

2013 DRAFTING REQUEST

Bill

Received: **3/22/2013** Received By: **agary**
Wanted: **As time permits** Same as LRB:
For: **André Jacque (608) 266-9870** By/Representing: **Jamie Julian**
May Contact: Drafter: **agary**
Subject: **Beverages** Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Prohibiting sale of 190 proof alcohol

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 4/16/2013	jdyer 4/16/2013	jfrantze 4/16/2013	_____			
/P1	agary 12/20/2013			_____	sbasford 4/16/2013		State Crime
/1		wjackson 12/23/2013	jmurphy 12/23/2013	_____	lparisi 12/23/2013	mbarman 1/10/2014	State Crime

FE Sent For:

at
intro

<END>

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1?	agary	P1 4/16 jld		JH/16 13			

FE Sent For:

<END>

Gary, Aaron

From: Julian, Jamie
Sent: Thursday, March 28, 2013 9:14 AM
To: Gary, Aaron
Subject: RE: Draft Request: Ban 190 Proof Alcohol in WI

Okay – I will look into this and be in touch soon. Thanks!

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

From: Gary, Aaron
Sent: Thursday, March 28, 2013 8:00 AM
To: Julian, Jamie
Subject: RE: Draft Request: Ban 190 Proof Alcohol in WI

Hi Jamie,

I am not aware of what other states' penalties are, or even which states ban Everclear and similar high-proof liquor (except I know California does). Aaron

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

From: Julian, Jamie
Sent: Tuesday, March 26, 2013 12:02 PM
To: Gary, Aaron
Subject: RE: Draft Request: Ban 190 Proof Alcohol in WI

At this time we only intend to prohibit the sale of 190 proof.

As far as penalty provisions go, are you aware of what is on the books in neighboring states (MN)? I believe we would like to mirror this depending on what they have enacted. I will check into this and get back with you unless you are already aware of what states around us are doing.

Thanks,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

From: Gary, Aaron
Sent: Friday, March 22, 2013 8:52 AM
To: Julian, Jamie
Subject: RE: Draft Request: Ban 190 Proof Alcohol in WI

Hi Jamie,

I see two main issues here: 1) do you want to prohibit the sale?; and 2) do you want to prohibit possession? You could prohibit only the sale. However, a person could carry 190 proof alcohol into this state from another state where it is legal to sell. Carrying spirits into Wisconsin like this is already illegal (a crime), but it is hard to enforce (or perhaps never enforced). So technically, banning only the sale and not possession would accomplish your objective, but as a practical matter enforcement will be much easier if the bill also prohibits possession.

The other issue is what penalty you want for a violation.

I did a similar bill last session (for 160 proof and up). It prohibits both sale and possession but provides different penalties for sale and possession. I am attaching that bill (AB-712). Do you want the same provisions in your draft, only applicable to 190 proof (95%) rather than 160 proof (80%) alcohol? Or if not, can you tell me what changes you want made?

Thanks. Aaron

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

From: Julian, Jamie
Sent: Thursday, March 21, 2013 3:57 PM
To: Gary, Aaron
Subject: Draft Request: Ban 190 Proof Alcohol in WI

Hi,

Rep. Jacque would like a bill that would ban 190 proof alcohol in this state.

Please let me know if there are any other things we should consider regarding this request.

Thank you,

Jamie Julian

Office of Rep. André Jacque



State of Wisconsin
2011 - 2012 LEGISLATURE

in 4/16
D-Note



LRB-~~2009~~-1965/P1
ARG med:ph
jld

3
2011 ASSEMBLY BILL 112

RMNR

March 15, 2012 - Introduced by Representative KRUSICK. Referred to Committee on Criminal Justice and Corrections.

1 4
2

Gen

AN ACT to create 125.68 (14) of the statutes; relating to: the sale consumption or possession of high-concentration alcohol beverages and providing penalties.

Analysis by the Legislative Reference Bureau

190

95

This bill prohibits the sale consumption, or possession of intoxicating liquor containing 80 percent or more of alcohol by volume (160 proof or higher). A person who sells intoxicating liquor in violation of this prohibition is guilty of a class 1 felony punishable by a fine not exceeding \$10,000 or imprisonment not exceeding three years and six months or both. A person who consumes or possesses intoxicating liquor in violation of this prohibition must forfeit not less than \$200 nor more than \$500 for the first offense and not less than \$500 nor more than \$5,000 for the second or any subsequent offense within five years.

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.

For further information see the *state* 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:

3

SECTION 1. 125.68 (14) of the statutes is created to read:

nine
may be fined not more than \$10,000
or imprisoned for not more than 9 months or both.

ASSEMBLY BILL 712

1 125.68 (14) HIGH-CONCENTRATION ALCOHOL BEVERAGES. (a) 1. No person may sell
2 intoxicating liquor containing ^{e 95} 80 percent or more of alcohol by volume.

3 2. No person may consume or possess intoxicating liquor containing 80 percent
4 or more of alcohol by volume.

5 (b) 1. Any person who violates par. (a) 1. is guilty of a Class I felony. ✓

6 2. Any person who violates par. (a) 2. shall forfeit not less than \$200 nor more
7 than \$500 for the first offense and not less than \$500 nor more than \$5,000 for the
8 2nd or any subsequent offense within 5 years.

9 (END)

may be fined not more than
\$10,000[✓] or imprisoned for not
more than 9[✓] months or both

D-Note

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

LRB-1965/P1dn

ARG:.....

date

↑
jld

ATTN: Jamie Julian ✓

Please review the attached draft carefully to determine if it is consistent with your intent. In this draft, the penalty for a retailer that sells 190 proof alcohol is the same penalty that would apply if the retailer sold intoxicating liquor without a proper license. See s. 125.66 (1), stats. If no penalty were specified in this bill, then the general penalty for chapter 125 violations would apply, which is a fine of not more than \$1,000 or imprisonment for not more than 90 days or both. ✓ See s. 125.11 (1), stats. Please advise if you would like a different penalty, or no penalty, specified in the bill.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

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

LRB-1965/P1dn
ARG:jld:jf

April 16, 2013

ATTN: Jamie Julian

Please review the attached draft carefully to determine if it is consistent with your intent. In this draft, the penalty for a retailer that sells 190 proof alcohol is the same penalty that would apply if the retailer sold intoxicating liquor without a proper license. See s. 125.66 (1), stats. If no penalty were specified in this bill, then the general penalty for chapter 125 violations would apply, which is a fine of not more than \$1,000 or imprisonment for not more than 90 days or both. See s. 125.11 (1), stats. Please advise if you would like a different penalty, or no penalty, specified in the bill.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Julian, Jamie
Sent: Friday, December 20, 2013 4:05 PM
To: Gary, Aaron
Subject: LRB 1965

Hello,

Please return a /1 of 1965 – ban on high proof alcohol - as currently drafted.

Thank you and I hope you have a nice Christmas and New Year!

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870



in
12/20
SOON
LRB-1965/14
ARG:jld:kjl stays
RMV

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

1 AN ACT to create 125.68 (14) of the statutes; relating to: the sale, of
2 high-concentration alcohol beverages and providing penalties.

Analysis by the Legislative Reference Bureau

This bill prohibits the sale of intoxicating liquor containing 95 percent or more of alcohol by volume (190 proof or higher). A person who sells intoxicating liquor in violation of this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

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.

For further information see the *state* 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:

3 SECTION 1. 125.68 (14) of the statutes is created to read:
4 125.68 (14) HIGH-CONCENTRATION ALCOHOL BEVERAGES. (a) No person may sell
5 intoxicating liquor containing 95 percent or more of alcohol by volume.

Basford, Sarah

From: Julian, Jamie
Sent: Thursday, January 09, 2014 4:17 PM
To: LRB.Legal
Subject: Draft Review: LRB -1965/1 Topic: Prohibiting sale of 190 proof alcohol

Please Jacket LRB -1965/1 for the ASSEMBLY.