

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0381/1dn

PEN:kg:lp

Monday, September 28, 1998

Representative Schneider:

Please note the following when reviewing the draft:

1. Please verify that "undercover investigation to determine compliance with this section" adequately describes a "sting" operation. In addition, are sting operations used to discover whether taverns are selling alcohol to underage people or to discover whether taverns are admitting underage people to the premises, or both? This draft covers both.

2. The draft uses the term "law enforcement agency" so that sting operations conducted by, for example, the department of revenue, in addition to those conducted by police or sheriff's departments, would be covered. OK?

3. Instead of limiting the use of warnings to first *ever* violations, the draft requires a law enforcement agency to issue a warning to a person who has not committed a previous violation in the past 30 months. This is consistent with the penalty language at s. 125.07 (1) (b) 2. a., stats. OK?

4. So that law enforcement agencies will have the chance to become sufficiently informed of the draft's provisions, I have added a delayed effective date. OK?

5. Please consider how a law enforcement agency will know whether a written warning was issued within the 30 months preceding an offense. Bad record keeping could lead to written warnings or citations being issued when they should not under the language of this draft.

Please call me with any questions or redrafting instructions that you may have.

Paul E. Nilsen
Legislative Attorney
261-6926