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TO: Members of the Assembly Committee on Public Safety & Homeland Security

FROM: Representative André Jacque

DATE: May 28, 2013

RE: Assembly Bill 209

Dear Colleagues:

Current law prohibits adults over 21 from allowing minors to drink on “premises” they own or control. However, the definition of “premises” under state law has been interpreted in recent years to be limited to establishments with alcohol permits.

We are introducing this legislation to eliminate the “social hosting” loophole and clarify the intent of the existing statute to allow law enforcement to cite individuals who host underage drinking parties on their property.

Surveys of youth show that the most common sources of alcohol are the young person’s own home or from persons over the age of 21 who purchase alcohol for them. While citizens are increasingly familiar with the “Parents Who Host Lose the Most” slogan championed by law enforcement and youth anti-drug organizations, that phrase is not backed up in current state statute.

Assembly Bill 209 provides clear meaning to a statutory provision that has been subject to differing court interpretations and will help deter parents and other adults from hosting underage parties and purchasing or providing alcohol for underage youth. Research has shown that social host legislation is effective, and associated with reductions in drinking-and-driving and heavy drinking.

Thank you again for your time and for your consideration of Assembly Bill 209.





Penny Bernard Schaber

Serving the heart of Appleton

STATE REPRESENTATIVE 57th ASSEMBLY DISTRICT

Rep. Bernard Schaber – Testimony on 2013 AB 209

Thank you Chairman Jacque and Committee members for having this hearing on AB 209. I appreciate the opportunity to testify in support of this bill.

AB 209 is a bill that closes a loophole in our current statutes which prohibits adults over 21 from allowing minors to drink on “premises” they own or control. However, the definition of “premises” under the law only includes establishments with alcohol permits.

The need to close this loophole came to my attention through the Appleton City Police Department and the City Attorney’s office. I have included a letter from Lt. Mike Fritsch, the officer who first brought this concern to my attention. In his letter, Lt. Fritsch explains that he was called to a large HOUSE party. Many underage individuals were seen to be drinking at this party and the adult owners of the home were present and sponsored the party.

The Police could not issue a citation to the party hosts because current law defines premises as establishments with alcohol permits.

AB 209 adds language that includes “property” owned and “occupied by the adult, or occupied and” under the adult’s control. The definition of property includes houses. This would have allowed the Appleton Police Officers to issue a citation to the hosts of the house party to which they were called.

Winnebago and Manitowoc counties have a Social Hosting County Ordinance that has the same effect as AB 209. Both counties have indicated that these ordinances have been effective within their counties.

I have spoken to the Outagamie County Sheriff about AB 209, and he indicated his support for closing the loophole at the state level rather than doing it county by county.

AB 209 closes a loophole and will allow police departments to hold adults, who knowingly allow underage individuals to consume alcohol on their property, accountable. I hope that members of this committee will also support AB 209.

Thank you for your attention. I’m happy to answer any questions you may have.

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POLICE DEPARTMENT

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May 24, 2013

Honorable Andre Jacque
Chairman Public Safety and Homeland Security Committee
Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

Mr. Chairman

I am writing you on behalf of the City of Appleton Police Department in support of Bill LRB-0136/1. Our concern over this issue started several years ago after our officers encountered a large underage alcohol party. A complaint was made about loud noise and juveniles congregating outside a residence. Our officers were confronted with a street full of vehicles, a DJ playing loud music, and over one hundred juveniles attending a party at a private residence. Over thirty municipal citations were written for underage alcohol consumption. More tickets were not written because most of the over one hundred juveniles had run from the residence. Many of them returned to their vehicles and fled the scene. The most troubling part of this call was that the owners of the home were present and sponsored the party. Unfortunately because of the wording of the current statute we were unable to take action against the homeowners.

Several situations similar to this have occurred within our city since and I am sure across Wisconsin. These circumstances pose a public safety hazard. Those who knowingly allow the consumption of alcohol on property either owned or within their control do so without suffering the consequences or any of the potential penalties. As in the situation I described it is unknown how many of the juveniles that fled drove off in vehicles while under the influence of alcohol. Underage parties can and do occur in our neighborhoods and do affect the individuals and families in those areas. There is typically increased vehicle and foot traffic, excessive noise, garbage left outside, and damage to property. These create a quality of life issue for our law abiding citizens. We as a law enforcement agency merely ask for the ability to hold violators accountable for their actions.

Mr. Chairman, we respectfully request your consideration, and that of the Public Safety and Homeland Security Committee in accepting the proposed bill.

Respectfully,

Lt. Michael Frisch
Appleton Police Department



TO: Members, Assembly Committee on Public Safety and Homeland Security
FROM: Maureen Busalacchi, Health First Wisconsin
RE: Assembly Bill 209
DATE: May 28, 2013

Underage drinking is an issue nationally and Wisconsin has some of the highest underage drinking rates in the United States. Research and data tell us that most youth obtain their alcohol from within their own home and in some cases, this is done with the consent of adults. This legislation would help to hold adults accountable for knowingly permitting or failing to prevent underage drinking on their property.

This bill remedies a loophole within the statutes that developed as a result of Wisconsin Supreme Court decision in *Nichols v. Progressive Northern Insurance Company*. The decision in this case limited the use of the word "premises" described in 125.07(1)(a)(3) to licensed premises. This proposal expands the meaning of "premises" to include any premises owned or owned and occupied by an adult and under the adult's control.

Addressing the issue of underage drinking in our state is key to addressing Wisconsin's broader alcohol problems. Excessive alcohol use, including underage consumption, is estimated to cost \$6.8 billion a year in Wisconsin.

Reducing underage drinking protects the health of Wisconsin youth. Scientific data and research shows that because the brain is not fully developed, alcohol use prior to the age of 21 can hamper brain development and function. The younger someone starts drinking alcohol, the more likely they are to develop an alcohol-related disorder later in life.

We ask this committee to support this legislation.

Joseph V. Collins
Chief of Police
Two Rivers Police Department
1717 East Park Street
Two Rivers, WI 54241

Tuesday May 28, 2013

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

Representative Jacque,

Sorry, but I will not be able to make either of the meetings this week as I have meetings today here in Two Rivers and will be at a training conference the rest of the week up north.

I enthusiastically support this bill and have spoken with and helped numerous other jurisdictions throughout the county and state, work on and subsequently pass this type of legislation into local ordinances, both on the county and municipal levels.

We need to continue our vigilance in the area of underage alcohol consumption and abuse. This legislation will help throughout our state. We have found locally that we have had significant results because of our "Social Host" ordinance (the vast majority of these citations being issued to adults, who are not parents, hosting underage alcohol parties at properties under their control.) Without this law, and being able to prove the adult provided the alcohol, the person facilitating and allowing the party would not have been held accountable for their actions.

Thanks for your continued passion in this area. I look forward to continuing to work with you on this important mission. Let me know if I can be of any assistance.

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Joseph V. Collins
Chief of Police
Two Rivers Police Department

