



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 1035**

March 9, 2006 – Offered by Representatives KREIBICH and HAHN.

1 **AN ACT** *to renumber* 36.11 (27); and *to create* 36.11 (27) (b) and 39.28 (7) of the
2 statutes; **relating to:** making a postsecondary student who has been convicted
3 of possessing, with intent to manufacture, distribute, or deliver, or of
4 manufacturing, distributing, or delivering, a controlled substance or controlled
5 substance analog based on conduct that occurred during a period of enrollment
6 for which the postsecondary student was receiving any state financial
7 assistance ineligible for state financial assistance and granting rule-making
8 authority.

Analysis by the Legislative Reference Bureau

Under current federal law, a postsecondary student who is convicted of a state or federal crime involving the sale of a controlled substance for conduct that occurred during a period of enrollment for which the postsecondary student was receiving any federal grant, loan, or work assistance is ineligible to receive any federal grant, loan, or work assistance for a period of two years from the date of the conviction, and a postsecondary student who is convicted of such a crime following a previous conviction for such a crime is ineligible to receive any federal grant, loan, or work

assistance, indefinitely, unless the student satisfactorily completes a drug rehabilitation program or the conviction is reversed, set aside, or otherwise rendered nugatory.

This substitute amendment makes a postsecondary student who is convicted of possessing, with intent to manufacture, distribute, or deliver, or of manufacturing, distributing, or delivering, a controlled substance or controlled substance analog under the law of this state or a substantially similar federal law or law of another state based on conduct that occurred during a period of enrollment for which the postsecondary student was receiving any state financial assistance provided by the Higher Education Aids Board or the Board of Regents of the University of Wisconsin System (state financial assistance) ineligible to receive any state financial assistance for a period of two years following the conviction, and a postsecondary student who is convicted of such a crime following a previous conviction for such a crime ineligible for state financial assistance for an indefinite period, unless the student satisfactorily completes a drug rehabilitation program or the conviction is reversed, set aside, or vacated.

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

1 **SECTION 1.** 36.11 (27) of the statutes is renumbered 36.11 (27) (a).

2 **SECTION 2.** 36.11 (27) (b) of the statutes is created to read:

3 36.11 **(27)** (b) 1. Subject to subd. 3., the board may not provide any financial
4 assistance under this chapter to a person for a period of 2 years following the date
5 on which the person is convicted of manufacturing, distributing, or delivering a
6 controlled substance or controlled substance analog under s. 961.41 (1); of
7 possessing, with intent to manufacture, distribute, or deliver, a controlled substance
8 or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to
9 manufacture, distribute, or deliver, or of manufacturing, distributing, or delivering,
10 a controlled substance or controlled substance analog under a substantially similar
11 federal law or a substantially similar law of another state based on conduct that
12 occurred during a period of enrollment for which the person was receiving any
13 financial assistance from the board or from the higher educational aids board.

1 2. Subject to subd. 3., the board may not provide any financial assistance under
2 this chapter to a person for an indefinite period following the date on which the
3 person is convicted of a violation specified in subd. 1. that is based on conduct that
4 occurred during a period of enrollment for which the person was receiving any
5 financial assistance from the board or from the higher educational aids board, if the
6 person has a previous conviction for a violation specified in subd. 1.

7 3. A person who is ineligible for financial assistance under subd. 1. or 2. may
8 resume eligibility for that assistance before the end of the ineligibility period if the
9 conviction is reversed, set aside, or vacated or if the person satisfactorily completes
10 a drug rehabilitation program that complies with such criteria as the board may
11 prescribe in policies established by the board for purposes of this subdivision and
12 that includes 2 unannounced tests for the presence of controlled substances or
13 controlled substance analogs in the person's system.

14 **SECTION 3.** 39.28 (7) of the statutes is created to read:

15 39.28 (7) (a) Subject to par. (c), the board may not provide any financial
16 assistance under this subchapter to a person for a period of 2 years following the date
17 on which the person is convicted of manufacturing, distributing, or delivering a
18 controlled substance or controlled substance analog under s. 961.41 (1); of
19 possessing, with intent to manufacture, distribute, or deliver, a controlled substance
20 or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to
21 manufacture, distribute, or deliver, or of manufacturing, distributing, or delivering,
22 a controlled substance or controlled substance analog under a substantially similar
23 federal law or a substantially similar law of another state based on conduct that
24 occurred during a period of enrollment for which the person was receiving any

1 financial assistance from the board or from the Board of Regents of the University
2 of Wisconsin System.

3 (b) Subject to par. (c), the board may not provide any financial assistance under
4 this subchapter to a person for an indefinite period following the date on which the
5 person is convicted of a violation specified in par. (a) that is based on conduct that
6 occurred during a period of enrollment for which the person was receiving any
7 financial assistance from the board or from the Board of Regents of the University
8 of Wisconsin System, if the person has a previous conviction for a violation specified
9 in par. (a).

10 (c) A person who is ineligible for financial assistance under par. (a) or (b) may
11 resume eligibility for that assistance before the end of the ineligibility period if the
12 conviction is reversed, set aside, or vacated or if the person satisfactorily completes
13 a drug rehabilitation program that complies with such criteria as the board may
14 prescribe in rules promulgated by the board for purposes of this paragraph and that
15 includes 2 unannounced tests for the presence of controlled substances or controlled
16 substance analogs in the person's system.

17 **SECTION 4. Initial applicability.**

18 (1) This act first applies to financial assistance provided for a period of
19 enrollment that begins after the effective date of this subsection.

20 (END)