

1987 Wisconsin Act 335

AN ACT to create 125.075 of the statutes, relating to illegally providing alcohol beverages to an underage person and creating a penalty.

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

SECTION 1. 125.075 of the statutes is created to read:

125.075 Injury or death by providing alcohol beverages to underage person. (1) Any person who procures alcohol beverages for or sells, dispenses or gives away alcohol beverages to a person under 18 years of age in violation of s. 125.07 (1) (a) 1 or 2 may be penalized as provided in sub. (2) if:

(a) The person knew or should have known that the underage person was under the legal drinking age; and

(b) The underage person dies or suffers great bodily harm, as defined in s. 939.22 (14), as a result of consuming the alcohol beverages provided in violation of s. 125.07 (1) (a) 1 or 2.

(1m) In determining under sub. (1) (a) whether a person knew or should have known that the underage person was under the legal drinking age, all relevant circumstances surrounding the procuring, selling, dispensing or giving away of the alcohol beverages may be considered, including any circumstance under pars.

(a) to (d). In addition, a person has a defense to criminal liability under sub. (1) if all of the following occur:

(a) The underage person falsely represents that he or she has attained the legal drinking age.

(b) The underage person supports the representation under par. (a) with documentation that he or she has attained the legal drinking age.

(c) The alcohol beverages are provided in good faith reliance on the underage person's representation that he or she has attained the legal drinking age.

(d) The appearance of the underage person is such that an ordinary and prudent person would believe that he or she had attained the legal drinking age.

(2) Whoever violates sub. (1) may:

(a) If the underage person is at least 12 years of age but less than 18 years of age, be fined not more than \$1,000 or imprisoned not more than 90 days or both.

(b) If the underage person is less than 12 years of age, be fined not more than \$10,000 or imprisoned not more than 9 months or both.