AB 808
Sexual Assault/Responsible Action Amnesty

LEGISLATION

Authors: Representative Joan Ballweg and Senator Jerry Petrowski

This bill prohibits issuance of an underage alcohol beverage citation to, or related student disciplinary action by the University of Wisconsin System against, an underage person who is a victim of, or bystander to, specified crimes and who cooperates with emergency responders when they arrive. Under current law, a person who has not attained the legal drinking age of 21 years and who is not accompanied by his or her parent, guardian, or spouse who is at least age 21 (underage person) may not: 1) procure or attempt to procure alcohol beverages from an alcohol retailer; 2) possess or consume alcohol beverages on licensed retail premises or knowingly possess or consume alcohol beverages elsewhere; 3) enter or be on licensed retail premises, subject to various exceptions; or 4) falsely represent his or her age to obtain alcohol beverages from a retailer (underage violation). A person who commits an underage violation is subject to various penalties, including a forfeiture ranging in amount from $250 to $1,000 depending on the number of prior underage violations the person has committed.

The bill also prohibits the Board of Regents of the UW System and any two−year or four−year UW System school from imposing specified disciplinary sanctions against a student who commits an underage violation, but only if the bill exempts the student from a citation or conviction for the violation. The prohibited disciplinary sanctions are the following: 1) removal from a course in progress; 2) enrollment restrictions on a course or program; 3) suspension or expulsion; and 4) exclusion from student housing.

UW SYSTEM POSITION: SUPPORT

Unlike previous efforts to create exemptions like the ones included in this bill, this legislation focuses strictly on incidents that involve sexual assault. This narrow focus helped address many of the concerns expressed by campus law enforcement officials.

The authors worked closely with UW System and UW-Madison law enforcement to draft this updated version of this legislation.

The Board of Regents offer a position in support of this bill.