

2001 ASSEMBLY BILL 350

April 24, 2001 - Introduced by Representatives SCHNEIDER and MUSSER. Referred to Committee on State Affairs.

1 **AN ACT** *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, with certain exceptions, 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 enforcement agency may only issue a written warning to the person if the person has not been found to have committed, or received a written warning for, a previous violation in the past 30 months.

ASSEMBLY BILL 350

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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 may only issue a written warning to the person if the person has
6 not been found to have committed, or received a written warning for, a previous
7 violation within 30 months before the violation.

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

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

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

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

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

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

ASSEMBLY BILL 350

1 if the licensee or permittee has not been found to have committed, or received a
2 written warning for, a previous violation within 30 months before the violation.

3 **SECTION 5. Initial applicability.**

4 (1) This act first applies to violations, discovered through undercover law
5 enforcement investigations, occurring 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)