

## 2003 ASSEMBLY BILL 207

**AN ACT** *to amend* 101.123 (4) (a) 2., 101.123 (8) (a), 165.755 (1) (b), 302.46 (1) (a), 757.05 (1) (a) and 814.63 (1) (c); and *to create* 101.123 (2) (bv) of the statutes; **relating to:** banning smoking in and around University of Wisconsin System residence halls and dormitories and providing a penalty.

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*Analysis by the Legislative Reference Bureau*

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

- 1           **SECTION 1.** 101.123 (2) (bv) of the statutes is created to read:
- 2           101.123 (2) (bv) Notwithstanding par. (a) and sub. (3), no person may smoke
- 3           in a residence hall or dormitory that is owned or operated by the Board of Regents
- 4           of the University of Wisconsin System or in any location that is 25 feet or less from
- 5           such a residence hall or dormitory.
- 6           **SECTION 2.** 101.123 (4) (a) 2. of the statutes is amended to read:

**ASSEMBLY BILL 207****SECTION 2**

1           101.123 (4) (a) 2. A person in charge or his or her agent may not designate an  
2           entire building as a smoking area or designate any smoking areas in the state capitol  
3           building, in the immediate vicinity of the state capitol, in a Type 1 secured  
4           correctional facility, on the grounds of a Type 1 secured correctional facility, in a  
5           motor bus, hospital, or physician's office or on the premises, indoors or outdoors, of  
6           a day care center when children who are receiving day care services are present, in  
7           a residence hall or dormitory that is owned or operated by the Board of Regents of  
8           the University of Wisconsin System or in any location that is 25 feet or less from such  
9           a residence hall or dormitory, except that in a hospital or a unit of a hospital that has  
10          as its primary purpose the care and treatment of mental illness, alcoholism, or drug  
11          abuse a person in charge or his or her agent may designate one or more enclosed  
12          rooms with outside ventilation as smoking areas for the use of adult patients who  
13          have the written permission of a physician. Subject to this subdivision and sub. (3)  
14          (b), a person in charge or his or her agent may not designate an entire room as a  
15          smoking area.

16           **SECTION 3.** 101.123 (8) (a) of the statutes is amended to read:

17           101.123 (8) (a) Any person who willfully violates sub. (2) (a), (am) 1., (bm), or  
18           (br), or (bv) after being advised by an employee of the facility that smoking in the area  
19           is prohibited or any person in charge or his or her agent who willfully fails to comply  
20           with sub. (5) shall forfeit not more than \$10.

21           **SECTION 4.** 165.755 (1) (b) of the statutes is amended to read:

22           165.755 (1) (b) A court may not impose the crime laboratories and drug law  
23           enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1.,  
24           (ar), (bm), or (br), or (bv) or (5) (b) or for a violation of a state law or municipal or

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1 county ordinance involving a nonmoving traffic violation or a safety belt use violation  
2 under s. 347.48 (2m).

3 **SECTION 5.** 302.46 (1) (a) of the statutes is amended to read:

4 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture  
5 for a violation of state law or for a violation of a municipal or county ordinance except  
6 for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), ~~or~~ (br), or (bv) or (5) or state laws  
7 or municipal or county ordinances involving nonmoving traffic violations or safety  
8 belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail  
9 assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever  
10 is greater. If multiple offenses are involved, the court shall determine the jail  
11 assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended  
12 in whole or in part, the court shall reduce the jail assessment in proportion to the  
13 suspension.

14 **SECTION 6.** 757.05 (1) (a) of the statutes is amended to read:

15 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
16 state law or for a violation of a municipal or county ordinance except for a violation  
17 of s. 101.123 (2) (a), (am) 1., (ar), (bm), ~~or~~ (br), or (bv) or (5) or state laws or municipal  
18 or county ordinances involving nonmoving traffic violations or safety belt use  
19 violations under s. 347.48 (2m), there shall be imposed in addition a penalty  
20 assessment in an amount of 24% of the fine or forfeiture imposed. If multiple offenses  
21 are involved, the penalty assessment shall be based upon the total fine or forfeiture  
22 for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty  
23 assessment shall be reduced in proportion to the suspension.

24 **SECTION 7.** 814.63 (1) (c) of the statutes is amended to read:

