

# State of Wisconsin



2015 Assembly Bill 808

Date of enactment: **March 24, 2016**

Date of publication\*: **March 25, 2016**

## 2015 WISCONSIN ACT 279

AN ACT *to amend* 36.35 (1), 125.07 (4) (bs) (intro.) and 125.07 (4) (c) (intro.); and *to create* 36.35 (4) and 125.07 (5) of the statutes; **relating to:** prohibiting issuance of citations for alcohol beverages violations to certain underage persons in connection with sexual assault or certain other crimes and prohibiting certain disciplinary sanctions if the underage person is a student.

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

**SECTION 1.** 36.35 (1) of the statutes is amended to read:

36.35 (1) POWER TO SUSPEND; RULES. The board may delegate the power to suspend or expel students for misconduct or other cause prescribed by the board. ~~The Subject to sub. (4), the~~ board shall promulgate rules under ch. 227 governing student conduct and procedures for the administration of violations.

**SECTION 2.** 36.35 (4) of the statutes is created to read:

36.35 (4) UNDERAGE ALCOHOL VIOLATIONS. The board or an institution or college campus may not impose any of the following disciplinary sanctions against a student for the student's violation of s. 125.07 (4) (a) or (b), if the student is exempt under s. 125.07 (5) from issuance of a citation for, or conviction of, the violation:

- (a) Removal from a course in progress.
- (b) Enrollment restrictions on a course or program.
- (c) Suspension or expulsion.
- (d) Exclusion from student housing.

**SECTION 3.** 125.07 (4) (bs) (intro.) of the statutes is amended to read:

125.07 (4) (bs) (intro.) ~~Any Subject to sub. (5), any~~ person violating par. (a) is subject to the following penalties:

**SECTION 4.** 125.07 (4) (c) (intro.) of the statutes is amended to read:

125.07 (4) (c) (intro.) ~~Any Subject to sub. (5), any~~ person violating par. (b) is subject to the following penalties:

**SECTION 5.** 125.07 (5) of the statutes is created to read:

125.07 (5) REQUESTS FOR EMERGENCY ASSISTANCE.

(a) In this subsection:

1. "Bystander" means a person who is present with a crime victim at the time of or immediately following the alleged crime.

2. "Crime victim" means a person who claims to have been the victim of a crime constituting a violation under s. 940.22 (2), 940.225, 940.302, 948.02 (1) or (2), 948.025, or 948.05 to 948.095.

(b) Subject to par. (c), an underage person may not be issued a citation for, or convicted of, a violation of sub. (4) (a) or (b) if all of the following apply:

1. The underage person is a crime victim or bystander and either the crime victim or the bystander requested

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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.

2. 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.

(c) Paragraph (b) does not apply to an underage person who requests emergency assistance, by dialing the telephone number “911” or by other means, with an intention to claim the protections under par. (b) and knowing that the fact situation that he or she reports does not exist.

**SECTION 6. Initial applicability.**

(1) The treatment of sections 36.35 (1) and (4) and 125.07 (5) of the statutes first applies to violations of section 125.07 (4) (a) and (b) of the statutes committed on the effective date of this subsection.

