



1997 ASSEMBLY BILL 302

April 17, 1997 - Introduced by Representative SCHNEIDER. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *to renumber and amend* 125.07 (3) (b); *to amend* 125.07 (1) (b) 2. a.;
2 and *to create* 125.07 (1) (am) and 125.07 (3) (b) 2. of the statutes; **relating to:**
3 warnings for first violations of certain underage drinking prohibitions.

Analysis by the Legislative Reference Bureau

Under current law, no person, including a person holding a license or permit for the retail sale of alcohol beverages (licensee or permittee), may procure for, sell or give away alcohol beverages to any individual who has not attained the legal drinking age of 21 years (underage person) or who is not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age. In addition, no person may contribute to or fail to take action to prevent such procurement, sale or gift. A person who violates these provisions is subject to a forfeiture of not more than \$500 if the person has not committed a previous violation in the past 30 months.

Also under current law, a licensee or permittee may not allow an underage person who is not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age to enter or remain on the licensed premises. Any licensee or permittee who violates this provision is subject to a forfeiture of not more than \$500.

Under this bill, if a law enforcement agency discovers as a result of an undercover investigation that a person has violated any of these provisions, the law

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enforcement agency shall issue only a written warning to the person if the person has not committed a previous violation in the past 30 months.

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

1 **SECTION 1.** 125.07 (1) (am) of the statutes is created to read:

2 125.07 (1) (am) *Warning.* If, in the course of an undercover investigation to
3 determine compliance with this section, a law enforcement agency has probable
4 cause to believe that a person has committed a violation of this subsection, the law
5 enforcement agency shall issue only a written warning to the person if the person has
6 not committed a previous violation within 30 months before the violation.

7 **SECTION 2.** 125.07 (1) (b) 2. a. of the statutes is amended to read:

8 125.07 (1) (b) 2. a. ~~Required~~ Except as provided in par. (am), required to forfeit
9 not more than \$500 if the person has not committed a previous violation within 30
10 months of the violation.

11 **SECTION 3.** 125.07 (3) (b) of the statutes is renumbered 125.07 (3) (b) 1. and
12 amended to read:

13 125.07 (3) (b) 1. ~~A~~ Except as provided in subd. 2., a licensee or permittee who
14 directly or indirectly permits an underage person to enter or be on a licensed
15 premises in violation of par. (a) is subject to a forfeiture of not more than \$500.

16 **SECTION 4.** 125.07 (3) (b) 2. of the statutes is created to read:

17 125.07 (3) (b) 2. If, in the course of an undercover investigation to determine
18 compliance with this section, a law enforcement agency has probable cause to believe
19 that a licensee or permittee has committed a violation of this subsection, the law
20 enforcement agency shall issue only a written warning to the licensee or permittee

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1 if the licensee or permittee has not committed a previous violation within 30 months
2 before the violation.

3 **SECTION 5. Initial applicability.**

4 (1) This act first applies to undercover investigations conducted by a law
5 enforcement agency on the effective date of this subsection.

6 **SECTION 6. Effective date.**

7 (1) This act takes effect on the first day of the 4th month beginning after
8 publication.

9 (END)