

1999 DRAFTINGREQUEST

Bill

Received: **09/28/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB: **97-2819/1**

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy (aide)**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Beverages - miscellaneous**

Extra Copies:

Topic:

Undercover stings of underage drinking violations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 10/8/98			_____			
/1			lpaasch 10/9/98	_____	lrb-docadmin 10/9/98	lrb-docadmin 10/23/98	

FE Sent For:

Not Needed

<END>

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I?	nilsepe 10/8/98			_____			
/1			lpaasch 10/9/98	_____	lrb_docadmin 10/9/98		

FE Sent For:

<END>

1997 DRAFTING REQUEST

Bill

Received: 03/10/97

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Jay

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Beverages - miscellaneous

Extra Copies: *MEP*

Topic:

Warning to first violators providing or selling alcohol to underage persons

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reouired</u>
FE Sent For:		<i>1-10-97 KG</i>	<i>10-4-97.</i>	<i>10-9-97 SS.</i>			
				<END>			

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KG

-0381/1

~~1997 ASSEMBLY BILL 302~~

D-Note

April 17, 1997 - Introduced by Representative SCHNEIDER. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *Gen. Cat.* **to renumber and amend** 125.07 (3) (b); **to amend** 125.07 (1) (b) 2. a.;
2 and **to create** 125.07 (1) (am) and 125.07 (3) (b) 2. of the statutes; **relating to:**
3 warnings for first violations of certain underage drinking prohibitions.

Analysis by the Legislative Reference Bureau

Under current law, no person, including a person holding a license or permit for the retail sale of alcohol beverages (licensee or permittee), may procure for, sell or give away alcohol beverages to any individual who has not attained the legal drinking age of 21 years (underage person) or who is not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age. In addition, no person may contribute to or fail to take action to prevent such procurement, sale or gift. A person who violates these provisions is subject to a forfeiture of not more than \$500 if the person has not committed a previous violation in the past 30 months.

Also under current law, a licensee or permittee may not allow an underage person who is not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age to enter or remain on the licensed premises. Any licensee or permittee who violates this provision is subject to a forfeiture of not more than \$500.

Under this bill, if a law enforcement agency discovers as a result of an undercover investigation that a person has violated any of these provisions, the law

-ASSEMBLY BILL 302

enforcement agency shall issue only a written warning to the person if the person has not committed a previous violation in the past 30 months.

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

1 **SECTION 1.** 125.07 (1) (am) of the statutes is created to read:

2 125.07 (1) (am) *Warning.* If, in the course of an undercover investigation to
3 determine compliance with this section, a law enforcement agency has probable
4 cause to believe that a person has committed a violation of this subsection, the law
5 enforcement agency shall issue only a written warning to the person if the person has
6 not committed a previous violation within 30 months before the violation.

7 **SECTION 2.** 125.07 (1) (b) 2. a. of the statutes is amended to read:

8 125.07 (1) (b) 2. **a. Required Except as provided in par. (am). required to forfeit**
9 not more than \$500 if the person has not committed a previous violation within 30
10 months of the violation.

11 **SECTION 3.** 125.07 (3) (b) of the statutes is renumbered 125.07 (3) (b) 1. and
12 amended to read:

13 125.07 (3) (b) ^{1. ~~A~~} ~~Except as provided in subd. 2.,~~ a licensee or permittee who
14 directly or indirectly permits an underage person to enter or be on a licensed
15 premises in violation of par. (a) is subject to a forfeiture of not more than \$500.

16 **SECTION 4.** 125.07 (3) (b) 2. **of the statutes is created to read:**

17 125.07 (3) (b) 2. If, in the course of an undercover investigation to determine
18 compliance with this section, a law enforcement agency has probable cause to believe
19 that a licensee or permittee has committed a violation of this subsection, the law
20 enforcement agency shall issue only a written warning to the licensee or permittee

Prop w/ stats.

10

ASSEMBLY BILL 302

1 if the licensee or permittee has not committed a previous violation within 30 months
2 before the violation.

3 **SECTION 5. Initial applicability.**

4 (1) This act first applies to undercover investigations conducted by a law
5 enforcement agency on the effective date of this subsection.

6 **SECTION 6. Effective date.**

7 (1) This act takes effect on the first day of the 4th month beginning after
8 publication.

9 (END)

11

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

0381
LRB-~~0310~~/1dn
PEN:km

Tuesday, April 1, 1997

Mon. Sept. 28, 1998

KG

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

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0381/1dn
PEN:kg:lp

Monday, September 28, 1998

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Paul E. Nilsen
Legislative Attorney
261-6926

**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: 10/9/98

To: Representative Schneider

Relating to LRB drafting number: LRB-038 1

Topic

Undercover stings of underage drinking violations

Subject(s)

Beverages - miscellaneous

1. JACKET the draft for introduction _____

MAS

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 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926