

2003 ASSEMBLY BILL 207

March 25, 2003 – Introduced by Representatives KREIBICH, MILLER, SCHNEIDER, HINES, OTT, BOYLE, KERKMAN, HUBER, J. LEHMAN, WASSERMAN, OWENS, LADWIG, AINSWORTH, FREESE, GUNDERSON, BIES, TOWNSEND, MORRIS and VRAKAS, cosponsored by Senators ROESSLER, LAZICH, RISSER, A. LASEE, SCHULTZ and BROWN. Referred to Committee on Colleges and Universities.

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

Analysis by the Legislative Reference Bureau

Current law, with some exceptions, prohibits smoking in public conveyances, inpatient health care facilities, indoor movie theaters, offices and passenger elevators, retail establishments, public waiting rooms, enclosed indoor areas of buildings owned by local or state units of government, the state capitol and the immediate vicinity of the state capitol, motor buses, hospitals, physicians' offices, day care centers, certain secured correctional facilities, educational facilities that offer state-approved or state-licensed instruction for training, and any restaurant whose seating capacity exceeds 50 persons and whose receipts from the sale of beer or liquor, or both, amount to 50% or less of the restaurant's receipts. In some instances, however, a person in charge of an area in which smoking is prohibited, or his or her agent, may designate smoking areas within the area over which the person has charge.

This bill specifically prohibits smoking in residence halls and dormitories used by the University of Wisconsin System and within 25 feet of these residence halls and dormitories. The bill also provides that no person may designate smoking areas in

ASSEMBLY BILL 207

these residence halls and dormitories or in any area within 25 feet of these residence halls and dormitories.

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:

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

ASSEMBLY BILL 207

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

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

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

7 165.755 **(1)** (b) A court may not impose the crime laboratories and drug law
8 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1.,
9 (ar), (bm), ~~or~~ (br), or (bv) or (5) (b) or for a violation of a state law or municipal or
10 county ordinance involving a nonmoving traffic violation or a safety belt use violation
11 under s. 347.48 (2m).

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

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

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

24 757.05 **(1)** (a) Whenever a court imposes a fine or forfeiture for a violation of
25 state law or for a violation of a municipal or county ordinance except for a violation

ASSEMBLY BILL 207

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

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

9 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
10 101.123 (2) (a), (am) 1., (ar), (bm), ~~or (br)~~, or (bv) or (5) or a safety belt use violation
11 under s. 347.48 (2m).

12 (END)