (b), if the student is exempt under s.
4 125.07 (5) (a) from issuance of a citation for, or conviction of, the violation, and if the
5 student has not violated s. 125.07 (5) (b):

6 (a) Removal from a course in progress.

7 (b) Enrollment restrictions on a course or program.

8 (c) Suspension or expulsion.

9 (d) Exclusion from student housing.

10 SECTION 3. 125.07 (4) (bs) (intro.) of the statutes is amended to read:

11 125.07 (4) (bs) (intro.) ~~Any~~ Subject to sub. (5) (a), any person violating par. (a)
12 is subject to the following penalties:

13 SECTION 4. 125.07 (4) (c) (intro.) of the statutes is amended to read:

14 125.07 (4) (c) (intro.) ~~Any~~ Subject to sub. (5) (a), any person violating par. (b)
15 is subject to the following penalties:

16 SECTION 5. 125.07 (5) of the statutes is created to read:

17 125.07 (5) REQUESTS FOR EMERGENCY ASSISTANCE. (a) An underage person may
18 not be issued a citation for, or convicted of, a violation of sub. (4) (a) or (b) if all of the
19 following apply:

20 1. A law enforcement officer has contact with the underage person because of
21 any of the following:

22 a. The underage person requested emergency medical assistance, by dialing
23 the telephone number “911” or by other means, for himself or herself or for another
24 person.

Basford, Sarah

From: Anderson, Bethany
Sent: Thursday, March 14, 2013 4:51 PM
To: LRB.Legal
Subject: Draft Review: LRB -1833/1 Topic: Prohibiting issuance of citations for underage alcohol violations if emergency medical assistance or law enforcement assistance is requested; student disciplinary actions

Please Jacket LRB -1833/1 for the ASSEMBLY.