

No. 87, A.]

[Published June 29, 1945.]

CHAPTER 374.

AN ACT to create 14.426, 176.90 and 348.091 of the statutes, relating to the revocation of fermented malt beverage and liquor licenses and permits, and the enforcement of laws pertaining to gambling, and providing a penalty.

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

SECTION 1. 14.426 of the statutes is created to read:

14.426 GAMBLING LAW ENFORCEMENT. The state treasurer and such of his employes as are authorized to enforce the provisions of chapters 139 and 176 shall enforce the provisions of sections 348.07, 348.08 and 348.09 and shall be invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of such duties. Nothing herein shall deprive or relieve sheriffs, constables and other local police officers of the power and duty to enforce the provisions of said sections, and such officers shall likewise enforce the provisions of said sections.

SECTION 2. 176.90 of the statutes is created to read:

176.90 REVOCATION OF LICENSE AND INJUNCTION AGAINST GAMBLING DEVICES. (1) A license or permit issued under the provisions of this chapter or section 66.05 (10) to any person who shall thereafter knowingly suffer or permit any slot machine, roulette wheel, other similar mechanical gambling device, or number jar or other device designed for like form of gambling, to be set up, kept, managed or used upon the licensed premises or in connection therewith upon premises controlled directly or indirectly by such person, shall be revoked by the circuit courts by a special proceeding as hereinafter provided. When a license or permit has been revoked no other license or permit of any character provided for by chapter 176 or section 66.05 (10) shall be issued to the person who held such license or permit, prior to the expiration of one year from the effective date of such revocation. If an appeal shall be taken from such revocation, any period during which the order is stayed shall be added to the one year.

(2) Any sheriff, undersheriff, deputy sheriff, constable or other municipal police officer or any person authorized to enforce the

gambling laws under the provisions of section 14.426 shall within 10 days after acquiring such information report to the district attorney of the county the name and address of any licensee or permittee under chapter 176 or section 66.05 (10) who to his knowledge has knowingly suffered or permitted any device to which reference is made in subsection (1) to be set up, kept, managed or used upon the licensed premises or in connection therewith upon premises controlled directly or indirectly by such licensee or permittee. Such officer or person shall also report to the district attorney his knowledge of the circumstances and the name of the municipality or officer by whom the license or permit has been issued. Any other person may in writing and signed by that person report any such name, address and other information to the district attorney. Within 10 days after any report to him the district attorney shall institute a proceeding as hereinafter provided before the circuit court of his county or shall within such time report to the attorney general the reasons why such a proceeding has not been instituted. If thereafter the attorney general shall so direct, the district attorney shall institute such proceeding within such reasonable time as the attorney general shall direct unless the attorney general elects to institute the proceeding, in which case he is authorized to do so.

(3) Such proceeding shall be in the name of the state and the issues may be determined by a jury. It shall be instituted by the filing of a petition and service of a notice as herein provided. The petition shall be directed to the circuit court and shall set forth a clear and concise statement of the grounds that are alleged to exist justifying a revocation of the license or permit under the provisions of subsection (1) hereof, and shall request an order revoking such license or permit. It shall also request an injunction restraining the defendant from thereafter knowingly suffering or permitting any such devices to be set up, kept, managed or used upon premises directly or indirectly controlled by him. Upon the filing of such petition the court shall fix a time for hearing not to exceed 30 days from the date of filing at a place within the judicial circuit, and a copy of the petition and a notice of the time and place of hearing shall be served upon the defendant not less than 20 days prior to the date of hearing. Such service shall be made in the same manner as a summons is served in a civil action, except that it may also be made by

leaving a copy of said petition and notice with any person charged with the operation of the licensed premises under the provisions of section 176.05 (11). The allegations of the petition shall be deemed controverted and shall be at issue without further pleading by the defendant. No hearing shall be adjourned except for cause. If upon such hearing the court shall find that the allegations of the petition are true, it shall issue a written order revoking the license or permit and shall likewise enjoin the defendant from thereafter knowingly suffering or permitting any gambling devices referred to in subsection (1) to be set up, kept, managed or used upon premises directly or indirectly controlled by him. The district attorney shall forthwith cause a copy of the order to be filed with the issuing authority of the license or permit and shall cause a copy to be served upon the defendant as above provided or his attorney. The revocation and injunction shall become effective upon such service. In cases where a license is issued by a town, city or village, a copy of the order shall also be filed with the beverage tax division in the office of the state treasurer.

(4) The law enforcement officials referred to in subsection (2) hereof shall also report to the district attorney the names and addresses of persons other than licensees under chapter 176 or section 66.05 (10) who permit devices referred to in subsection (1) to be set up, kept, managed or used upon premises controlled directly or indirectly by such persons. They shall also report their knowledge of the circumstances and the location of such premises. Thereupon the district attorney shall proceed as in the case of licensees or permittees, except that the only request of the petition shall be for the issuance of the injunction referred to in subsection (3) and the other required allegations shall be correspondingly changed. Such proceeding shall be had and such injunctive orders entered and served as are referred to in subsection (3).

(5) Violations of injunctive orders hereunder shall be punishable by the court as criminal contempts in accordance with the provisions of chapter 256.

(6) Appeals may be taken from orders issued by the circuit court hereunder as in the case of special proceedings.

(7) Any proceeding instituted by a district attorney shall not be dismissed with his consent except upon the written approval of the circuit court.

(8) Any officer or employe referred to in subsection (2) or any district attorney who shall without proper excuse neglect or refuse to perform the duties required of him herein within such times as may be specified shall be subject to removal. The governor may remove any such sheriff or district attorney under the provisions of section 17.16 by filing a complaint on his own motion.

(9) A written record shall be kept by every officer and district attorney of reports made by or to him under subsection (2). On the first day of the third calendar month after the passage of this section the district attorney of each county shall report in writing to the governor the name, address and office, if any, of each person who has reported to him knowledge of gambling devices under the provisions of subsection (2). He shall also set out the disposition of such reports and the status of all cases instituted thereon. Thereafter such a report shall be filed quarterly on the first days of January, April, July and October in each year, and each report shall also set forth the status of cases not shown by any prior report to be finally determined.

(10) If any part of this section or its application to any person or circumstance shall be held invalid, the remaining part or its application to other persons or circumstances shall not be affected.

SECTION 3. 348.091 of the statutes is created to read:

348.091 SEIZURE OF GAMBLING DEVICES. Any public officer or employe authorized to enforce the provisions of sections 348.07, 348.08 and 348.09 may seize all personal property used or kept in violation of said sections.

Approved June 27, 1945.

No. 209, S.]

[Published July 2, 1945.

CHAPTER 375.

AN ACT to repeal and recreate 85.09 of the statutes, relating to motor vehicle financial responsibility, and providing a penalty.

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

SECTION 1. 85.09 of the statutes is repealed and recreated to read: