

2003 Assembly Bill 207

Date of enactment: **April 16, 2004**  
Date of publication\*: **April 30, 2004**

## 2003 WISCONSIN ACT 268

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.

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

**SECTION 1.** 101.123 (2) (bv) of the statutes is created to read:

101.123 (2) (bv) Notwithstanding par. (a) and sub. (3), no person may smoke in a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System or in any location that is 25 feet or less from such a residence hall or dormitory.

**SECTION 2.** 101.123 (4) (a) 2. of the statutes is amended to read:

101.123 (4) (a) 2. A person in charge or his or her agent may not designate an entire building as a smoking area or designate any smoking areas in the state capitol building, in the immediate vicinity of the state capitol, in a Type 1 secured correctional facility, on the grounds of a Type 1 secured correctional facility, in a motor bus, hospital, or physician's office or on the premises, indoors or outdoors, of a day care center when children who are receiving day care services are present, in a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System or in any location that is 25 feet or less from such a residence hall or dormitory, except that in a hospital or a unit of a hospital that has as its primary purpose the care and treatment

of mental illness, alcoholism, or drug abuse a person in charge or his or her agent may designate one or more enclosed rooms with outside ventilation as smoking areas for the use of adult patients who have the written permission of a physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or her agent may not designate an entire room as a smoking area.

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

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

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

165.755 (1) (b) A court may not impose the crime laboratories and drug law enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), ~~or (br)~~, or (bv) or (5) (b) or for a violation of a state law or municipal or county ordinance involving a non-moving traffic violation or a safety belt use violation under s. 347.48 (2m).

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

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\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a

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

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

814.63 (1) (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), ~~or (br),~~ or (bv) or (5) or a safety belt use violation under s. 347.48 (2m).

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