

2003 DRAFTING REQUEST

Bill

Received: **06/09/2003**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **John Steinbrink (608) 266-0455**

By/Representing: **geoff**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - fireworks**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Steinbrink@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Sale of fireworks from nonpermanent buildings

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>
/?	rmarchan 06/09/2003	kgilfoy 06/09/2003		_____			Crime
/1			chaskett 06/09/2003	_____	mbarman 06/09/2003	mbarman 06/09/2003	

FE Sent For:

<END>

*None
needed*

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1?	rmarchan	11-6/9 kmg	1 6/9 cph	self 6/9			

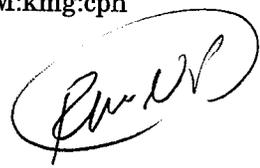
FE Sent For:

<END>

Marchant, Robert

From: Gaston, Geoff
Sent: Friday, June 06, 2003 4:36 PM
To: Marchant, Robert

Could Rep. Steinbrink get a redraft of LRB 2113 (re: fireworks penalties) that came out of Leg. Council study committee. If I have requested this in the past and misplaced, I apologize and could you resend?



2003 BILL

1 **AN ACT** *to amend* 167.10 (9) (b); and *to create* 167.10 (2m) and 167.10 (9) (bm)
2 of the statutes; **relating to:** the sale of fireworks from certain locations and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

With limited exceptions, current law prohibits the sale of regulated fireworks to any person who does not hold a fireworks user's permit. Any person who violates this prohibition may be required to pay a forfeiture (civil penalty) of up to \$1,000. This bill instead provides a criminal penalty. Under this bill, any person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, this bill specifies that a person may lawfully sell fireworks, possess fireworks with intent to sell them, offer fireworks for sale, or display fireworks for sale only at a permanent building, as defined in the bill. Any person who violates this requirement is also subject to the criminal penalty created in the bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

BILL

This bill is further explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Review of Fireworks Law. Current law generally prohibits the sale of fireworks and the possession of fireworks with intent to sell them. The exceptions are that fireworks may be sold to a person holding a valid user's permit, to a city, village, or town, or for certain specified purposes such as in a manufacturing process. Under current law, a person who violates the statutory prohibition on fireworks sales or possession of fireworks with intent to sell them is subject to a forfeiture of not more than \$1,000. The bill increases the penalty to a fine of not more than \$10,000, imprisonment for not more than 9 months, or both. In addition, the bill prohibits fireworks sales, possession of fireworks with intent to sell, offering for sale, or displaying fireworks for sale in a location that is not a permanent building. "Permanent building" is defined to mean "a structure, resting on its own foundation, that is commonly known to be a building because of its appearance and because of the materials of which it is constructed, that is intended to remain permanently in a fixed location, that is not readily moved or disassembled and is identifiable by a permanent address consisting of a street name and number." Nonfireworks items may be sold from nonpermanent buildings, unless otherwise prohibited by law. The enhanced penalty of not more than \$10,000 or not more than 9 months imprisonment or both, also applies to this section.

1 **SECTION 1.** 167.10 (2m) of the statutes is created to read:

2 **167.10 (2m) PERMANENT BUILDING REQUIRED.** (a) In this subsection, "permanent
3 building" means a structure, resting on its own foundation, that is commonly known
4 to be a building because of its appearance and because of the materials of which it
5 is constructed, that is intended to remain permanently in a fixed location, that is not
6 readily moved or disassembled, and that is identifiable by a permanent address
7 consisting of a street name and number.

8 (b) A person may sell fireworks, possesses fireworks with intent to sell them,
9 offer fireworks for sale, or display fireworks for sale, as authorized under sub. (2),
10 only at a location that is a permanent building.

NOTE: SECTION 1 defines the term "permanent building" and prohibits any person from doing any of the following at a location that is not a permanent building: selling fireworks; possessing fireworks with intent to sell them; offering fireworks for sale; or displaying fireworks for sale. The SECTION permits the sale of nonfireworks items listed in s. 167.10 (1) (a) to (n), stats., from a nonpermanent building, unless such sales are otherwise prohibited by law.

BILL

1 **SECTION 2.** 167.10 (9) (b) of the statutes is amended to read:

2 167.10 (9) (b) A person who violates sub. (2), (3) or (6) or an ordinance adopted
3 under sub. (5) shall forfeit not more than \$1,000.

NOTE: SECTION 2 removes illegal sales of fireworks or possession of fireworks
with intent to sell them from the penalty established under s. 167.10 (9) (b), stats.

4 **SECTION 3.** 167.10 (9) (bm) of the statutes is created to read:

5 167.10 (9) (bm) A person who violates sub. (2) or (2m) may be fined not more
6 than \$10,000 or imprisoned for not more than 9 months or both.

NOTE: SECTION 3 establishes a penalty of a fine of not more than \$10,000 or
imprisonment for not more than 9 months, or both, for any person who: (a) sells fireworks
or possesses fireworks with intent to sell them in violation of the law; or (b) sells fireworks,
possesses fireworks with intent to sell them, offers fireworks for sale, or displays
fireworks for sale at a location that is not a permanent building.

7

(END)

Barman, Mike

From: Gaston, Geoff
Sent: Monday, June 09, 2003 2:46 PM
To: LRB.Legal
Subject: Draft review: LRB 03-2816/1 Topic: Sale of fireworks from nonpermanent buildings

It has been requested by <Gaston, Geoff> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2816/1 Topic: Sale of fireworks from nonpermanent buildings