

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2194/1dn
ARG:cjs:sh

March 13, 2007

Under current law, every identification card issued by DOT must include a photograph, so it would be redundant to specify an identification card containing a photograph. (In contrast, there are exceptions to the photograph requirement on driver's licenses.) The draft also assumes that every U.S. passport must contain a photograph. I note that SB-40, if enacted in its present form, would eliminate the photograph exception for driver's licenses as part of the state's implementation of the federal REAL ID Act.

In the attached draft, I have retained the current provision allowing use of an identification card issued through DOA prior to January 1, 1990. I am not sure if there are any such cards still in circulation.

There is no specific requirement under current law that a person present an "official identification card" to purchase alcohol beverages. For example, there is no provision in ch. 125 equivalent to s. 134.63 (3) (c) appearing in the attached bill. I therefore believe this bill has minimal impact on current law with regard to acceptable forms of proof of age. My reading of current law is that an alcohol beverage licensee may accept any proof of age it desires (or even decline to require any customer to present identification) but the licensee does so at its own risk (the risk of prosecution for underage sales if the person turns out to be underage). If the licensee requires the customer to show identification, and if the form of identification may reasonably be relied upon, this may assist in allowing the licensee to assert a defense under s. 125.07 (6) (d) in an underage violation prosecution.

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