

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **06/04/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Zimmerman**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Gambling - miscellaneous
Beverages
Justice - criminal
Criminal Law - law enforcement**

Extra Copies: **rac
arg
rlr**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Zimmerman -

Topic:

Enforcement of prohibitions relating to video gambling

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>
/?	mdsida 06/04/2003	wjackson 06/04/2003 wjackson 06/05/2003		_____			

<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			jfrantze 06/05/2003	_____	mbarman 06/05/2003		
/2	mdsida 06/09/2003	csicilia 06/09/2003	pgreensl 06/09/2003	_____	lemery 06/09/2003		

FE Sent For:

<END>

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1/?	mdsida 06/04/2003	wjackson 06/04/2003 wjackson 06/05/2003	b/g PS	6/g PS/			

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/1

jfrantze	_____
06/05/2003	_____

mbarman	_____
06/05/2003	_____

FE Sent For:

1/2 cjs
6/9
 03

<END>

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/?	mdsida	1 WLj 6/5	J 6/5	J/Pa 6/5			

FE Sent For:

<END>

Senator Decker

ADMINISTRATION - DIVISION OF GAMING

Modified Enforcement of Video Gambling in Taverns

Motion:

Authorize the Department of Revenue (DOR) to enforce certain gambling laws relating to commercial gambling, the use of premises for commercial gambling, and dealing in gambling devices that involves not more than five video gambling machines on premises for which a Class "B" or "Class B" license or permit has been issued under Chapter 125 of the statutes.

Provide that no law enforcement officer, other than a law enforcement officer who is a special agent of DOR, may investigate violations of, or otherwise enforce gambling laws relating to, commercial gambling, the use of premises for commercial gambling, and dealing in gambling devices that involves not more than five video gambling machines on premises for which a Class "B" or "Class B" license or permit has been issued under Chapter 125 of the statutes.

Repeal the authority of the Department of Justice to enforce gambling laws relating to commercial gambling and the use of premises for commercial gambling that involves not more than five video gambling machines on premises for which a Class "B" or "Class B" license or permit has been issued under Chapter 125 of the statutes.

Provide that if a DOR special agent has reasonable grounds to believe that the person is violating or has violated these gambling laws, the special agent must cause the person to be arrested and the documents and reports pertaining to the arrest to be delivered to the chief of police or sheriff in the jurisdiction in which the arrest is made.

777	zzzz	zzzz	zzzz	zzzzzzzz
MOY	Darling	Welch	Fitzgird	Lazich
	Harsdorf	Kanavas	Decker	Moore
	Kaufert	Huebsch	Ward	Stone
	Rhoades	Meyer	Coggs	Schooff

14-2

Note:

Under current law, the Department of Justice has authority to enforce gambling laws relating to commercial gambling and the use of premises for commercial gambling including that involving not more than five video gambling machines on premises for which a Class "B" or "Class B" license or permit has been issued under Chapter 125 of the statutes. Law enforcement officers may investigate violations of or otherwise enforce gambling laws relating to commercial gambling, the use of premises for commercial gambling, and dealing in gambling devices including that involving not more than five video gambling machines on premises for which a Class "B" or "Class B" license or permit has been issued under Chapter 125 of the statutes.

The motion would eliminate the authority of local law enforcement officers and the Department of Justice to enforce prohibitions on tavern-based video gambling. The Department of Revenue would be provided enforcement authority in this area; however, no funding or positions would be provided to DOR for this purpose. Further no specific requirements would be provided, under the motion, regarding how DOR must enforce these provisions.

2003

Date (time) needed _____

LRB b 0350 / /

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

mgd : *WLj* : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

LPS: There is one ~~word~~ insert to an insert.

**LFB AMENDMENT
TO 2003 SENATE BILL 44**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

√ #. Page ⁷¹⁰....., line ⁹.....: after that line insert ↕

INS A[√]

√ #. Page ⁸²⁷....., line ²⁵.....: after that line insert:

INS B[√]

√ #. Page ⁸⁴³....., line ²⁴.....: after that line insert:

INS C[√]

√ #. Page ⁸⁴⁸....., line ⁸.....: after that line insert:

INS D[√]

√ #. Page ¹⁰³⁰....., line ⁷.....: after that line insert ↕

INS E[√]

#. Page ¹¹²⁶....., line ¹⁵.....: after that line insert:

INS F

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0350/1ins
MGD:.....

1 INSERT 2/4 to insert A.

2 **SECTION 1623r.** 73.031[✓] of the statutes is amended to read:

3 **73.031 Arrest powers.** A special agent of the department of revenue who has
4 been certified as a law enforcement officer by the law enforcement standards board
5 and who is on duty may arrest a person if the special agent believes, on reasonable
6 grounds, that a warrant for the person's arrest has been issued in this state ~~or~~, that
7 a felony warrant has been issued in another state, or that the person is violating or
8 has violated s. 945.03 (2m), 945.04 (2m), or 945.05 (1m)[✓] or if a crime has been
9 committed in the presence of the special agent. The special agent shall cause the
10 person arrested and the documents and reports pertaining to the arrest to be
11 delivered to the chief of police or sheriff in the jurisdiction where the arrest is made.
12 The special agent shall be available as a witness for the state. A special agent acting
13 under this section is an employee of the department and is subject to its direction,
14 benefits and legal protection." ←

History: 1991 a. 39.

please
fix
font

1 **relating clause INSERT**

2 video gambling on the premises of alcohol beverages retailers, transferring
3 video gambling machines, and providing penalties

4 **analysis INSERT**

Under current law, commercial gambling is generally a felony. In addition, it is a misdemeanor under current law for a person to intentionally permit certain places to be used for gambling or to intentionally permit a gambling machine to be set up in a place under his or her control. These acts, however, are civil offenses — not crimes — if they involve five or fewer video gambling machines on the premises of an on-premises alcohol beverages retailer (tavern-based video gambling). The penalty for tavern-based video gambling is a forfeiture of not more than \$500 for each machine involved.

Tavern-based video gambling is treated differently in other contexts as well. Under current law, if a local law enforcement officer learns that an alcohol beverages retailer has permitted anyone to set up or use any gambling device or bet on a horse race on the retailer's premises, the officer must report that information to the district attorney within ten days of learning of it. The district attorney must then: 1) bring an action in the circuit court to revoke the person's alcohol beverages license or permit and to bar the person from permitting further gambling on the premises; or 2) report the violation to DOJ, which may itself bring such an action. If a court finds that the alcohol beverages retailer permitted gambling to occur on the retailer's premises, it must revoke the retailer's license or permit and enter an order barring the retailer from permitting gambling to occur (a gambling injunction). Under current law, however, neither DOJ nor a district attorney may bring an action to revoke a person's alcohol beverages license or permit based on a tavern-based video gambling offense. Similarly, neither a municipality nor the Department of Revenue (DOR) may take administrative action against a license or permit based upon an arrest for or a finding that a person committed a tavern-based video gambling offense.

This bill increases the maximum penalty for a person committing a tavern-based video gambling offense if the person has previously been found to have committed such an offense. Under the bill, the maximum forfeiture in such a case is \$1,000 for each machine involved. In addition, if the person was found, on one other occasion, to have committed a tavern-based video gambling offense, the court may suspend any alcohol beverages license or permit issued to the person for up to 90 days. If the person was found, on two or more prior occasions, to have committed a tavern-based video gambling offense, the court must suspend any alcohol beverages license or permit issued to the person for up to 90 days.

In addition, the bill eliminates the authority that local law enforcement officers, district attorneys, and DOJ have to enforce prohibitions on tavern-based video

~~gambling and a separate prohibition in current law on commercial transfers of video gambling machines. Under the bill, DOR assumes responsibility for enforcing those provisions, but there are no specific requirements regarding how it must enforce them. At the same time, the bill allows DOR or a municipality to suspend an alcohol beverages license or permit based upon a tavern-based video gambling offense in an administrative proceeding to the extent that such action would be permitted in a court proceeding. Finally, the bill eliminates the circuit court's authority to issue a gambling injunction in a tavern-based video gambling case.~~

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

1 ~~INSERT A~~ (B) 16 23 g

2 ~~SECTION 1.~~ 73.03 (59) of the statutes is created to read:

3 73.03 (59) Subject to s. 73.033, to enforce ss. 945.03 (2m), 945.04 (2m), and
4 945.05 (1m).

INS
2/4
to
insert
A.

5 ~~SECTION 2.~~ 73.033 of the statutes is created to read:

6 73.033 **Seizure of video gambling machines.** (1) A department agent or
7 employee may not seize a video gambling machine in connection with a violation of
8 s. 945.03 (2m), 945.04 (2m), or 945.05 (1m) unless one of the following applies:

- 9 (a) A warrant authorizing the seizure has been issued.
- 10 (b) The agent or employee describes in writing in his or her file or report the
- 11 basis for his or her belief that the violation occurred.

12 (2) A special agent who is authorized to seize a video gambling machine in
13 connection with a violation of s. 945.03 (2m), 945.04 (2m), or 945.05 (1m) may seize
14 all video gambling machines on the same premises.


15 ~~SECTION 3.~~ 125.12 (1) (c) of the statutes is amended to read:

16 125.12 (1) (c) Neither a municipality nor the department may consider an
17 arrest or conviction for a violation punishable under s. 945.03 (2m), 945.04 (2m) or
18 945.05 (1m) in any action to revoke, suspend, or refuse to renew a Class "B" or

Insert B

1 "Class B" license or permit, nor, in such an action, impose a penalty inconsistent with
2 the penalty provided under s. 945.03 (2m) or 945.04 (2m).

3 ^{2043m} SECTION 4. 125.14 (1) of the statutes is amended to read:

4 125.14 (1) ARREST. Any Subject to ~~ss. 73.033 and~~ ^{s.} 175.38, any peace officer may
5 arrest without warrant any person committing in his or her presence a violation of
6 this chapter or ch. 139 and may, without a search warrant, seize any personal
7 property used in connection with the violation. 

8 ~~SECTION 5. 125.14 (2) (a) of the statutes is amended to read:~~
^{END INSERT B}

9 ~~125.14 (2) (a) Contraband. All Subject to ss. 73.033 and 175.38, all alcohol~~
10 ~~beverages owned, possessed, kept, stored, manufactured, sold, distributed or~~
11 ~~transported in violation of this chapter or ch. 139 and all personal property used in~~
12 ~~connection therewith is unlawful property and may be seized by any peace officer.~~
13 ~~Any peace officer confiscating personal property under this section may proceed~~
14 ~~under this section.~~

15 ^{2099f} SECTION 6. 165.60 of the statutes is amended to read:

16 **165.60 Law enforcement.** The department of justice is authorized to enforce
17 ss. 101.123 (2), (5), and (8), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m),
18 and 945.04 (1m) and is invested with the powers conferred by law upon sheriffs and
19 municipal police officers in the performance of those duties. This section does not
20 deprive or relieve sheriffs, constables, and other local police officers of the power and
21 duty to enforce those sections, and those officers shall likewise enforce those sections.

22 ^{2099j} SECTION 7. 165.70 (1) (b) of the statutes is amended to read:

23 165.70 (1) (b) ~~Enforce~~ Except as provided in sub. (1m), enforce chs. 945 and 961
24 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28,

Insert C

1 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075,
2 and 948.08.

History: 1971 c. 40, 211, 307; 1973 c. 156; 1975 c. 39; 1977 c. 173 s. 168; 1977 c. 215, 260; 1977 c. 272 s. 98; 1985 a. 29; 1987 a. 332; 1989 a. 31; 1991 a. 269; 1993 a. 213; 1995 a. 448; 1997 a. 27, 143; 1999 a. 83; 2001 a. 109.

3 **SECTION 8.** 165.70 (1m) of the statutes is created to read:

4 165.70 (1m) ^{2099p} The department may not investigate violations of or otherwise
5 enforce s. 945.03 (2m) ^{or} 945.04 (2m) ~~or 945.05 (1m)~~

6 **SECTION 9.** 165.70 (3) of the statutes is amended to read:

7 165.70 (3) ^{2099v} It is the intention of this section to give the attorney general
8 responsibility for devising programs to control crime statewide in nature,
9 importance or influence, drugs and narcotics abuse, commercial gambling other than
10 what is described in s. 945.03 (2m) or 945.04 (2m), prostitution, and arson. Nothing
11 herein shall deprive or relieve local peace officers of the power and duty to enforce
12 those provisions enumerated in sub. (1). ~~⊙~~

History: 1971 c. 40, 211, 307; 1973 c. 156; 1975 c. 39; 1977 c. 173 s. 168; 1977 c. 215, 260; 1977 c. 272 s. 98; 1985 a. 29; 1987 a. 332; 1989 a. 31; 1991 a. 269; 1993 a. 213; 1995 a. 448; 1997 a. 27, 143; 1999 a. 83; 2001 a. 109.

13 **SECTION 10.** 175.38 of the statutes is created to read:

14 ^{2120m} **175.38 Enforcement of video gambling law.** No law enforcement officer,
15 as defined in s. 165.85 (2) (c), other than a law enforcement officer who is a special
16 agent of the department of revenue, may investigate violations of or otherwise
17 enforce s. 945.03 (2m), 945.04 (2m), or 945.05 (1m). ~~⊙~~

18 **SECTION 11.** 945.03 (2m) (a) of the statutes is repeated. ^{END INSERT D}

19 **SECTION 12.** 945.03 (2m) (am) of the statutes is created to read:

20 945.03 (2m) (am) If the violation is the person's first offense, the person may
21 be required to forfeit not more than \$500 for each video gambling machine involved
22 in the violation. For the purposes of this paragraph, the present violation is a first

end ins c

INS D

1 offense if, before committing the present violation, the offender was never found to
2 have committed a violation under this subsection or s. 945.04 (2m).

3 **SECTION 13.** 945.03 (2m) (b) of the statutes is repealed.

4 **SECTION 14.** 945.03 (2m) (bm) of the statutes is created to read:

5 945.03 (2m) (bm) If the violation is the person's 2nd offense, the person may
6 be required to forfeit not more than \$1,000 for each video gambling machine involved
7 in the violation. In addition, the court may suspend any license or permit issued to
8 the person under ch. 125 for not more than 90 days. For the purposes of this
9 paragraph, the present violation is a 2nd offense if, before committing the present
10 violation, the offender was found, in connection with a single incident or occurrence,
11 to have committed a violation under this subsection or s. 945.04 (2m) or both.

12 **SECTION 15.** 945.03 (2m) (c) of the statutes is repealed.

13 **SECTION 16.** 945.03 (2m) (cm) of the statutes is created to read:

14 945.03 (2m) (cm) If the violation is the person's 3rd or subsequent offense, the
15 person may be required to forfeit not more than \$1,000 for each video gambling
16 machine involved in the violation. In addition, the court shall suspend any license
17 or permit issued to the person under ch. 125 for not more than 90 days. For the
18 purposes of this paragraph, the present violation is a 3rd or subsequent offense if,
19 before committing the present violation, the offender was found, in connection with
20 two or more separate incidents or occurrences, to have committed a violation under
21 this subsection or s. 945.04 (2m) or both.

22 **SECTION 17.** 945.03 (2m) (d) of the statutes is repealed.

23 **SECTION 18.** 945.03 (2m) (e) of the statutes is repealed.

24 **SECTION 19.** 945.04 (2m) (a) of the statutes is repealed.

25 **SECTION 20.** 945.04 (2m) (am) of the statutes is created to read:

1 945.04 (2m) (am) If the violation is the person's first offense, the person may
2 be required to forfeit not more than \$500 for each video gambling machine involved
3 in the violation. For the purposes of this paragraph, the present violation is a first
4 offense if, before committing the present violation, the offender was never found to
5 have committed a violation under this subsection or s. 945.03 (2m).

6 **SECTION 21.** 945.04 (2m) (b) of the statutes is repealed.

7 **SECTION 22.** 945.04 (2m) (bm) of the statutes is created to read:

8 945.04 (2m) (bm) If the violation is the person's 2nd offense, the person may
9 be required to forfeit not more than \$1,000 for each video gambling machine involved
10 in the violation. In addition, the court may suspend any license or permit issued to
11 the person under ch. 125 for not more than 90 days. For the purposes of this
12 paragraph, the present violation is a 2nd offense if, before committing the present
13 violation, the offender was found, in connection with a single incident or occurrence,
14 to have committed a violation under this subsection or s. 945.03 (2m) or both.

15 **SECTION 23.** 945.04 (2m) (c) of the statutes is repealed.

16 **SECTION 24.** 945.04 (2m) (cm) of the statutes is created to read:

17 945.04 (2m) (cm) If the violation is the person's 3rd or subsequent offense, the
18 person may be required to forfeit not more than \$1,000 for each video gambling
19 machine involved in the violation. In addition, the court shall suspend any license
20 or permit issued to the person under ch. 125 for not more than 90 days. For the
21 purposes of this paragraph, the present violation is a 3rd or subsequent offense if,
22 before committing the present violation, the offender was found, in connection with
23 two or more separate incidents or occurrences, to have committed a violation under
24 this subsection or s. 945.03 (2m) or both.

25 **SECTION 25.** 945.04 (2m) (d) of the statutes is repealed.

INS E

~~SECTION 26. 945.04 (2m) (e) of the statutes is repealed.~~

SECTION 27. 945.041 (11) of the statutes is repealed and recreated to read:

945.041 (11) This section does not apply to conduct to which s. 945.03 (2m),
945.04 (2m), or 945.05 (1m) applies.

~~SECTION 28. 968.10 (intro.) of the statutes is amended to read:~~ END INSERT E

968.10 Searches and seizures; when authorized. (intro.) A search of a person, object or place may be made and, except as provided in s. 73.033 (1), things may be seized when the search is made:

SECTION 29. 968.13 (1) (a) of the statutes is renumbered 968.13 (1) (a) (intro.) amended to read:

968.13 (1) (a) (intro.) Contraband, which includes without limitation because of enumeration lottery tickets, gambling machines or other gambling devices, lewd, obscene or indecent written matter, pictures, sound recordings or motion picture films, forged money or written instruments and the tools, dies, machines or materials for making them, and controlled substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m), and the implements for smoking or injecting them. ~~Gambling machines or other gambling devices possessed by a shipbuilding business that complies with s. 945.095~~ None of the following are not subject to this section. subsection:

SECTION 30. 968.13 (1) (a) 1. of the statutes is created to read:

968.13 (1) (a) 1. A gambling machine or other gambling device possessed by a shipbuilding business that complies with s. 945.095.

SECTION 31. 968.13 (1) (a) 2. of the statutes is created to read:

968.13 (1) (a) 2. A video gambling machine, unless it is used in connection with a violation of s. 945.03 (1m) or 945.04 (1m).

1 **SECTION 32.** 968.13 (1) (am) of the statutes is created to read:

2 968.13 (1) (am) A video gambling machine on premises for which a Class "B"
3 or "Class B" license or permit has been issued under ch. 125 if the court determines
4 that there is probable cause to believe that a video gambling machine on the premises
5 has been used in connection with a violation of s. 945.03 (2m), 945.04 (2m), or 945.05
6 (1m).

7 **SECTION 33.** 978.06 (7) of the statutes is created to read:

8 978.06 (7) No district attorney, deputy district attorney, or assistant district
9 attorney may appear in an action to enforce s. 945.03 (2m), 945.04 (2m), or 945.05
10 (1m).

11 **SECTION 34. Initial applicability.**

12 (1) PENDING GAMBLING INJUNCTION CASES. The treatment of sections 945.041 (11)
13 of the statutes first applies to cases commenced on the effective date of this
14 subsection.

15 (2) COUNTING PRIOR OFFENSES. The treatment of sections 945.03 (2m) and 945.04
16 (2m) of the statutes, as affected by this act, first applies to offenses committed on the
17 effective date of this subsection but does not preclude counting other violations of
18 those sections as prior offenses for the purpose of determining whether a person is
19 subject to penalties under section 945.03 (2m) (bm) or (cm) or 945.04 (2m) (bm) or
20 (cm) of the statutes, as created by this act.

INS F (12)

END INSERT F

~~Att~~ 6/9

P/C from Art - delete all refs to 945.05 (1m)

Also wants to get rid of RP/RC 945.041 (11)

Told him that could lead to potential
conflict w/ that § + new 175.38

Solution - N/w/stdg ~~has~~ language in 175.38

P/C from Art -

on second thought keep the 94.505 (1m)

but link to violation of .03^(2m) or .04 (2m)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb03500
MGD:wlj
Stays dcjs

LFB:.....Zimmerman – Enforcement of prohibitions relating to video gambling

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

TO 2003 SENATE BILL 44

Handwritten note:
Section 1623m. CR; 73.03 (60)
73.03 (60) To enforce s. 945.05 (1m), in cases in which the department determines that the video gambling machine involved is likely to be used in connection with a violation of s. 945.03 (2m) or 945.04 (2m).

1 At the locations indicated, amend the bill as follows:
2 1. Page 710, line 9: after that line insert:
3 "SECTION 1623g. 73.03 (59) of the statutes is created to read:
4 73.03 (59) Subject to s. 73.033, to enforce ss. 945.03 (2m), 945.04 (2m) ~~and~~
5 945.05 (1m). ~~and~~
6 SECTION 1623r. 73.031 of the statutes is amended to read:
7 73.031 Arrest powers. A special agent of the department of revenue who has
8 been certified as a law enforcement officer by the law enforcement standards board
9 and who is on duty may arrest a person if the special agent believes, on reasonable
10 grounds, that a warrant for the person's arrest has been issued in this state or, that
11 a felony warrant has been issued in another state, or that the person is violating or

INS 2/1

1 has violated s. 945.03 (2m), ^{or} 945.04 (2m), or ~~945.03 (2m)~~ or if a crime has been
 2 committed in the presence of the special agent. The special agent shall cause the
 3 person arrested and the documents and reports pertaining to the arrest to be
 4 delivered to the chief of police or sheriff in the jurisdiction where the arrest is made.
 5 The special agent shall be available as a witness for the state. A special agent acting
 6 under this section is an employee of the department and is subject to its direction,
 7 benefits and legal protection.”.

8 **2.** Page 827, line 25: after that line insert:

9 “SECTION 2043m. 125.14 (1) of the statutes is amended to read:

10 125.14 (1) ARREST. Any Subject to s. 175.38, any peace officer may arrest
 11 without warrant any person committing in his or her presence a violation of this
 12 chapter or ch. 139 and may, without a search warrant, seize any personal property
 13 used in connection with the violation.”.

14 **3.** Page 843, line 24: after that line insert:

15 “SECTION 2099f. 165.60 of the statutes is amended to read:

16 **165.60 Law enforcement.** The department of justice is authorized to enforce
 17 ss. 101.123 (2), (5), and (8), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m),
 18 and 945.04 (1m) and is invested with the powers conferred by law upon sheriffs and
 19 municipal police officers in the performance of those duties. This section does not
 20 deprive or relieve sheriffs, constables, and other local police officers of the power and
 21 duty to enforce those sections, and those officers shall likewise enforce those sections.

22 SECTION 2099j. 165.70 (1) (b) of the statutes is amended to read:

23 165.70 (1) (b) ~~Enforce~~ Except as provided in sub. (1m), enforce chs. 945 and 961
 24 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28,

1 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075,
2 and 948.08.

3 **SECTION 2099p.** 165.70 (1m) of the statutes is created to read:

4 165.70 (1m) The department may not investigate violations of or otherwise
5 enforce s. 945.03 (2m) or 945.04 (2m).

6 **SECTION 2099v.** 165.70 (3) of the statutes is amended to read:

7 165.70 (3) It is the intention of this section to give the attorney general
8 responsibility for devising programs to control crime statewide in nature,
9 importance or influence, drugs and narcotics abuse, commercial gambling other than
10 what is described in s. 945.03 (2m) or 945.04 (2m), prostitution, and arson. Nothing
11 herein shall deprive or relieve local peace officers of the power and duty to enforce
12 those provisions enumerated in sub. (1).”

13 **4.** Page 848, line 8: after that line insert:

14 **SECTION 2120m.** 175.38 of the statutes is created to read:

15 **175.38 Enforcement of video gambling law.** No law enforcement officer,
16 ~~as defined in s. 165.85(2)(e), other than a law enforcement officer who is a special~~
17 ~~agent of the department of revenue,~~ may investigate violations of or otherwise
18 enforce s. 945.03 (2m), ^{or} 945.04 (2m) ~~or 945.05 (1m).~~

Ⓢ (2) Notwithstanding s. 945.041,

INS
3/18

19 **5.** Page 1030, line 7: after that line insert:

20 **SECTION 2737m.** 945.041 (11) of the statutes is repealed and recreated to read:

21 945.041 (11) This section does not apply to conduct to which s. 945.03 (2m),
22 945.04 (2m), or 945.05 (1m) applies.”

23 **6.** Page 1126, line 15: after that line insert:

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0350/2ins
MGD:.....

1 **INSERT 2/1**

2 not that the person is violating or has violated s. 945.05 (1m) in a case in which the
3 department determines that the video gambling machine involved is likely to be used
4 in connection with a violation of s. 945.03 (2m) or 945.04 (2m)

5 **INSERT 3/15**

6 (1) In this section, "law enforcement officer" has the meaning given in s. 165.85
7 (2) (c) but does not include a special agent of the department of revenue. ✓

8 **INSERT 3/18**

9 (3) No law enforcement officer may investigate violations of or otherwise
10 enforce s. 945.05 (1m) unless he or she reasonably believes that the video gambling
11 machine involved may be used in connection with a violation of ch. 945 other than
12 s. 945.03 (2m) or 945.04 (2m). ✓

a violation of



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0350/2
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LFB:.....Zimmerman – Enforcement of prohibitions relating to video
gambling

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

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

2 **1.** Page 710, line 9: after that line insert:

3 **“SECTION 1623g.** 73.03 (59) of the statutes is created to read:

4 73.03 (59) To enforce ss. 945.03 (2m) and 945.04 (2m).

5 **SECTION 1623m.** 73.03 (60) of the statutes is created to read:

6 73.03 (60) To enforce s. 945.05 (1m), in cases in which the department
7 determines that the video gambling machine involved is likely to be used in
8 connection with a violation of s. 945.03 (2m) or 945.04 (2m).

9 **SECTION 1623r.** 73.031 of the statutes is amended to read:

10 **73.031 Arrest powers.** A special agent of the department of revenue who has
11 been certified as a law enforcement officer by the law enforcement standards board

1 and who is on duty may arrest a person if the special agent believes, on reasonable
2 grounds, that a warrant for the person's arrest has been issued in this state or, that
3 a felony warrant has been issued in another state, that the person is violating or has
4 violated s. 945.03 (2m) or 945.04 (2m), or that the person is violating or has violated
5 s. 945.05 (1m) in a case in which the department determines that the video gambling
6 machine involved is likely to be used in connection with a violation of s. 945.03 (2m)
7 or 945.04 (2m) or if a crime has been committed in the presence of the special agent.
8 The special agent shall cause the person arrested and the documents and reports
9 pertaining to the arrest to be delivered to the chief of police or sheriff in the
10 jurisdiction where the arrest is made. The special agent shall be available as a
11 witness for the state. A special agent acting under this section is an employee of the
12 department and is subject to its direction, benefits and legal protection.”.

13 **2.** Page 827, line 25: after that line insert:

14 “SECTION 2043m. 125.14 (1) of the statutes is amended to read:

15 125.14 (1) ARREST. Any Subject to s. 175.38, any peace officer may arrest
16 without warrant any person committing in his or her presence a violation of this
17 chapter or ch. 139 and may, without a search warrant, seize any personal property
18 used in connection with the violation.”.

19 **3.** Page 843, line 24: after that line insert:

20 “SECTION 2099f. 165.60 of the statutes is amended to read:

21 **165.60 Law enforcement.** The department of justice is authorized to enforce
22 ss. 101.123 (2), (5), and (8), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m),
23 and 945.04 (1m) and is invested with the powers conferred by law upon sheriffs and
24 municipal police officers in the performance of those duties. This section does not

1 deprive or relieve sheriffs, constables, and other local police officers of the power and
2 duty to enforce those sections, and those officers shall likewise enforce those sections.

3 **SECTION 2099j.** 165.70 (1) (b) of the statutes is amended to read:

4 165.70 (1) (b) ~~Enforce~~ Except as provided in sub. (1m), enforce chs. 945 and 961
5 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28,
6 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075,
7 and 948.08.

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17 those provisions enumerated in sub. (1).”.

18 **4.** Page 848, line 8: after that line insert:

19 “**SECTION 2120m.** 175.38 of the statutes is created to read:

20 **175.38 Enforcement of video gambling law.** (1) In this section, “law
21 enforcement officer” has the meaning given in s. 165.85 (2) (c) but does not include
22 a special agent of the department of revenue.

23 (2) Notwithstanding s. 945.041, no law enforcement officer may investigate
24 violations of or otherwise enforce s. 945.03 (2m) or 945.04 (2m).

