

2005 Assembly Bill 307

Date of enactment: **March 1, 2006**  
Date of publication\*: **March 15, 2006**

## 2005 WISCONSIN ACT 116

AN ACT *to repeal* 60.23 (21) (title); *to renumber and amend* 60.23 (21); and *to amend* 66.0107 (1) (a), 66.0107 (1) (b), 349.02 (2) (b) 2., 349.02 (2) (b) 4., 778.25 (1) (a) 1., 778.25 (1) (a) 1m., 818.02 (7) and 961.577 of the statutes; **relating to:** municipal ordinances regarding drug paraphernalia.

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

**SECTION 1.** 60.23 (21) (title) of the statutes is repealed.

**SECTION 2.** 60.23 (21) of the statutes is renumbered 66.0107 (1) (bp) and amended to read:

66.0107 (1) (bp) ~~Adopt~~ Enact and enforce an ordinance to prohibit conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) and provide a forfeiture for violation of the ordinance.

**SECTION 3.** 66.0107 (1) (a) of the statutes is amended to read:

66.0107 (1) (a) Prohibit all forms of gambling and fraudulent devices and practices;

**SECTION 4.** 66.0107 (1) (b) of the statutes is amended to read:

66.0107 (1) (b) Seize anything devised solely for gambling or found in actual use for gambling and destroy the device after a judicial determination that it was used solely for gambling or found in actual use for gambling; and.

**SECTION 5.** 349.02 (2) (b) 2. of the statutes is amended to read:

349.02 (2) (b) 2. Chapter 961 and local ordinances that strictly conform to s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

**SECTION 6.** 349.02 (2) (b) 4. of the statutes is amended to read:

349.02 (2) (b) 4. Local ordinances enacted under s. 59.54 (25) or (25m), ~~60.23 (21)~~, or 66.0107 (1) (bm).

**SECTION 7.** 778.25 (1) (a) 1. of the statutes is amended to read:

778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), or 125.09 (2), ~~961.573 (2), 961.574 (2) or 961.575 (2)~~ or under a local ordinance strictly conforming to one of those statutes brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under chs. 48 and 938.

**SECTION 8.** 778.25 (1) (a) 1m. of the statutes is amended to read:

778.25 (1) (a) 1m. Under s. 961.573 (2), 961.574 (2), or 961.575 (2) brought against a minor in the court assigned to exercise jurisdiction under chs. 48 and 938 or under a local ordinance enacted under s. 59.54 (25m) or 66.0107 (1) (bp) brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under chs. 48 and 938.

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

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**SECTION 9.** 818.02 (7) of the statutes is amended to read:

818.02 (7) In an action for a forfeiture under s. 961.573 (2), 961.574 (2) or 961.575 (2), or under a local ordinance strictly conforming to one of those statutes s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

**SECTION 10.** 961.577 of the statutes is amended to read:

**961.577 Municipal ordinances.** Nothing in this subchapter precludes a city, village, or town from prohibiting conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) or a county with a population of 500,000 or more from prohibiting conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

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