

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/01/2000

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing:

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Alt. Drafters:

Subject: Beverages - drinking age  
Beverages - miscellaneous

Extra Copies: RCT

**Pre Topic:**

No specific pre topic given

**Topic:**

Warning for first violations of certain underage drinking prohibitions

**Instructions:**

redraft 99-0381/1

**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>
/?	phurley 12/04/2000 agary 01/18/2001	gilfokm 02/05/2001		_____			S&L
/1			jfrantze 02/06/2001	_____	lrb_docadmin 02/06/2001	lrb_docadmin 02/09/2001	

FE Sent For:

<END>

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1?	phurley 12/04/2000 agary	1-17 King SF-01	Jb 2/6	Jb / P / J 2/6			

FE Sent For:

<END>

**Hurley, Peggy**

**From:** Miller, Steve  
**Sent:** Thursday, October 26, 2000 2:26 PM  
**To:** Hurley, Peggy  
**Subject:** Redraft request for Marlin Schneider

Rep. Schneider has requested the following redrafts.  
He understands that our priority at this time is drafting the Governor's budget.

99-0311/1

99-0381/1

0381: call Rep. Schneider

ENB:lp  
ARG:Kmg

RMR Not Lun

2001 B.71

1999 ASSEMBLY BILL 18

January 14, 1999 - Introduced by Representatives SCHNEIDER, MUSSER, BOYLE and MASSA. Referred to Committee on State Affairs.

Gen. Cat.

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, 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

with certain exceptions

✓  
✓

ASSEMBLY BILL 18

been found to have committed, or received a written warning for, LRB-0381/1 PEN:kg:lp

- 24 may only

enforcement agency ~~shall~~ <sup>may only</sup> issue ~~only~~ a written warning to the person if the person has not ~~committed~~ a previous violation in the past 30 months.

add FE-SL

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

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

125.07 (1) (am) Warning. If, in the course of an undercover investigation to determine compliance with this section, a law enforcement agency has probable cause to believe that a person has committed a violation of this subsection, the law enforcement agency <sup>may only</sup> ~~shall~~ issue ~~only~~ a written warning to the person if the person has not ~~committed~~ a previous violation within 30 months before the violation.

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

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

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

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

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

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

been found to have committed, or received a written warning for

P.W.F.

✓

**ASSEMBLY BILL 18**

*been found to have committed,  
or received a written warning for,*

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

3 **SECTION 5. Initial applicability.**

*violations, discovered through law enforcement*

4 (1) This act first applies to <sup>violations, discovered through</sup> undercover investigations ~~conducted by a law~~  
5 ~~enforcement agency~~ <sup>occurring</sup> 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)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB 0882/ins  
ARG.....

1 SECTION 1. 125.07 (1) (b) 1. of the statutes is amended to read:

2 125.07 (1) (b) 1. In this paragraph, "violation" means a violation of this  
3 subsection or of a local ordinance that strictly conforms to par (a) if the violation  
4 results in an imposition of a forfeiture or a conviction. A warning issued under s.  
5 125.07 (1) (am) is not a violation. For purposes of determining previous violations  
6 under subd. 2., the 30-month period shall be measured from the dates of violations  
7 that resulted in an imposition of a forfeiture or a conviction. For the purpose of  
8 determining whether or not a previous violation has occurred, if more than one  
9 violation occurs at the same time all those violations shall be counted as one  
10 violation.

Please delete this insert  
from the electronic record  
for this file. Thanks.  
Aaron





# 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

February 6, 2001

### MEMORANDUM

To: Representative Schneider

From: Arron R. Gary, Attorney

Re: LRB-0882 Warning for first violations of certain underage drinking prohibitions

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.