

2001 DRAFTING REQUEST

Bill

Received: **09/19/2000**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Owens (608) 267-7990**

By/Representing: **self**

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:

Providing alcohol beverages 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>Required</u>
/?	nilsepe 09/21/2000	jdyer 09/28/2000		_____			
/1			martykr 09/28/2000	_____	lrb_docadmin 09/28/2000	lrb_docadmin 11/16/2000	

FE Sent For:

<END>

↳ Not Needed

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/?	nilsepe	1 9/28 jld	xm 9/28	Self 9/28			

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<END>

01-0414

PEN

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

*Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.*

Date Sept. 13, 2000

Legislator, agency, or other person requesting this draft Rep. Carol Owens

Person submitting request (name and phone number) Rep. Owens 267-7990

Persons to contact for questions about this draft (names and phone numbers) Jacque Zibrowski,
my Research Assistant

Describe the problem, including any helpful examples. How do you want to solve the problem?

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67). Redraft of 1999 AB 887 (PEN)

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why Would like
to receive by mid-October.

Should we give this request priority over any pending request of this legislator, agency, or person?
YES NO

7h 10/5

01-0414/1 jld

1999 ASSEMBLY BILL 887

2001 Bill

March 16, 2000 - Introduced by Representatives OWENS, AINSWORTH, LADWIG, URBAN and HUEBSCH, cosponsored by Senator ROESSLER. Referred to Committee on State Affairs.

Regen

- 1 AN ACT to amend 125.075 (title) and 125.075 (1) (intro.) of the statutes; relating
- 2 to: providing alcohol beverages to persons who are 18, 19 or 20 years of age and
- 3 providing a penalty. ✓

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 a 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

ASSEMBLY BILL 887

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 3 years and 6 months, or both fined and imprisoned. ^{seven}

Six ~~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.

↑ this

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

↓ not only past, underage persons under 18 years of age

PROOF W/FOLIO

1 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**
3 **minor an underage person.**

4 SECTION 2. 125.075 (1) (intro.) of the statutes is amended to read:

5 125.075 (1) (intro.) Any person who procures alcohol beverages for or sells,
6 dispenses or gives away alcohol beverages to a person under 18 years of age in
7 violation of s. 125.07 (1) (a) 1. or 2. may be penalized as provided in sub. (2) if:

8 SECTION 3. **Initial applicability.**

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

11 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 28, 2000

MEMORANDUM

To: Representative Owens

From: Paul E. Nilsen, Legislative Attorney

Re: LRB-0414 Providing alcohol beverages to underage persons

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.