

State of Misconsin 2007 - 2008 LEGISLATURE

## 2007 ASSEMBLY BILL 196

March 19, 2007 – Introduced by Representatives BIES, MOULTON, MONTGOMERY, KERKMAN, LEMAHIEU, JESKEWITZ, MURSAU and A. OTT. Referred to Committee on Criminal Justice.

1 AN ACT *to amend* 125.075 (title) and 125.075 (1) (intro.) of the statutes; **relating** 2 **to:** providing alcohol beverages to an underage person who suffers great bodily 3 harm or death from their consumption.

### Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person who has not reached the legal drinking age of 21 years (underage person), and who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age, may not knowingly possess or consume alcohol beverages and may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. No person (including a licensee or permittee) may procure for, sell, dispense, or give away alcohol beverages to an underage person who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age. If a person procures alcohol beverages for or sells, dispenses, or gives away alcohol beverages (provider) to a person under 18 years of age (minor) in violation of these prohibitions, and the provider knew or should have known that the minor was under the legal drinking age, the provider is guilty of a Class H felony if the minor suffers great bodily harm, and is guilty of a Class G felony if the minor dies, as a result of consuming the alcohol beverages provided. A Class H felony is punishable by a fine of not more than \$10,000 or a term of imprisonment of up to six years or both. A Class G felony is punishable by a fine of not more than \$25,000 or a term of imprisonment of up to ten years or both.

This bill applies these penalties to a provider with respect to any underage person, including an underage person who is 18, 19, or 20 years of age.

#### **ASSEMBLY BILL 196**

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 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: SECTION 1. 125.075 (title) of the statutes is amended to read:

### 2 125.075 (title) Injury or death by providing alcohol beverages to -a

### 3 minor an underage person.

4 **SECTION 2.** 125.075 (1) (intro.) of the statutes is amended to read:

5 125.075 (1) (intro.) Any person who procures alcohol beverages for or sells,

6 dispenses or gives away alcohol beverages to <u>a an underage</u> person <del>under 18 years</del>

7 of age in violation of s. 125.07 (1) (a) 1. or 2. may be penalized as provided in sub. (2)

8 if:

1

### 9 SECTION 3. Initial applicability.

10 (1) This act first applies to violations committed on the effective date of this11 subsection.

12

(END)