

1979 Assembly Bill 742

Date published: May 20, 1980

CHAPTER 331, Laws of 1979
(Vetoed in Part)

AN ACT to repeal 176.32 (2); to renumber 66.054 (15) (b), 176.32 (3), 176.43 (2), (2a) and (2b), 343.24 and 343.28 (3); to renumber and amend 176.32 (2m); to amend 46.03 (18) (b) and (c), 46.10 (2m), 48.065 (2) (g) and (3) (b), 48.10, 48.17 (2), 48.24 (3), (4) and (5), 48.245 (1) and (8), 48.27 (1), 48.28, 48.297 (2) and (5), 48.30 (1), (4), (6), (7) and (8) (intro.) and (a), 48.31 (1) and (2), 48.335 (1), 48.343 (intro.), 48.35 (1) (a) and (e), 51.13 (1) (a), 51.45 (11) (a), 66.054 (11) (b), (15) (a), (19) (a), (b) and (e), (20) (a) and (b) and (22), 66.12 (1) (a), 119.04 (1), 165.87 (1) and (2) (a), 176.30 (1), 176.31, 176.32 (1) (a) and (b) and 176.41 and 343.085 (4); to repeal and recreated 66.054 (10) (c), 176.30 (2) and 343.30 (6); and to create 20.255 (1) (be), (bg), (g) and (gm), 20.435 (2) (fm), 48.25 (5), 48.344, 51.45 (2m) and (10) (am), 51.47, 66.054 (1) (m) to (p), (10) (d) and (e), (13) (c), (15) (f) and (24), 115.28 (16), 115.36, 118.126, 118.24 (2) (f), 118.257, 140.84, 176.07, 176.27, 176.28, 176.29, 176.43 (2), 343.23 (3), 343.24 (2), 343.28 (3) and 778.25 of the statutes, relating to the possession and sale of beer and liquor, making an appropriation and providing a penalty.

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

SECTION 1. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

		1979-80	1980-81
20.255	Public instruction, department of		
(1)	EQUAL EDUCATIONAL OPPORTUNITIES		
(be)	Alcohol and other drug abuse program	GPR B 149,500	-0-
(bg)	Aid for alcohol and other drug abuse programs	GPR B 246,000	-0-
20.435	Health and social services, department of		
(2)	COMMUNITY SERVICES		
(fm)	Joint alcohol and drug abuse plan	GPR B 29,200	-0-

SECTION 2. 20.255 (1) (be), (bg), (g) and (gm) of the statutes are created to read:

20.255 (1) (be) *Alcohol and other drug abuse program.* Biennially, the amounts in the schedule for the purpose of s. 115.36 (2) and for the administration of s. 115.36 (3) less the amounts received as applied receipts under par. (g).

(bg) *Aid for alcohol and other drug abuse programs.* Biennially, the amounts in the schedule for grants under s. 115.36 (3) less the amounts received as applied receipts under par. (gm).

(g) *Alcohol and other drug abuse program.* All moneys deposited to this appropriation under s. 165.87 (1) to be credited to the appropriation under par. (be) for the purpose of s. 115.36 (2) and the administration of s. 115.36 (3), except that any amount deposited in a biennium in excess of the amount in the schedule under par. (be) shall lapse to the general fund.

(gm) *Aid for alcohol and other drug abuse programs.* All moneys deposited to this appropriation under s. 165.87 (1) to be credited to the appropriation under par. (bg) for the purpose of s. 115.36 (3), except that any amount deposited in a biennium in excess of the amount in the schedule under par. (bg) shall lapse to the general fund.

SECTION 3. 20.435 (2) (fm) of the statutes is created to read:

20.435 (2) (fm) *Joint alcohol and drug abuse plan.* Biennially, the amounts in the schedule for the development of a joint alcohol and drug abuse plan in cooperation with the department of public instruction under s. 140.84.

SECTION 4. 46.03 (18) (b) and (c) of the statutes are amended to read:

46.03 (18) (b) Any person receiving services provided or purchased under par. (a) or the spouse of ~~such~~ the person and, in the case of a minor ~~child~~, the parents of the person, shall be liable for ~~such~~ the services in the amount of the fee established under par. (a). If a minor receives services without consent of a parent or guardian under s. 51.47, the department shall base the fee solely on the minor's ability to pay.

(c) The department shall make collections from the person who in the opinion of the department is best able to pay, giving due regard to the present needs of the person or of his or her lawful dependents. The department may bring action in the name of the department to enforce the liability established under par. (b). The department may not collect from the parent of a minor receiving treatment for alcohol or drug abuse, except as provided in s. 51.47. This paragraph does not apply to the recovery of fees for the care and services specified under s. 46.10.

SECTION 5. 46.10 (2m) of the statutes, as affected by chapter 102, laws of 1979, is amended to read:

46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis patients receiving care, maintenance, services and supplies under s. 58.06 and ch. 149, or to care, maintenance, services and supplies provided to persons 18 and older by prisons named in s. 53.01, or to minors receiving care for alcohol or drug abuse under s. 51.47 without consenting to billing the minor's parent or guardian.

SECTION 6. 48.065 (2) (g) and (3) (b) of the statutes are amended to read:

48.065 (2) (g) Conduct all proceedings on petitions or citations under s. 48.125.

(3) (b) Conduct fact-finding or dispositional hearings except petitions or citations under s. 48.125 or hearings on the termination of parental rights or on adoptions.

SECTION 7. 48.10 of the statutes is amended to read:

48.10 Power of the judge to act as intake worker. The duties of the intake worker may be carried out from time to time by the judge at his or her discretion, but if a recommendation to file a petition is made, a citation is issued under s. 778.25 or an informal disposition is entered into, the judge shall be disqualified from participating further in the proceedings.

SECTION 8. 48.17 (2) of the statutes is amended to read:

48.17 (2) CIVIL LAW AND ORDINANCE VIOLATIONS. (a) Courts of civil jurisdiction have concurrent jurisdiction with the court assigned to exercise jurisdiction under this chapter in proceedings against children aged 14 or older for violations of s. 66.054 (19), (20), (22) or (24), 176.29, 176.30 (2), 176.31 or 176.32 (1) or an ordinance which strictly conforms to one of those statutes or against children aged 16 or older for other violations of law punishable by forfeiture or violations of other ordinances of a county, town or other municipal ordinances municipality. The citation procedures described in ss. 23.50 to 23.85 ~~and~~ 66.119, 778.25 and 800.02, respectively, may be used in such cases where applicable to adults charged with the same offense. If a citation is issued to a child, the issuing agency shall within 7 days notify the child's parent or guardian. A copy of a citation issued under s. 778.25 or 800.02 to a child who is 14 or 15 years of age for a violation of s. 66.054 (19), (20), (22) or (24), 176.29, 176.30 (2), 176.31 or 176.32 (1) shall be sent to an intake worker under s. 48.24. If a court of civil jurisdiction finds that the child violated a law punishable by forfeiture or violated a municipal ordinance, it shall enter a dispositional order under s. 48.344, if applicable, or if not it may enter any of the dispositional orders permitted under s. 48.343 (1), (2) or (5).

(b) If a child fails to pay the forfeiture imposed by the court of civil jurisdiction under s. 48.343, the court shall not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 nor more than 90 days, or suspend the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 nor more than 90 days. If a court of civil jurisdiction suspends a license under this ~~section~~ subsection, it shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department, which shall thereupon return the license to the person.

SECTION 9. 48.24 (3), (4) and (5) of the statutes are amended to read:

48.24 (3) If the intake worker determines as a result of the intake inquiry that the child should be referred to the court, the intake worker shall request that the district attorney, corporation counsel or other official specified in s. 48.09 file a petition, except a citation issued under s. 778.25 is sufficient to initiate proceedings under this chapter and may serve as the initial pleading unless the court directs that the action be brought by petition.

(4) If the intake worker determines as a result of the intake inquiry that the case should be subject to an informal disposition, or should be closed, the intake worker shall so proceed. If a petition has been filed or a citation issued under s. 778.25, informal disposition may not occur or a case may not be closed unless the petition or citation is withdrawn by the district attorney, corporation counsel or other official specified in s. 48.09, or is dismissed by the judge.

(5) The intake worker shall recommend that a petition be filed ~~or shall~~, enter into an informal disposition or close the case within 40 days or sooner of receipt of referral information unless a citation was issued under s. 778.25. If the case is closed or an informal disposition is entered into, the district attorney, corporation counsel or other official under s. 48.09 shall receive written notice of such action. A case initiated by a citation may be closed or informally disposed of only as provided by sub. (4). A notice of informal disposition of an alleged delinquency case shall include a summary of facts surrounding the allegation and a list of prior intake referrals and dispositions. With respect to petitioning a child to be in need of protection or services, information received more than 40 days before filing the petition may be included to establish a condition or pattern which, together with information received within the 40-day period, provides a basis for

conferring jurisdiction on the court. The judge shall dismiss with prejudice any petition which is referred after the time limits specified in this subsection. Notwithstanding the requirements of this section, the district attorney may initiate a delinquency petition under s. 48.25 within 20 days after notice that the case has been closed or that an informal disposition has been made. If an informal disposition is entered into within 40 days but is subsequently canceled, the intake worker may recommend that a petition be filed within 40 days of the date of cancellation. The judge shall dismiss with prejudice any such petition which is not referred within the 40-day period.

SECTION 10. 48.245 (1) and (8) of the statutes are amended to read:

48.245 (1) ~~The~~ Except as provided by s. 48.24 (4), the intake worker may enter into a written agreement with all parties which imposes informal disposition under this section if the intake worker has determined that neither the interests of the child nor of the public require filing of a petition or the issuance of a citation under s. 778.25 for circumstances relating to ss. 48.12 to 48.14. Informal disposition shall be available only if the facts persuade the intake worker that the jurisdiction of the court, if sought, would exist and upon consent of the child, parent, guardian and legal custodian.

(8) If the obligations imposed under the informal disposition are met, the intake worker shall so inform the child and a parent, guardian and legal custodian in writing, and no petition or citation may be filed on the charges that brought about the informal disposition nor may the charges be the sole basis for a petition under ss. 48.13 to 48.14.

SECTION 11. 48.25 (5) of the statutes is created to read:

48.25 (5) A citation issued under s. 778.25 may serve as the initial pleading in proceedings under this chapter, except the court may direct that a citation be dismissed and the matter be referred to an intake worker under s. 48.24.

SECTION 12. 48.27 (1) of the statutes is amended to read:

48.27 (1) After a citation issued under s. 778.25 or a petition has been filed relating to facts concerning a situation specified under ss. 48.12, 48.125 and 48.13, unless the parties under sub. (3) voluntarily appear, the court may issue a summons requiring the person who has legal custody of the child to appear personally, and, if the court so orders, to bring the child before the court at a time and place stated.

SECTION 13. 48.28 of the statutes is amended to read:

48.28 Failure to obey summons; capias. If any person summoned fails without reasonable cause to appear, he or she may be proceeded against for contempt of court. In case the summons cannot be served or the parties served fail to obey the same, or, except as provided by s. 778.25 (8) (b) and (c), in any case when it appears to the court that the service will be ineffectual a capias may be issued for the parent or guardian or for the child.

SECTION 14. 48.297 (2) and (5) of the statutes are amended to read:

48.297 (2) Defenses and objections based on defects in the institution of proceedings, lack of probable cause on the face of the petition, insufficiency of the petition or a citation or invalidity in whole or in part of the statute on which the petition or a citation is founded shall be raised not later than 10 days after the plea hearing or be deemed waived. Other motions capable of determination without trial may be brought any time before trial.

(5) If the child is in custody and the court grants a motion to dismiss based upon a defect in the petition or a citation issued under s. 778.25 or in the institution of the proceedings, the court may order the child continued in custody for not more than 48 hours pending the filing of a new petition or citation.

SECTION 15. 48.30 (1), (4), (6), (7) and (8) (intro.) and (a) of the statutes are amended to read:

48.30 (1) The hearing to determine the child's plea to a citation issued under s. 778.25 or a petition under s. 48.12, 48.125 or 48.13 (12), or to determine whether any party wishes to contest an allegation that the child is in need of protection or services, shall take place on a date which allows reasonable time for the parties to prepare but is within 30 days of the filing of a petition or issuance of the citation for a child who is not being held in secure custody or within 10 days of the filing of a petition or issuance of the citation for a child who is being held in secure custody.

(4) If a delinquency petition under s. 48.12, a civil law violation citation issued under s. 778.25 or petition under s. 48.125, or a petition alleging that a child is in need of protection or services under s. 48.13 (12) is filed, the child may plead as follows:

(a) Admit some or all of the facts alleged in the petition or citation; however, such a plea is an admission only of the commission of the acts and does not constitute an admission of delinquency or in need of protection or services;

(b) Deny the facts alleged in the petition or citation. If the child stands mute or refuses to plead, the court shall direct entry of a denial of the facts alleged in the petition or citation on the child's behalf; or

(c) State that he or she is not responsible for the acts alleged in the petition or citation by reason of mental disease or defect. This plea may be joined with an admission of par. (a) or a denial under par. (b).

(6) If the child fails to appear in response to a citation issued under s. 778.25 the court shall proceed as provided by s. 778.25 (8). If a child appears in response to a citation issued under s. 778.25 and does not contest the citation, or if a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days from the plea hearing for the child who is held in secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody. If all parties consent the court may proceed immediately with the dispositional hearing.

(7) If the citation issued under s. 778.25 or the petition is contested, the court shall set a date for the fact-finding hearing which allows reasonable time for the parties to prepare but is no more than 20 days from the plea hearing for a child who is held in secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody.

(8) (intro.) Before accepting an admission of the alleged facts in a petition or citation, the court shall, unless s. 778.25 (8) applies:

(a) Address the parties present including the child personally and determine that the plea or admission is made voluntarily with understanding of the nature of the acts alleged in the petition or citation and the potential dispositions.

SECTION 16. 48.31 (1) and (2) of the statutes are amended to read:

48.31 (1) In this section, "fact-finding hearing" means a hearing to determine if the allegations of the petition are supported beyond a reasonable doubt except for citations issued under s. 778.25 and petitions under s. 48.125 or 48.13 (3), (7), (10) and (11) and petitions to terminate parental rights, which shall be proved by clear and convincing evidence.

(2) The hearing shall be to the court unless the child, parent, guardian or legal custodian exercises the right to a jury trial by demanding a jury trial at any time before or during the plea hearing. Chapters 756 and 805 shall govern the selection of jurors except that ss. 972.03 and 972.04 shall apply in cases in which the juvenile is alleged to be delinquent under s. 48.12. Chapters 901 to 911 shall govern the admissibility of evidence at the fact-finding hearing. At the conclusion of the hearing, the court or jury shall make a determination of the facts. If the court finds that the child is not within the jurisdiction

of the court or the court or jury finds that the facts alleged in the citation or petition have not been proved, the court shall dismiss the citation or petition with prejudice.

SECTION 17. 48.335 (1) of the statutes is amended to read:

48.335 (1) The court shall conduct a hearing to determine the disposition of a case in which a child is adjudged to be delinquent under s. 48.12, to have violated a civil law or ordinance under s. 48.125 or to be in need of protection or services under s. 48.13, except the court shall proceed as provided by s. 778.25 (8) if a citation is issued under s. 778.25 and the child fails to appear.

SECTION 18. 48.343 (intro.) of the statutes is amended to read:

48.343 Disposition of child adjudged to have violated a civil law or an ordinance. (intro.) If Except as provided by s. 48.344, if the court finds that the child violated a civil law or an ordinance, it shall enter an order making one or more of the following dispositions:

SECTION 19. 48.344 of the statutes is created to read:

48.344 Disposition; intoxicating liquor and beer violations. (1) In this section:

(a) "Court" means a civil court or the court assigned to exercise jurisdiction under this chapter.

(b) "Violation" means a violation of s. 66.054 (19), (20), (22) or (24), 176.29, 176.30 (2), 176.31 or 176.32 (1) or a local ordinance which strictly conforms to one of those statutes.

(2) If a court finds a child committed a violation it shall impose a forfeiture of not more than \$25. A court shall also suspend the operating privilege of a child found to have committed a violation as provided by s. 343.30 (6).

(3) If a child fails to pay the forfeiture ordered by the court under this section, the court shall not impose a jail sentence but may, subject to sub. (4), suspend the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 90 days. If a court suspends a license under this subsection, it shall immediately take possession of the suspended license and forward it to the department of transportation, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department of transportation, which shall thereupon return the license to the person.

(4) (a) Except as provided by par. (b), the suspension of the operating privilege under sub. (3) shall commence on the date of disposition.

(b) If the person subject to suspension under this section does not hold a valid license under ch. 343 other than a license under s. 343.07 or 343.08 on the date of disposition, the suspension under sub. (3) shall commence on the date that such a license would otherwise be reinstated or issued after the person applies and qualifies for reinstatement or issuance or on the date the person attains the age of 19, whichever first occurs.

SECTION 20. 48.35 (1) (a) and (e) of the statutes are amended to read:

48.35 (1) (a) A judgment in proceedings on a citation issued under s. 778.25 or a petition under this chapter ~~shall is not be deemed~~ a conviction of a crime, shall not impose any civil disabilities ordinarily resulting from the conviction of a crime and shall not operate to disqualify the child in any civil service application or appointment.

(e) If a child is found to be not responsible by reason of mental disease or defect the citation or petition shall be dismissed with prejudice.

SECTION 21. 51.13 (1) (a) of the statutes is amended to read:

51.13 (1) (a) ~~The~~ Except as provided in s. 51.45 (2m), the application for voluntary admission of a minor who is under 14 years of age to an approved inpatient treatment facility shall be executed by a parent who has legal custody of the minor or the minor's guardian. Any statement or conduct by a minor under the age of 14 indicating that the minor does not agree to admission to the facility shall be noted on the face of the application and shall be noted in the petition required by sub. (4).

SECTION 22. 51.45 (2m) of the statutes is created to read:

51.45 (2m) **APPLICABILITY TO MINORS.** (a) Except as otherwise stated in this section, this section shall apply equally to minors and adults.

(b) Subject to the limitations specified in s. 51.47, a minor may consent to treatment under this section.

(c) In proceedings for the commitment of a minor under sub. (12) or (13):

1. The court may appoint a guardian ad litem for the minor; and
2. The parents or guardian of the minor, if known, shall receive notice of all proceedings.

SECTION 23. 51.45 (10) (am) of the statutes is created to read:

51.45 (10) (am) A minor may apply for voluntary treatment directly to an approved public treatment facility, but only for those forms of treatment specified in sub. (7) (b) 5 and 7. Section 51.13 shall govern voluntary admission of a minor alcoholic to an inpatient treatment facility.

SECTION 24. 51.45 (11) (a) of the statutes is amended to read:

51.45 (11) (a) An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. Any law enforcement officer, or designated person upon the request of a law enforcement officer, may assist a person who appears to be intoxicated in a public place and to be in need of help to his or her home, an approved treatment facility or other health facility, if such person consents to the proffered help. Section 51.13 shall govern voluntary admission of an intoxicated minor to an inpatient facility under this paragraph.

SECTION 25. 51.47 of the statutes is created to read:

51.47 Alcohol and other drug abuse treatment for minors. (1) Except as provided in subs. (2) and (3), any physician or health care facility licensed, approved or certified by the state for the provision of health services may render preventive, diagnostic, assessment, evaluation or treatment services for the abuse of alcohol or other drugs to a minor 12 years of age or over without obtaining the consent of or notifying the minor's parent or guardian. Unless consent of the minor's parent or guardian is required under sub. (2), the physician or health care facility shall obtain the minor's consent prior to billing a 3rd party for services under this section. If the minor does not consent, the minor shall be responsible for paying for the services, which the department shall bill to the minor under s. 46.03 (18) (b).

(2) The physician or health care facility shall obtain the consent of the minor's parent or guardian:

(a) Before performing any surgical procedure on the minor, unless the procedure is essential to preserve the life or health of the minor and the consent of the minor's parent or guardian is not readily obtainable.

(b) Before administering any controlled substances to the minor, except to detoxify the minor under par. (c).

(c) Before admitting the minor to an inpatient treatment facility, unless the admission is to detoxify the minor for ingestion of alcohol or other drugs.

(d) If the period of detoxification of the minor under par. (c) extends beyond 72 hours after the minor's admission as a patient.

(3) The physician or health care facility shall notify the minor's parent or guardian of any services rendered under this section as soon as practicable.

(4) No physician or health care facility rendering services under sub. (1) is liable solely because of the lack of consent or notification of the minor's parent or guardian.

SECTION 26. 66.054 (1) (m) to (p) of the statutes are created to read:

66.054 (1) (m) "Motor vehicle" has the meaning provided under s. 176.29 (1) (a).

(n) "School" has the meaning provided by s. 176.29 (1) (b).

(o) "School administrator" has the meaning provided by s. 176.29 (1) (c).

(p) "School premises" has the meaning provided by s. 176.29 (1) (d).

SECTION 27. 66.054 (10) (c) of the statutes is repealed and recreated to read:

66.054 (10) (c) Between 12 midnight and 8 a.m. no person may sell fermented malt beverages on Class "A" licensed premises.

SECTION 28. 66.054 (10) (d) and (e) of the statutes are created to read:

66.054 (10) (d) Between 12 midnight and 8 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(e) A city, village or town may by ordinance or resolution impose more restrictive hours than are provided in this subsection.

SECTION 29. 66.054 (11) (b) of the statutes is amended to read:

66.054 (11) (b) There shall be upon premises operated under a Class "A" or Class "B" license, at all times, the licensee or some person who has an operator's license and who is responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No member of the immediate family of the licensee under the age of 18 years ~~shall may~~ serve as a waiter, or in any other manner, any fermented malt beverages to customers unless an operator 18 years of age or over is present upon and in immediate charge of the premises. No person other than the licensee ~~shall may~~ serve fermented malt beverages in any place operated under a Class "A" or Class "B" license unless he or she possesses an operator's license, or unless he or she is under the immediate supervision of the licensee or a person holding an operator's license, who is at the time of such service upon ~~said the~~ premises.

SECTION 30. 66.054 (13) (c) of the statutes is created to read:

66.054 (13) (c) A city, village or town may adopt an ordinance regulating conduct regulated by sub. (19), (20), (22) or (24) only if it strictly conforms to the statutory section.

SECTION 31. 66.054 (15) (a) of the statutes is amended to read:

66.054 (15) (a) Any A person who shall violate any of the provisions violates a provision of this section for which a specific penalty is not provided shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of fined not more than \$500, or by imprisonment in the county jail for a term of or imprisoned for not more than 90 days, or by both such fine and imprisonment, and his license shall be subject to revocation by a court of record in its discretion. Any. A court of record may revoke any license issued under this section to the person.

(b) Except as provided by sub. (13) (c), a city, village or town may, by ordinance, prescribe different penalties than those provided in this section, and may provide that the license may be revoked by a court of record in the court's discretion. No city, village or town shall may pass any ordinance which shall fix fixes the penalty for violation of any

ordinance so that the ~~same shall be~~ penalty is greater than the maximum provided by this section. ~~In event that such~~ If a person shall be is convicted of a ~~second~~ 2nd offense, under ~~the provisions of this section such to which par (a) applies,~~ the offender, in addition to the penalties ~~herein provided, shall forthwith forfeit in this section,~~ forfeits any license issued to him or her under this section without further notice, ~~and in the event that such.~~ If a person shall be is convicted of a felony, in addition to the penalties provided for ~~such~~ the felony, the court shall revoke the license of ~~such~~ the offender.

(c) Every town, village or city ~~shall have the right to may~~ revoke any license ~~by it issued~~ issued by it to any person who ~~shall violate~~ violates any of the provisions of this section or any municipal ordinance adopted ~~pursuant thereto~~ under this section.

(d) No license ~~shall thereafter may~~ be granted ~~such~~ a person whose license is revoked or forfeited under this subsection for a period of one year from the date of ~~such~~ the revocation or forfeiture.

SECTION 32. 66.054 (15) (b) of the statutes is renumbered 66.054 (15) (e).

SECTION 33. 66.054 (15) (f) of the statutes is created to read:

66.054 (15) (f) Violations of sub. (20) (a) are subject to s. 176.27 and s. 48.344 or 176.28.

SECTION 34. 66.054 (19) (a), (b) and (e), as affected by chapter (Assembly Bill 763), laws of 1979, (20) (a) and (b) and (22) of the statutes are amended to read:

66.054 (19) (a) ~~A Except as provided by par. (c), a keeper of any place for the sale of any fermented malt beverage under a Class "B" retailer's license, who may not directly or indirectly suffers or permits suffer or permit~~ a person under the age of 18 years, unaccompanied by his or her parent, guardian or adult spouse, who is not a resident, employe or a bona fide lodger or boarder on the premises controlled by the proprietor or licensee of the place, and of which the place consists or is a part, to enter or be on the licensed premises for any purpose, except as provided by par. (d), ~~for every such offense, may be fined not more than \$250, besides costs, or imprisoned for not more than 60 days. A person who violates this paragraph is subject to a forfeiture of not more than \$500, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.~~

(b) ~~A Except as provided by par. (c), a person who is under the age of 18 years who enters or remains may not enter or remain on the premises for which a Class "B" license is issued without a valid purpose and who under par. (d) unless the person is not a resident, employe or a bona fide lodger or boarder on the premises, or who is not accompanied by his or her parent, guardian or adult spouse, may be fined not more than \$100, besides costs. A person who violates this paragraph is subject to a forfeiture of not more than \$25, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.~~

(e) ~~The provisions of sub. (15) providing for punishment of violators of this section by fine and imprisonment do not apply to this subsection. This prohibition does apply subsection applies~~ to any person who is not a resident, employe or a bona fide lodger or boarder on the premises, after the legal hour for closing.

(20) (a) ~~Except as otherwise provided in this section, whoever sells or furnishes no person may sell or furnish~~ fermented malt beverages to a minor not accompanied by parent, guardian or adult spouse ~~may be fined not more than \$500 or imprisoned not more than 30 days or both. A person who violates this paragraph is subject to s. 176.28, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.~~

(b) A minor, not accompanied by parent, guardian or adult spouse, ~~who possesses~~ may not possess fermented malt beverages ~~may be fined not more than \$500 or imprisoned not more than 30 days or both and the court also shall restrict or suspend the motor vehicle operating privilege as provided in s. 343.30 (6).~~ A person who violates this paragraph is subject to a forfeiture of not more than \$25, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

(22) MISREPRESENTING AGE; PENALTY. ~~Whoever~~ No person may falsely represents represent that he or she is at least 18 years of age for the purpose of asking for or receiving fermented malt beverages from a keeper of any place for the sale of fermented malt beverages ~~may be fined not more than \$100 or imprisoned not to exceed 10 days or both.~~ A person who violates this subsection is subject to a forfeiture of not more than \$25, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

SECTION 35. 66.054 (24) of the statutes is created to read:

66.054 (24) (a) Except as provided by par. (b), no person may possess or consume fermented malt beverages:

1. On school premises;
2. In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
3. While participating in a school-sponsored activity.

(b) Fermented malt beverages may be possessed or consumed on school premises, in a motor vehicle or by a participant in a school-sponsored activity if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

(c) A person who violates this subsection is subject to a forfeiture of not more than \$200, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

SECTION 36. 66.12 (1) (a) of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

66.12 (1) (a) An action for violation of a municipal ordinance, resolution or bylaw is a civil action. All forfeitures and penalties imposed by any ordinance, resolution or bylaw of the municipality, except as provided in ss. 345.20 to 345.53, may be collected in an action in the name of the municipality before the municipal court or a court of record. If the action is in municipal court, the procedures under ch. 800 apply and the procedures under this section do not apply. If the action is in a court of record, it shall be commenced by warrant or summons under s. 968.04; ~~but the~~ or, if applicable, by citation under s. 778.25. The marshal, constable or police officer may arrest the offender in all cases without warrant under s. 968.07. The affidavit where the action is commenced by warrant may be the complaint. The affidavit or complaint shall be sufficient if it alleges that the defendant has violated an ordinance, resolution or bylaw of the municipality, specifying the same by section, chapter, title or otherwise with sufficient plainness to identify the same. The judge may release a defendant without bail or may permit him or her to execute an unsecured appearance bond upon arrest. In arrests without a warrant or summons a statement on the records of the court of the offense charged shall stand as the complaint unless the court directs that formal complaint be issued. In all actions under this paragraph the defendant's plea shall be guilty, not guilty or no contest and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in the case at issue, any other provision of law notwithstanding.

SECTION 37. 115.28 (16) of the statutes is created to read:

115.28 (16) ALCOHOL AND OTHER DRUG ABUSE PREVENTION PLAN. Cooperate with the department of health and social services in the preparation of a joint alcohol and other drug abuse prevention, intervention, treatment and rehabilitation plan under s. 140.84.

SECTION 38. 115.36 of the statutes is created to read:

115.36 Assistance to schools for alcohol and other drug abuse programs. (1) The purpose of this section is to enable and encourage public and private schools to develop comprehensive programs to prevent or ameliorate alcohol and other drug abuse among minors.

(2) The department shall:

(a) Develop and conduct training programs for the professional staff of public and private schools in alcohol and other drug abuse prevention, intervention and instruction programs.

(b) Provide consultation and technical assistance to public and private schools for the development and implementation of alcohol and other drug abuse prevention, intervention and instruction programs.

(c) Provide fellowship grants to support advanced training or education in comprehensive school health and alcohol and other drug abuse education.

(d) Provide access to informational resources for alcohol and other drug abuse education programs and services including, but not limited to:

1. The screening, revision and evaluation of available information resources.
2. The establishment of a central depository and loan program for high cost informational resources.
3. The systematic dissemination of information concerning available resources to appropriate public and private school staff.

(e) Create a council under s. 15.04 (1) (c) to advise the department concerning the administration of this section.

(3) (a) The department shall, from the appropriation under s. 20.255 (1) (bg), fund demonstration projects operated by public school districts which are designed to assist minors experiencing problems resulting from the use of alcohol or other drugs or to prevent alcohol or other drug abuse by minors. The department shall:

1. Administer grant application and disbursement of funds.
2. Monitor program implementation.
3. Assist in and assure evaluation of demonstration projects.
4. Report on an annual basis to the legislature on program progress and project evaluation.
5. Promulgate necessary rules for the implementation of this subsection.

(b) Grants under this subsection may not be used to replace funding available from other sources.

(c) Grants under this subsection may be made only where there is a matching fund contribution from the local area in which a program is designed to operate of 20% of the amount of the grant obtained under this subsection. Private funds and in-kind contribution may be applied to meet the requirement of this paragraph.

(d) A school district applying for aid under this subsection shall submit a copy of the application to the board established under s. 51.42 for its advisory review. The board established under s. 51.42 may, and the council established under sub. (2) (e) shall, submit an advisory recommendation with respect to the application to the department prior to the approval or denial of the application.

SECTION 39. 118.126 of the statutes is created to read:

Vetoed in Part **118.126 Privileged communications.** ~~(N)~~ A school psychologist, counselor, social worker or nurse shall keep confidential information received from a student that the student or another student is using or is experiencing problems resulting from the use of alcohol or other drugs.

Vetoed in Part ~~(2) A school psychologist, counselor, social worker or nurse may refer a student experiencing problems resulting from the use of alcohol or other drugs to an appropriate agency without the consent or notification of the student's parent or guardian.~~

SECTION 40. 118.24 (2) (f) of the statutes is created to read:

118.24 (2) (f) The school district administrator shall ensure that the administrative and pupil service staff in the district cooperate with the board established under s. 51.42 in the dissemination of information regarding the availability of alcohol and drug abuse services and to jointly establish procedures for the referral to appropriate agencies of students experiencing problems resulting from the use of alcohol or other drugs.

SECTION 41. 118.257 of the statutes is created to read:

118.257 Liability for referral to police. (1) In this section, "school" means a public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

(2) A school administrator, principal or teacher employed by a school is not liable solely for referring a pupil of the school to law enforcement authorities, or for removing a pupil from the school premises or from participation in a school-sponsored activity, for suspicion of possession or consumption of an alcoholic beverage.

SECTION 42. 119.04 (1) of the statutes, as affected by chapters 20 and 34, laws of 1979, is amended to read:

119.04 (1) Subchapter VI of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28 (15), 115.34, 115.345, 115.76, 115.77, 115.79 to 115.94, 118.015, 118.03, 118.04, 118.06, 118.07, 118.10, 118.12 (1), 118.125, 118.126, 118.135, 118.14, 118.15, 118.16 (1), (2) and (4) to (6), 118.18, 118.19 (3) (b) and (7), 118.20, 118.24 (2) (c) to ~~(e)~~ (f), 118.255, 120.12 (15), 120.13 (1) and (19), 120.49 (6) and (14) and 120.61 are applicable to the board of school directors and to schools in 1st class cities.

SECTION 43. 140.84 of the statutes is created to read:

140.84 Joint alcohol and drug abuse prevention plan. The department in cooperation with the department of public instruction shall prepare, and the secretary and the superintendent of public instruction shall approve, a coordinated plan for the development, testing and implementation of cooperative and integrated school-community alcohol and drug abuse prevention, intervention, treatment and rehabilitation services. The approved plan shall be submitted to the legislature not later than February 1, 1981, and the department and the department of public instruction shall report to the legislature on the implementation of the plan in each calendar year after calendar year 1981.

SECTION 44. 165.87 (1) and (2) (a) of the statutes are amended to read:

165.87 (1) FUND. All Five-sixths of all moneys collected on or after the effective date of this act (1979) from penalty assessments under this section shall be deposited in s. 20.455 (2) (i), and utilized in accordance with s. 165.85 (5). The moneys deposited in s. 20.455 (2) (i) constitute the law enforcement training fund. Of the balance of the moneys collected from penalty assessments under this section on or after the effective date of this act (1979), 62.2% shall be deposited under s. 20.255 (1) (gm) and the remainder shall be deposited under s. 20.255 (1) (g).

(2) (a) On or after ~~January 1, 1978~~ the effective date of this act (1979), whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for state laws or such ordinances involving nonmoving

traffic violations, there shall be imposed in addition a penalty assessment in an amount of ~~10%~~ 12% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SECTION 45. 176.07 of the statutes is created to read:

176.07 Hours for sale in original package. (1) Between 12 midnight and 8 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(2) A city, village or town may, by ordinance or resolution, impose more restrictive hours than are provided in this section.

SECTION 46. 176.27 of the statutes is created to read:

176.27 License suspension for sale to minors. (1) In this section, "violation" means a violation of s. 66.054 (20) (a) or 176.30 (2) or a local ordinance which strictly conforms to one of those sections.

(2) A court shall suspend any license or permit issued under s. 66.054 or this chapter to a person and the person's right to purchase stamps from the secretary of revenue for:

(a) A period of not more than 3 days, if the court finds the person committed a violation within 12 months after committing one previous violation;

(b) A period of not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

(c) For a period of not less than 15 days nor more than 30 days, if the court finds the person committed the violation within 12 months after committing 3 or more violations.

(3) The court shall promptly mail notice of a suspension under this section to the clerk of each town, village or city which has issued a license or permit to the person under s. 66.054 or this chapter, and to the department of revenue.

SECTION 47. 176.28 of the statutes is created to read:

176.28 Penalties for sale to a minor. (1) In this section:

(a) "Ordinance violation" means a violation of a local ordinance which strictly conforms to s. 66.054 (20) (a) or 176.30 (2).

(b) "Violation" means a violation of s. 66.054 (20) (a) or 176.30 (2).

(2) A person who commits a violation is subject to a forfeiture of:

(a) Not more than \$500 if the person has not committed a previous violation or ordinance violation within 12 months of the violation; or

(b) Not less than \$200 nor more than \$500 if the person has committed a previous violation or ordinance violation within 12 months of the violation.

SECTION 48. 176.29 of the statutes is created to read:

176.29 Possession of liquor on school grounds prohibited. (1) In this section:

(a) "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.

(b) "School" means a public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

(c) "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

(d) "School premises" means premises owned, rented or under the control of a school.

(2) Except as provided by sub. (3) no person may possess or consume intoxicating liquor:

- (a) On school premises;
- (b) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
- (c) While participating in a school-sponsored activity.

(3) Intoxicating liquor may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

(4) A person who violates this section is subject to a forfeiture of not more than \$200, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

SECTION 49. 176.30 (1) of the statutes is amended to read:

176.30 (1) SALE TO INTOXICATED PERSON; PENALTY. ~~Any~~ No keeper of ~~any a~~ a place of ~~any name whatsoever~~ for the sale of ~~any intoxicating liquors who shall~~ liquor may sell, vend or in any way deal or traffic in, or for the purpose of evading any law of this state relating to the sale of ~~liquors~~ liquor, give away ~~any such intoxicating liquors~~ in any quantity ~~whatsoever to or with a minor, or to any person intoxicated or bordering on a state of intoxication, and any.~~ Any person whatever who shall procure procures for, ~~or sell,~~ sells or give gives away, ~~to any minor, whether upon the written order of the parents or guardian of such minor or in any other manner whatsoever, or to any intoxicated person, any such liquors~~ intoxicating liquor shall be ~~punished by a fine of~~ fined not less than \$100 nor more than \$500, or by imprisonment in the county jail or house of correction imprisoned not to exceed 60 days, or by both ~~such fine and imprisonment.~~

SECTION 50. 176.30 (2) of the statutes is repealed and recreated to read:

176.30 (2) SALE TO PERSONS UNDER 18. (a) No person may:

1. Sell, furnish or give intoxicating liquor to a person under age 18;
2. Procure intoxicating liquor for a person under age 18; or
3. Traffic or deal in intoxicating liquor with a person under age 18.

(b) A person who violates this subsection is subject to s. 176.28, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

SECTION 51. 176.31 of the statutes is amended to read:

176.31 Minor's misrepresentation to procure intoxicating liquor; penalty. (1) ~~Whoever represents~~ No person may represent that he or she is of age for the purpose of asking for, or receiving, any intoxicating liquors liquor from ~~any a~~ a keeper of ~~any a~~ a place for the sale of intoxicating liquors, ~~except in cases liquor unless~~ authorized by law, may be fined not more than \$100 or imprisoned not to exceed 10 days, or both. The court shall also restrict or suspend the motor vehicle operating privilege as provided in s. 343.30 (6). A person who violates this subsection is subject to a forfeiture of not more than \$25, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

(2) ~~Any~~ No person under the age of 18 who ~~procures, seeks to procure, may procure, seek to procure, knowingly possesses possess or who consumes consume~~ in public any intoxicating liquor ~~may be fined not more than \$100 or imprisoned not to exceed 10 days or both. The court shall also restrict or suspend the motor vehicle operating privilege as provided in s. 343.30 (6).~~ A person who violates this subsection is subject to a forfeiture of not more than \$25, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

SECTION 52. 176.32 (1) (a) and (b) of the statutes, as affected by chapter (Assembly Bill 763), laws of 1979, is amended to read:

176.32 (1) (a) Except as provided by pars. (c) and (e), no keeper of any place, of any nature or character whatsoever, for the sale of any intoxicating liquor, who may either directly or indirectly suffers or permits any suffer or permit a person under the age of 18 years, unaccompanied by his or her parent, guardian or spouse, of whom one shall be 18 years of age, who is not a resident, employe, or a bona fide lodger or boarder on the premises of the licensed person, to enter or be on such the licensed premises for any purpose, except as provided by par. (d), shall, for every offense, be fined not exceeding \$250 or imprisoned not exceeding 60 days. A person who violates this paragraph is subject to a forfeiture of not more than \$500, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

(b) A Except as provided by pars. (c) and (e), a person who is under 18 years of age who enters and remains may not enter or remain on the premises of a place which sells intoxicating liquor for other than a valid purpose under par. (d) and who unless the person is not a resident, employe, or a bona fide lodger or boarder on the premises, or who is not accompanied by his or her parent, guardian or spouse, of whom one shall be 18 years of age, shall be fined not more than \$20 or imprisoned not exceeding 30 days. A person who violates this paragraph is subject to a forfeiture of not more than \$25, except that disposition in proceedings against a person under 18 years of age shall be as provided by s. 48.344.

SECTION 53. 176.32 (2) of the statutes is repealed.

SECTION 54. 176.32 (2m) of the statutes is renumbered 176.32 (1) (e) and amended to read:

176.32 (1) (e) Subsections (1) and (2) do This subsection does not prohibit a person under the age of 18 from entering or being on the premises of a place for which a "Class A" retail intoxicating liquor license is issued for the purpose of purchasing edibles or beverages other than intoxicating liquors or fermented malt beverages.

SECTION 55. 176.32 (3) of the statutes is renumbered 176.32 (2).

SECTION 56. 176.41 of the statutes is amended to read:

176.41 Penalties. Any person who ~~shall violate any of the provisions~~ violates a provision of this chapter for which a specific penalty is not ~~herein~~ provided shall be fined not more than \$500; or imprisoned not more than 90 days, or both, and any license issued to him ~~shall be~~ or her is subject to revocation by a court of record in its discretion. ~~In the event that~~ If any such person shall be is convicted of a 2nd offense, under this chapter ~~such, other than of s. 176.30 (2) the~~ offender, in addition to the penalties ~~herein~~ provided in this section, shall forthwith forfeit the right to purchase any stamps from the secretary of revenue, and any license which may have been issued to him ~~or her~~ by any city, village or town shall without notice be forthwith forfeited. ~~In the event that~~ If such person ~~shall be~~ is convicted of a felony, in addition to the penalties provided for ~~such the~~ felony, the court shall revoke the license of ~~such the~~ offender. Every town, village or city ~~shall have the right to may~~ revoke any license ~~by it~~ issued by it to any person who ~~shall violate~~ violates any of the provisions of this chapter or any municipal ordinance adopted pursuant to this chapter as provided in ss. 176.11 and 176.12.

SECTION 57. 176.43 (2), (2a) and (2b) of the statutes are renumbered 176.43 (3), (4) and (5), respectively.

SECTION 58. 176.43 (2) of the statutes is created to read:

176.43 (2) A city, village or town may adopt an ordinance regulating conduct regulated by s. 176.29, 176.30 (2), 176.31 or 176.32 only if it strictly conforms to the statutory section.

SECTION 59. 343.085 (4) of the statutes is amended to read:

343.085 (4) The secretary may require that a person be continued on probationary status beyond the period of first issuance if such person appears by the records of the department to have repeatedly violated any of the state traffic laws or any local ordinance in conformity therewith. A person may not be continued on probationary status due to a suspension under s. 343.30 (6).

(5) For the purpose of determining when to suspend or to continue a person on probationary status, the secretary may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable. Such scale may be weighted differently for this licensee than the scale used to determine revocations under s. 343.32.

SECTION 60. 343.23 (3) of the statutes is created to read:

343.23 (3) The department shall maintain a file, for each person convicted of a violation as defined by s. 343.30 (6) (a), containing a record of reports of convictions of violations as defined by s. 343.30 (6) (a) and suspensions under s. 343.30 (6). The department may purge the record of any such conviction 12 months after it is reported.

SECTION 61. 343.24 of the statutes is renumbered 343.24 (1).

SECTION 62. 343.24 (2) of the statutes is created to read:

343.24 (2) The department shall not disclose information concerning or related to a violation as defined by s. 343.30 (6) to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the minor who committed the violation or his or her parent or guardian.

SECTION 63. 343.28 (3) of the statutes is renumbered 343.28 (4).

SECTION 64. 343.28 (3) of the statutes is created to read:

343.28 (3) If a person is convicted of committing a violation as defined by s. 343.30 (6) (a), the clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department the record of conviction and any surrendered licenses.

SECTION 65. 343.30 (6) of the statutes is repealed and recreated to read:

343.30 (6) (a) In this subsection, "violation" means a violation of s. 66.054 (19), (20), (22) or (24), 176.29, 176.30 (2), 176.31 or 176.32 (1) or a local ordinance which strictly conforms to one of those statutes.

(b) Subject to par. (d), a court shall suspend the operating privilege of a person who is under 18 years of age and is convicted of committing a violation for:

1. Thirty days if the violation is committed within 12 months of one previous violation; or

2. Ninety days if the violation is committed within 12 months of 2 or more previous violations.

(c) Except as provided by par. (d), the suspension of the operating privilege under this subsection shall commence on the date of disposition.

(d) If the person subject to suspension under this subsection does not hold a valid license under this chapter other than a license under s. 343.07 or 343.08 on the date of disposition, the suspension under par. (b) shall commence on the date that such a license would otherwise be reinstated or issued after the person applies and qualifies for issuance or on the date the person attains the age of 19, whichever first occurs.

(e) If a court suspends an operating privilege or license under this subsection, it shall immediately take possession of any license suspended and forward it to the department, together with notice of the suspension.

SECTION 66. 778.25 of the statutes is created to read:

778.25 Citation procedure; violation of laws regulating sale of liquor to persons under 18. (1) The citation procedures established by this section may be used only in an action in a court other than a municipal court to recover a forfeiture under s. 66.054 (19), (20), (22) or (24), 176.29, 176.30 (2), 176.31 or 176.32 (1) or under a local ordinance strictly conforming to one of those statutes. The citation form provided by this section may serve as the initial pleading for the action and is adequate process to give a court jurisdiction over the person if the citation is filed with the court.

(2) A citation under this section shall be signed by an officer who has authority to make arrests for the violation and shall contain substantially the following information:

(a) The name, address and date of birth of the defendant and the name and address of the defendant's parents or guardian, if a minor.

(b) The name and department of the issuing officer.

(c) The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the statute or ordinance violated and a designation of the violation in language which can be readily understood.

(d) A date, time and place for the court appearance, and a notice to appear.

(e) The maximum forfeiture and penalty assessment for which the defendant might be found liable and other penalties which may be imposed including suspension under s. 343.30 (6).

(f) Provisions for deposit and stipulation in lieu of a court appearance.

(g) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture and a penalty assessment plus costs not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and plea.

(h) Notice that if the defendant makes a deposit and signs the stipulation, the stipulation is treated as a plea of no contest and submission to a forfeiture and a penalty assessment plus costs not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation.

(i) Notice that the defendant may by mail prior to the court appearance enter a plea of not guilty and request another date for a court appearance.

(j) Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or an arrest warrant.

(k) Any other pertinent information.

(3) If a person is issued a citation under this section the person may deposit the amount of money the issuing officer directs by mailing or delivering the deposit and a copy of the citation to the clerk of court of the county where the violation occurred or the sheriff's office or police headquarters of the officer who issued the citation prior to the court appearance date. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include costs and penalty assessment.

(4) A person may make a stipulation of no contest by submitting a deposit and a stipulation in the manner provided by sub. (3) prior to the court appearance date. The signed stipulation is a plea of no contest and submission to a forfeiture plus costs and a penalty assessment not exceeding the amount of the deposit.

(5) Except as provided by sub. (6) a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment plus costs not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the check is the receipt.

(6) The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be considered to have submitted to a forfeiture and a penalty assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in sub. (5).

(7) If a citation is issued to a minor the issuing agency shall, within 7 days, mail or deliver a copy of the citation to the child's parent or guardian.

(8) If a defendant issued a citation under this section fails to appear in court at the time fixed in the citation or by subsequent postponement, the following procedure applies:

(a) If the defendant has not made a deposit, the court may issue a summons or an arrest warrant, except an arrest warrant may be issued for a minor only if it appears to the court that a summons would be ineffectual.

(b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment plus costs, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or arrest warrant, except a court may issue an arrest warrant for a minor only if the summons cannot be served or the minor fails to obey the summons. If the court accepts the plea of no contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

(c) If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment plus costs, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or arrest warrant, except a court may issue an arrest warrant for a minor only if the summons cannot be served or the minor fails to obey the summons. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on such motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.

(9) If a citation or summons is issued to a defendant under this section and he or she is unable to appear in court on the day specified, the defendant may enter a plea of not guilty by mailing a letter stating that inability to the judge at the address indicated on the citation. The letter must show the defendant's return address. The letter may include a request for trial during normal daytime business hours. Upon receipt of the letter, the

judge shall reply by letter to the defendant's address setting forth a time and place for trial, and the time shall be during normal business hours if so requested. The date of the trial shall be at least 10 days from the mailing by the judge. Nothing in this subsection forbids the setting of the trial at any time convenient to all parties concerned.

(10) An officer collecting moneys for a forfeiture, penalty assessment and costs under this section shall pay the same to the appropriate municipal or county treasurer within 20 days after its receipt by the officer. If the officer fails to make timely payment, the municipal or county treasurer may collect the payment from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 67. Findings and declaration by the legislature. The legislature finds that alcoholic beverage advertising exerts significant influence on youthful drinking by associating the use of alcohol with success, health, sexuality and recreational activities. Therefore, the legislature declares that beverage advertisers in Wisconsin media should voluntarily adopt and comply with guidelines limiting their ads so as not to glamorize or promote the drinking of alcoholic beverages for young people or promote the inappropriate use of alcoholic beverages.

SECTION 68. Appropriation increase. The appropriation under section 20.255 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$300 in fiscal year 1979-80 and by \$3,500 in fiscal year 1980-81 to fund expenses of members of a council created under section 15.04 (1) (c) of the statutes to assist in the administration of section 115.36 of the statutes.

SECTION 69. Position authorizations. (1) The department of health and social services is authorized one additional social service specialist II position funded under section 20.435 (2) (fm) of the statutes for the purpose of developing a joint plan under section 140.84 of the statutes.

(2) The department of public instruction is authorized 2.5 additional positions funded under section 20.255 (1) (be) of the statutes for the purpose of administering section 115.36 of the statutes.

SECTION 70. Transition. The judicial conference shall adopt a deposit schedule for use under section 778.25 (3) of the statutes as created by this act at its first meeting occurring after the publication of this act.

SECTION 71. Program responsibilities. In the list of program responsibility citations enumerated for the department of public instruction under section 15.371 (intro.) of the statutes, reference to section "140.84" is inserted.

SECTION 72. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
66.054 (8a)(h)	sub. (15)(a)	sub. (15)
66.057 (1)(e)	176.32 (3)(a)	176.32 (2)(a)
343.085 (3)	sub. (4)	sub. (5)

SECTION 73. Effective date. This act takes effect on the first day of the 2nd month commencing after its publication, except SECTION 70 takes effect on the day after publication of this act.