



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 279
[2015 Assembly Bill 808]

**Exemption From Underage Alcohol
Beverages Violations for
Bystanders Assisting Victims of
Sex-Related Crimes**

With limited exceptions, a person who has not attained the age of 21 (underage person) may not do any of the following:

- Procure or attempt to procure alcohol beverages from an alcohol beverages retail licensee or permittee.
- Unless accompanied by a parent, guardian, or spouse who has attained the legal drinking age, possess or consume alcohol beverages on an alcohol beverages licensed premises.
- Enter, knowingly attempt to enter, or be on alcohol beverages licensed premises except as authorized under state law.
- Falsely represent his or her age for the purpose of receiving alcohol beverages from an alcohol beverages retail licensee or permittee.
- Unless accompanied by a parent, guardian, or spouse who has attained the legal drinking age, knowingly possess or consume alcohol beverages.

The Act prohibits a person from being issued a citation for, or convicted of, an underage violation listed above if all of the following apply:

- The underage person is a crime victim or bystander and either the crime victim or the bystander requested emergency assistance, by dialing the telephone number “911” or by other means, in connection with the alleged crime or the underage person encountered a law enforcement officer at a medical facility at which the crime victim received treatment in connection with the alleged crime.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

- The underage person remains at the scene until emergency assistance arrives and thereafter cooperates with providers of emergency assistance, including furnishing any requested information, unless the underage person lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law enforcement officer at a medical facility, the underage person cooperates with the officer and furnishes any requested information, unless the underage person lacks capacity to cooperate with the officer.
- The underage person who requests emergency assistance, by dialing the telephone number “911” or by other means, does not do so with an intention to claim the protections and knows that the fact situation he or she reports does not exist.

Under the Act, a “bystander” is a person who is present with a crime victim at the time of or immediately following the alleged crime and a “crime victim” is a person who claims to have been the victim of certain “sex-related crimes.”¹

The Act prohibits the Board of Regents of the University of Wisconsin (UW) System (Board), any university or organization equivalent designated by the Board and the UW colleges, or a two-year collegiate campus of the UW System from imposing any of the following disciplinary sanctions against a student for an underage alcohol beverages violation if the person is exempt from issuance of a citation, or for conviction of, the violation:

- Removal from a course in progress.
- Enrollment restrictions on a course or program.
- Suspension or expulsion.
- Exclusion from student housing.

The provisions of the Act first apply to underage alcohol beverages violations committed on March 26, 2016.

Effective date: This Act went into effect on March 26, 2016.

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April 5, 2016

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¹ For purposes of this Act Memo, the term “sex-related crimes” refers to the following criminal offenses: (1) sexual exploitation by a therapist; (2) first-, second-, third-, or fourth-degree sexual assault; (3) human trafficking; (4) first- or second-degree sexual assault of a child; (5) repeated acts of sexual assault of a child; (6) sexual exploitation of a child; (7) trafficking of a child; (8) causing a child to view or listen to sexual activity; (9) incest with a child; (10) child enticement; (11) use of a computer to facilitate a child sex crime; (12) soliciting a child for prostitution; (13) sexual assault of a child placed in substitute care; and (14) sexual assault of a child by a school staff person or a person who works or volunteers with children.