

10/23/98 4:01:38 PM

Page 1

1999 DRAFTING REQUEST

Bill

Received: 09/28/98

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Judy

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Trade Regulation  
Education - miscellaneous

Extra Copies: MJL

Topic:

Tobacco free school zones

Instructions:

Same as 97AB 112, including amendment

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
I?	gibsom 09/28/98	gilfokm 10/9/98		_____			
/1			jfrantze 10/12/98	_____	gretskl 10/12/98	lrb_docadmin 10/23/98	

FE Sent For:

Not Needed

<END>

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1?	gibsom	1-10-9 Kmg	10/12	10/12			

FE Sent For:

<END>

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**1997 ASSEMBLY BILL 112**

February 18, 1997 - Introduced by Representatives SCHNEIDER, RYBA, MORRIS-TATUM, LADWIG, URBAN, MUSSER, KREIBICH and WASSERMAN. Referred to Committee on State Affairs.

Sen Cat.

1 **AN ACT to create** 118.115 of the statutes; **relating to:** smoking or using tobacco  
2 products at or near a school and providing a penalty.

***Analysis by the Legislative Reference Bureau***

Under current law, persons under the age of 18 may not possess cigarettes or other tobacco products. This bill bans the use of cigarettes and other tobacco products by anyone who has reason to believe that he or she is in a school zone. The bill defines a school zone to be the premises of a school or the area within 1,000 feet of the school premises. The bill exempts certain adults from this ban, including adults who are on private property that is not part of the school premises and adults who are in motor vehicles traveling through a school zone. The bill also authorizes the school administrator to authorize certain employees of the school to detain, for a reasonable length of time, any person whom they see violating the ban in order to turn the person over to a law enforcement officer or a parent or guardian.

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

← INS 1-3

3 **SECTION 1.** 118.115 of the statutes is created to read:

4 **118.115 Tobacco-free school zones. (1) DEFINITIONS.** In this section:

5 (a) "Motor vehicle" has the meaning given in s. 340.01 (35).

● **ASSEMBLY BILL 112**

**SECTION 1**

1 (b) "Peace officer" has the meaning given in s. 939.22 (22).

2 (c) "School" has the meaning given in s. 948.61 (1) (b).

3 (d) "School administrator" means a school district administrator or, for private  
4 or parochial schools, the governing body of the school.

5 (e) "School premises" means any school building, grounds, recreation area or  
6 athletic field or any other property owned, used or operated for the purpose of the  
7 school.

8 (f) "School zone" means any of the following:

- 9 1. School premises.
- 10 2. Any area within 1,000 feet of the school premises.

11 (g) "Smoke" means to carry a lighted cigar, cigarette, pipe or any other lighted  
12 tobacco product or lighted smoking equipment.

13 (h) "Tobacco products" means cigarettes, cigars, smoking tobacco, snuff and any  
14 other kind or form of tobacco prepared in such a manner as to be suitable for use for  
15 chewing or smoking or both.

16 (2) USE OF TOBACCO PRODUCTS IN SCHOOL ZONE. (a) No person may smoke or use  
17 tobacco products at a place that the person knows, or has reasonable cause to believe,  
18 is a school zone.

19 (b) Paragraph (a) does not apply to smoking or using tobacco products by any  
20 of the following:

- 21 1. An adult on private property that is not part of the school premises.
- 22 2. An adult who is in a motor vehicle traveling through the school zone.
- 23 3. An adult in a program approved by a school in the school zone.
- 24 4. An adult in accordance with a contract entered into between a school in the  
25 school zone and the person or an employer of the person.

● " **ASSEMBLY BILL 112**

1           (3) **ENFORCEMENT.** (a) A school administrator, or any person who is covered by  
2 a designation under par. (b), who has reasonable cause to believe that a person has  
3 violated sub. (2) (a) in his or her presence may detain the person in a reasonable  
4 manner for a reasonable length of time to deliver the person to a peace officer, or to  
5 his or her parent or guardian in the case of a minor. The detained person must be  
6 promptly informed of the purpose for the detention and be permitted to make phone  
7 calls, but he or she shall not be interrogated or searched against his or her will before  
8 the arrival of a peace **officer** who may conduct a lawful interrogation of the detained  
9 person. The school administrator, or any person covered by the designation under  
10 par. (b), may release the detained person before the arrival of a peace **officer** or parent  
11 or guardian. Any school administrator, or any person covered by the designation  
12 under par. (b), who acts in good faith under this subsection is immune from civil and  
13 criminal liability for those acts.

14           (b) A school administrator may designate individual employes, or  
15 classifications of employes, of a school to act under par. (a).

16           (4) **PENALTY.** A person who commits a violation of sub. (2) (a) is subject to a  
17 forfeiture of \$75.

18   **(END)**

100

**ASSEMBLY AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 112**

September 10, 1997 - Offered by Representative SCHNEIDER.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: before that line insert:

3 ~~SECTION 1.~~  SECTION 1. 101.123 (2) (br) of the statutes is created to read:

*INS 1-3*

4 101.123 (2) (br) Notwithstanding par. (a) and sub. (3), no person may smoke  
5 in an educational facility that is located in a school zone, as defined in s. 118.115 (1)  
6 (f), except as provided in s. 118.115 (2) (b) 3. and 4. ~~4.~~

7 2. Page 1, line 3: substitute "SECTION 1m" for "SECTION 1".

8 (END)



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 10/12/98

**To:** Representative Schneider

**Relating to LRB drafting number:** LRB-0379

**Topic**

Tobacco free school zones

**Subject(s)**

Trade Regulation, Education - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_  \_\_\_\_\_

in the **Senate** or **the Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-356 1. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney  
Telephone: (608) 267-32 15