



2003 ASSEMBLY BILL 439

July 21, 2003 - Introduced by Representatives KERKMAN, STEINBRINK, ALBERS, HINES, KREUSER, J. LEHMAN, M. LEHMAN, LOTHIAN, OTT and TURNER, cosponsored by Senators BROWN, RISSER, ROESSLER and WIRCH. Referred to Committee on Criminal Justice.

1 **AN ACT** *to amend* 167.10 (9) (b); and *to create* 167.10 (2m) and 167.10 (9) (bm)
2 of the statutes; **relating to:** the sale of fireworks from certain locations and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

With limited exceptions, current law prohibits the sale of regulated fireworks to any person who does not hold a fireworks user's permit. Any person who violates this prohibition may be required to pay a forfeiture (civil penalty) of up to \$1,000. This bill instead provides a criminal penalty. Under this bill, any person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, this bill specifies that a person may lawfully sell fireworks, possess fireworks with intent to sell them, offer fireworks for sale, or display fireworks for sale only at a permanent building, as defined in the bill. Any person who violates this requirement is also subject to the criminal penalty created in the bill.

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:

