



2003 ASSEMBLY BILL 122

March 5, 2003 – Introduced by Representatives FREESE, HAHN, KERKMAN, PETTIS, KREIBICH, NISCHKE and OWENS. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 11.61 (1) (b); and **to create** 11.41 and 11.60 (3e) of the statutes;
2 **relating to:** acceptance of political contributions derived from the net proceeds
3 of gambling operations and providing penalties.

Analysis by the Legislative Reference Bureau

This bill prohibits any person, including any committee or group, from accepting a political contribution made by any person that is derived in whole or in part from the net proceeds of a gambling operation.

Violators are subject to a forfeiture (civil penalty) of not more than treble the amount of any contribution accepted in violation of the provision. Intentional violators may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if an unlawful contribution is \$100 or less, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both, if an unlawful contribution is more than \$100.

Currently, there is no such prohibition, except that if a corporation owns, operates or manages a casino or racetrack, the acceptance of contributions made from the corporate treasury is currently prohibited.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** 11.41 of the statutes is created to read:

2 **11.41 Acceptance of contributions derived from proceeds of gambling**
3 **operations. (1)** In this section:

4 (a) “Casino” means a location where casino gambling is authorized to be
5 conducted under an applicable state law or a compact negotiated under 25 USC 2710.

6 (b) “Casino gambling” means one or more of the games described in s. 565.01
7 (6m) (b) 2. to 9., or any game that is similar to a game described in s. 565.01 (6m) (b)
8 2. to 9.

9 (c) “Gambling operation” means a casino, lottery, or racetrack.

10 (d) “Lottery” means an enterprise operated under the law of any state that
11 entitles the player, by purchasing a ticket, to participate in a game of chance if:

12 1. The winning tickets are randomly predetermined and the player reveals
13 preprinted numbers or symbols from which it can be immediately determined
14 whether the ticket is a winning ticket entitling the player to win a prize as prescribed
15 in the features and procedures for the game, including an opportunity to win a prize
16 in a secondary or subsequent chance drawing or game; or

17 2. The ticket is evidence of the numbers or symbols selected by the player or,
18 at the player’s option, selected by a computer, and the player becomes entitled to a
19 prize as prescribed in the features and procedures for the game, including an
20 opportunity to win a prize in a secondary or subsequent chance drawing or game, if
21 some or all of the player’s symbols or numbers are selected in a chance drawing or

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1 game, if the player's ticket is randomly selected by the computer at the time of
2 purchase, or if the ticket is selected in a chance drawing.

3 (e) "Net proceeds" means the portion of proceeds after amounts paid to players
4 and operating costs, including management fees, are deducted.

5 (f) "Pari-mutuel" means a wagering system in which all persons who wager on
6 any animal which finishes in any position for which wagers are taken in a race share
7 the total amount wagered on the race minus any deductions from the wagers on that
8 race required under the law of the state where the race is conducted.

9 (g) "Racetrack" means a location in any state at which animal races are
10 authorized by the law of that state to be conducted and at which pari-mutuel
11 wagering on those races is authorized to be conducted under that law.

12 (2) No person, including a committee or group, may accept a contribution made
13 by any other person that is derived in whole or in part from the net proceeds of a
14 gambling operation.

15 **SECTION 2.** 11.60 (3e) of the statutes is created to read:

16 11.60 (3e) Notwithstanding sub. (1), any person, including any committee or
17 group, who accepts a contribution in violation of s. 11.41 may be required to forfeit
18 not more than treble the amount of the contribution.

19 **SECTION 3.** 11.61 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is amended to read:

21 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
22 ~~or~~, 11.38, or 11.41 is guilty of a Class I felony if the intentional violation does not
23 involve a specific figure or if the intentional violation concerns a figure which exceeds
24 \$100 in amount or value.

25

(END)