

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB350)**

Received: **01/15/2002**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Rick Skindrud (608) 266-3520**

By/Representing: **Russ Whitesel - LC**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages - drinking age**

Extra Copies: **RCT**

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Undercover investigations utilizing underage persons to enforce underage drinking prohibitions

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**Instructions:**

Needs amendment to limit undercover investigations in bill to those "utilizing an underage person"

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**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>
/1	agary 01/16/2002	jdyer 01/16/2002	rschluet 01/16/2002	_____	lrb_docadmin 01/16/2002	lrb_docadmin 01/16/2002	

FE Sent For:

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FE Sent For:

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*soon*  
*turned in 1/10* *Jld*  
*D-Note*

**ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 350**

1 At the locations indicated, amend the bill as follows: ✓

2 **1.** Page 2, line 2: on lines 2 and 18, after "investigation" insert "utilizing an  
3 underage person". ✓

4 **2.** Page 3, line 5: after "investigations" insert "utilizing underage persons". ✓

5 (END)

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

LRBa1075/1dn

ARG.....

JLD

The attached amendment to AB-350 narrows the scope of the bill by limiting its application to undercover investigations utilizing underage persons. I have conducted brief but not extensive research on whether law enforcement has authority to utilize underage persons in "sting" operations to enforce violations of laws aimed at underage persons. My brief research has revealed no ready answer. It is currently illegal for an underage person to attempt to buy (or to buy) alcohol beverages, and it is also illegal for an underage person to enter or attempt to enter premises where alcohol beverages are served, except under specified circumstances not applicable here. See s. 125.07 (3) (a) and (4) (a) 1., stats. The question posed would be the extent to which law enforcement may incidentally violate the law in conducting activities to investigate and enforce the same law. If you would like this issue more thoroughly researched, please let me know and I will do so.

One alternative would be to simply include, as part of the amendment, statutory language addressing this issue. For example, a subdivision could be added to s. 125.07 (3) (a) excepting underage persons acting in the employment or at the direction of law enforcement. Similar language could be added to s. 125.07 (4) (a) 1. Another alternative would be to add a subsection to s. 125.14 (relating to enforcement) recognizing authority to conduct undercover investigations utilizing underage persons. Such a provision could be modeled after s. 254.916, which specifically allows (and limits) use of minors in "sting" operations relating to the sale of tobacco products.

Please let me know if you would like any changes to this draft or any further research.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

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

LRBa1075/1dn  
ARG:jld:rs

January 16, 2002

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