



2005 ASSEMBLY BILL 1035

February 20, 2006 – Introduced by Representatives HAHN, ALBERS, TOWNSEND, BIES, OWENS, AINSWORTH, OTT and J. FITZGERALD, cosponsored by Senators LEIBHAM, LAZICH, ROESSLER and A. LASEE. Referred to Committee on Colleges and Universities.

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 ineligible for state financial aid and granting rule-making
6 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 is ineligible for a federal grant or loan, or for federal 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 for a federal grant or loan, or for federal work assistance, indefinitely, unless the student satisfactorily completes a drug rehabilitation program or the conviction is reversed, set aside, or otherwise rendered nugatory.

This bill 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 ineligible for state financial assistance provided by the Higher Education Aids Board or the Board

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of Regents of the University of Wisconsin System 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 such 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.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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 who has been convicted of manufacturing,
5 distributing, or delivering a controlled substance or controlled substance analog
6 under s. 961.41 (1); of possessing, with intent to manufacture, distribute, or deliver,
7 a controlled substance or controlled substance analog under s. 961.41 (1m); or of
8 possessing, with intent to manufacture, distribute, or deliver, or of manufacturing,
9 distributing, or delivering, a controlled substance or controlled substance analog
10 under a substantially similar federal law or a substantially similar law of another
11 state, for a period of 2 years following the date of the conviction.

12 2. Subject to subd. 3., the board may not provide any financial assistance under
13 this chapter to a person who has been convicted of a violation specified in subd. 1.
14 following a previous conviction of a violation specified in subd. 1., for an indefinite
15 period following the date of the conviction.

16 3. A person who is ineligible for financial assistance under subd. 1. or 2. may
17 resume eligibility for that assistance before the end of the ineligibility period if the
18 conviction is reversed, set aside, or vacated or if the person satisfactorily completes

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1 a drug rehabilitation program that complies with such criteria as the board may
2 prescribe in policies established by the board for purposes of this subdivision and
3 that includes 2 unannounced tests for the presence of controlled substances or
4 controlled substance analogs in the person's system.

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

6 39.28 (7) (a) Subject to par. (c), the board may not provide any financial
7 assistance under this subchapter to a person who has been convicted of
8 manufacturing, distributing, or delivering a controlled substance or controlled
9 substance analog under s. 961.41 (1); of possessing, with intent to manufacture,
10 distribute, or deliver, a controlled substance or controlled substance analog under s.
11 961.41 (1m); or of possessing, with intent to manufacture, distribute, or deliver, or
12 of manufacturing, distributing, or delivering, a controlled substance or controlled
13 substance analog under a substantially similar federal law or a substantially similar
14 law of another state, for a period of 2 years following the date of the conviction.

15 (b) Subject to par. (c), the board may not provide any financial assistance under
16 this subchapter to a person who has been convicted of a violation specified in par. (a)
17 following a previous conviction of a violation specified in par. (a), for an indefinite
18 period following the date of the conviction.

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

