

2007 ASSEMBLY BILL 692

January 11, 2008 – Introduced by Representatives WIECKERT, STONE, MURSAU, KLEEFISCH, A. OTT, VOS, ALBERS, TURNER, BIES, A. WILLIAMS, STASKUNAS and NASS, cosponsored by Senators LASSA, A. LASEE, SCHULTZ, ROESSLER and OLSEN. Referred to Committee on Criminal Justice.

1 **AN ACT** *to amend* 704.17 (title); and *to create* 704.17 (1) (d), 704.17 (2) (d) and
2 704.17 (3) (c) of the statutes; **relating to:** termination of a tenancy for a drug
3 manufacture or distribution conviction.

Analysis by the Legislative Reference Bureau

Under current law, if a landlord receives written notice from a law enforcement agency or from the district attorney's office that a nuisance exists on the landlord's property because the property is being used for the delivery, distribution, or manufacture of a controlled substance or as a meeting place of a criminal gang or to facilitate the activities of a criminal gang, the landlord may terminate the tenancy of the tenant causing the nuisance by providing written notice requiring the tenant to vacate the premises on or before a date that is at least five days after the giving of the notice. This bill provides that, if a tenant is convicted of a drug offense, the landlord may terminate the tenant's tenancy by providing written notice to the tenant requiring the tenant to vacate the premises on or before a date that is not less than two days after the giving of the notice. If the tenant contests the termination of tenancy in an eviction action, the landlord must prove by the greater preponderance of the credible evidence that the tenant was convicted of a drug offense. The bill defines "drug offense" as a felony that has as an element manufacture or distribution of a controlled substance.

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

ASSEMBLY BILL 692

1 **SECTION 1.** 704.17 (title) of the statutes is amended to read:

2 **704.17 (title) Notice terminating tenancies for failure to pay rent or,**
3 **other breach by tenant, or drug conviction.**

4 **SECTION 2.** 704.17 (1) (d) of the statutes is created to read:

5 704.17 **(1)** (d) 1. In this paragraph, “drug offense” means a felony that has as
6 an element manufacture or distribution of a controlled substance, as defined in s.
7 961.01 (4).

8 2. A property owner may terminate the tenancy of a week-to-week or
9 month-to-month tenant if the tenant is convicted of a drug offense and if the
10 property owner gives the tenant written notice requiring the tenant to vacate on or
11 before a date not less than 2 days after the giving of the notice. The notice shall state
12 the basis for its issuance and the right of the tenant to contest the termination of
13 tenancy in an eviction action under ch. 799. If the tenant contests the termination
14 of tenancy, the tenancy may not be terminated without proof by the property owner
15 by the greater preponderance of the credible evidence of the allegation that the
16 tenant was convicted of a drug offense.

17 **SECTION 3.** 704.17 (2) (d) of the statutes is created to read:

18 704.17 **(2)** (d) 1. In this paragraph, “drug offense” means a felony that has as
19 an element manufacture or distribution of a controlled substance, as defined in s.
20 961.01 (4).

21 2. A property owner may terminate the tenancy of a tenant who is under a lease
22 for a term of one year or less or who is a year-to-year tenant if the tenant is convicted
23 of a drug offense and if the property owner gives the tenant written notice requiring
24 the tenant to vacate on or before a date not less than 2 days after the giving of the
25 notice. The notice shall state the basis for its issuance and the right of the tenant

ASSEMBLY BILL 692

1 to contest the termination of tenancy in an eviction action under ch. 799. If the
2 tenant contests the termination of tenancy, the tenancy may not be terminated
3 without proof by the property owner by the greater preponderance of the credible
4 evidence of the allegation that the tenant was convicted of a drug offense.

5 **SECTION 4.** 704.17 (3) (c) of the statutes is created to read:

6 704.17 (3) (c) 1. In this paragraph, “drug offense” means a felony that has as
7 an element manufacture or distribution of a controlled substance, as defined in s.
8 961.01 (4).

9 2. A property owner may terminate the tenancy of a tenant who is under a lease
10 for a term of more than one year if the tenant is convicted of a drug offense and if the
11 property owner gives the tenant written notice to vacate on or before a date at least
12 2 days after the giving of the notice. The notice shall state the basis for its issuance
13 and the right of the tenant to contest the termination of tenancy in an eviction action
14 under ch. 799. If the tenant contests the termination of tenancy, the tenancy may
15 not be terminated without proof by the property owner by the greater preponderance
16 of the credible evidence of the allegation that the tenant was convicted of a drug
17 offense.

18 **SECTION 5. Initial applicability.**

19 (1) This act first applies to drug offenses committed on the effective date of this
20 subsection.

21 (END)