1999 DRAFTING REQUEST

Bill

Received: 02/22/2000	Received By: nilsepe		
Wanted: As time permits	Identical to LRB:		
For: Carol Owens (608) 267-7990	By/Representing: keith		
This file may be shown to any legislator: NO	Drafter: nilsepe		
May Contact:	Alt. Drafters:		
Subject: Beverages - miscellaneous	Extra Copies:		

Pre Topic:

No specific pre topic given

Topic:

Penalty for alcohol-related death of underage person

Instructions:

See Attached

Drafting History:

Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	Jacketed	<u>Reauired</u>
/?	nilsepe 03/07/2000	csicilia 03/08/2000					
/1			hhagen 03/08/200	0	lrb_docadmin 03/08/2000	lrb_docadmi 03/09/2000	n
FE Sent For: NA <end></end>							

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Instructions:

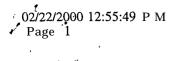
See Attached

Drafting History:

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/?	nilsepe 03/07/2000	csicilia 03/08/2000					
/1			hhagen 03/08/2000		lrb_docadmin 03/08/2000		

FE Sent For:

<**END**>



LRB-4598

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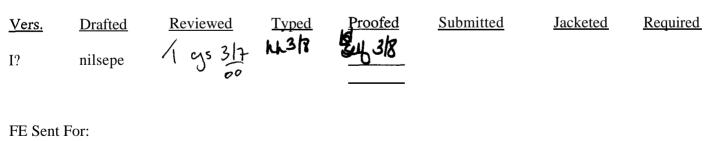
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Drafting History:



<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION (608-266-3561) 2 Rep. Duenj l grest ls Noo ARA 17 275 47 GAPTER ion al \mathcal{A} Sa under 18 Mat ,, . ***** **** * ** ..I..

	State af Misconsin 1999 - 2000 LEGISLATURE often)
1	PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION	/
	ýs	
	Gent and providing a penalty	
1 AN	ACT, ; relating to: providing alcohol beverages to persons who are 18, 19 or	
2	20 years of age.	

Analysis by the Legislative Reference Bureau

Current law establishes a minimum legal drinking age of 21 years of age. No person may procure for, sell, dispense or give away any alcohol beverages to any person who has not reached the minimum legal drinking age (an "underage person"), unless the underage person is accompanied by his or her parent, guardian or spouse who has attained the legal drinking age. No person who holds license or permit to sell alcohol beverages may sell, vend, deal or traffic in alcohol beverages to or with any underage person, unless the underage person is accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

Also under current law, it is a felony to unlawfully provide alcohol beverages to a person under 18 years of age ("child") who dies or suffers great bodily harm as a result of consuming the alcohol beverages. In addition to any other penalties imposed for providing alcohol beverages to the underage person, any person who unlawfully procures alcohol beverages for or sells, dispenses or gives away alcohol beverages to a child may be penalized if the person knew or should have known that the child was under the legal drinking age and the child dies or suffers great bodily harm as a result of consuming the alcohol beverages. In determining whether a person knew or should have known that the child was under the legal drinking age, all relevant circumstances surrounding the procuring, selling, dispensing or giving away of the alcohol beverages may be considered. A person who is found guilty of this felony may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months, or both fined and imprisoned.

This bill raises the age for which a person may be held criminally liable for unlawfully providing alcohol beverages to an underage person who dies or suffers great bodily injury as a result of consuming the alcohol beverages. Under the bill, any person who unlawfully procures alcohol beverages for or sells, dispenses or gives away alcohol beverages to any underage person commits a felony if the person knew or should have known that the underage person was under the legal drinking age and the underage person dies or suffers great bodily harm as a result of consuming the alcohol beverages. In effect, this bill adds persons who are 18, 19 or 20 years of age to those persons for which felony penalties may apply.

-2-

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

SECTION 1. 125.075 (title) of the statutes is amended to read:

2 125.075 (title) Injury or death by providing alcohol beverages to a

- minor an underage person. 3
- V History: 1987 a. 335; 1989 a. 253; 1997 a. 283. **SECTION** 2. 125.075 (1) (intro.) of the statutes is amended to read: 4 125.075 (1) (intro.) Any person who procures alcohol beverages for or sells, 5 6 dispenses or gives away alcohol beverages to a person under 18 years of age in
- violation of s. 125.07 (1) (a) 1. or 2. may be penalized as provided in sub. (2) if: 7

History: 1987 a 335; 1989 a. 253; 1997 a. 283. 8

(1) This act first applies to alcohol beverages that $\arg sold$, dispensed or given 9 10 away on the effective date of this subsection.

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(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: 03/08/2000

To: Representative Owens

Relating to LRB drafting number: LRB-4598

<u>Topic</u>

Penalty for alcohol-related death of underage person

Subject(s)

Beverages - miscellaneous

1. JACKET the draft for introduction ______

in the Senate _____ or the Assembly <u>(check only one)</u>. 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