

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-4619/1 ARG:amn

2015 ASSEMBLY BILL 864

February 4, 2016 – Introduced by Representatives VORPAGEL, SWEARINGEN, KNODL, R. BROOKS and A. OTT. Referred to Committee on State Affairs and Government Operations.

1 AN ACT to renumber and amend 125.07 (1) (b) 6.; and to create 125.07 (1) (b)

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6. a. and c. of the statutes; **relating to:** alcohol beverages violations involving

underage persons that occur on licensed premises.

Analysis by the Legislative Reference Bureau

This bill provides that an alcohol beverages server, not the retail licensee, is the person to be issued a citation for selling or providing alcohol beverages to an underage person on licensed premises if the violation is detected by means of an undercover law enforcement "sting" operation.

Under current law, no person, including an alcohol beverages retail licensee or the holder of an operator's (bartender's) license, may sell or provide alcohol beverages to a person under age 21 who is not accompanied by his or her parent, guardian, or spouse who is at least age 21. Current law also prohibits an adult from intentionally encouraging or contributing to an underage alcohol violation and from knowingly permitting or failing to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. If a retail licensee violates any of these prohibitions, a court must suspend the retail license if the retail licensee committed a prior violation within the previous 12 months. For any person, other than a retail licensee, who violates any of these prohibitions, the person may be required to forfeit not more than \$500 if the person has no prior violations within the previous 30 months; however, if the person has prior violations within this time period, the person is subject to various criminal penalties. In addition, if the person holds a bartender's license, the court must

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suspend the bartender's license if there is any prior violation within the previous 12 months. Only one penalty may be imposed for each underage person who is unlawfully provided alcohol beverages, so if alcohol beverages are provided on licensed premises by a bartender who is not the retail licensee, the bartender and the retail licensee cannot both be subject to a penalty for the violation.

Under this bill, if a violation of any of the prohibitions described above occurs on licensed premises and the violation is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

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

1 SECTION 1. 125.07 (1) (b) 6. of the statutes is renumbered 125.07 (1) (b) 6. b. and

2 amended to read:

3 125.07 (1) (b) 6. b. Only Subject to subd. 6. c., only one penalty may be imposed

4 under this paragraph for each underage person who is provided alcohol beverages

5 contrary to this section or a local ordinance in conformity with this section.

SECTION 2. 125.07 (1) (b) 6. a. and c. of the statutes are created to read:

7 125.07 (1) (b) 6. a. Notwithstanding subd. 1., in this subdivision, "violation"

8 means a violation of par. (a) or of a local ordinance that strictly conforms to par. (a).

9 c. If a violation occurs on licensed premises and the violation is detected by 10 means of an undercover underage person employed by or assisting a law enforcement 11 agency, only the individual responsible for providing the alcohol beverages to the 12 underage person may be issued a citation for, or charged with, the violation.

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(END)