

FRED A. RISSER
Wisconsin State Senator

February 5, 2014



Senator Sheila Harsdorf, Chair
Senate Committee on Universities and Technical Colleges
18 South, State Capitol
Madison, WI 53707

Thank you Chairman Harsdorf for holding a hearing on Senate Bill 222.

Senate Bill 222 encourages underage individuals who have been drinking to seek and obtain emergency assistance for themselves, or on behalf of another individual who requires emergency evaluation and/or medical treatment due to an overdose of alcohol, and/or where a student has been a victim of sexual assault or other violent crime.

Under this legislation, an individual who seeks and obtains emergency assistance, remains with that individual until medical assistance arrives, and fully cooperates with emergency responders or law enforcement, will not be cited by law enforcement for his or her personal consumption of alcohol or be subject to serious disciplinary actions under the UW System Code of Conduct.

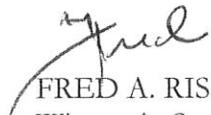
I want to be clear: this is not an attempt to legalize underage drinking nor does it encourage underage drinking. It is a public health and safety bill that is designed to save lives by granting limited immunity to someone who seeks medical assistance during a potentially life-threatening emergency situation, in this case alcohol poisoning, or when a sexual or other violent assault has occurred.

There are nearly 200 campuses nationwide that have some form of Responsible Action Policy (sometimes called Good Samaritan policy) in place. All members of the Big Ten have Responsible Action Policies in place either as campus policies, by state law, or both.

This bill has been endorsed by the Wisconsin Professional Police Association, the Tavern League of Wisconsin, United Council of UW Students, Associated Students of Madison, as well as the Student Body Presidents and Vice Presidents of UW System campuses.

I appreciate your willingness to schedule this measure for a public hearing. Please feel free to contact me directly with any questions or concerns.

Most Sincerely,


FRED A. RISSER
Wisconsin State Senate



JOAN BALLWEG

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VISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

SB 222: 'Responsible Action'

Testimony on behalf of State Representative Joan Ballweg
Senate Committee on Universities and Technical Colleges

February 4, 2014

Thank you, Chair Harsdorf and committee members for holding a public hearing on Senate Bill 222. My name is Bethany Anderson, and I'm here on behalf of state Representative Joan Ballweg. She sends her regrets that she was unable to join you today.

This bill introduces legislation to create a state-wide Responsible Action Policy. The Responsible Action Policy encourages underage students who have been drinking to seek and obtain emergency assistance for themselves, or on behalf of another student who requires emergency care and medical treatment due to an overdose of alcohol, or when a student has been a victim of sexual assault or other violent crime. This legislation was brought to us by the Associated Students of Madison (ASM). Since their initial contact we have had support from many other student groups.

Under this legislation, a student who seeks and obtains emergency assistance, remains with that individual until medical assistance arrives, and fully cooperates with emergency responders or law enforcement, may not be subject to serious disciplinary actions under the UW System Code of Conduct or a citation by law enforcement for his or her personal consumption of alcohol (e.g., underage drinking). Individuals under age 21 and not enrolled in a UW System school would still qualify for this policy.

After the public hearing in the Assembly, Representative Ballweg drafted an amendment that would allow for "conditional citations," using the UW-Whitewater policy as an example. Under this amendment, a department with an Alcohol Diversion Program could issue a "conditional citation" to the student. This could mean the individual would need to attend an alcohol education class and not re-offend for a period of time as an alternative to a citation. We believe this is a valuable addition to the bill.

As seen in the news this week, UW-LaCrosse uses this type of diversion policy on their campus, and report that 85% of their students who complete one of UW-L's diversion programs or receive a citation do not re-offend. We want to spread this effective approach state-wide.

There are 17 states that have medical amnesty laws and nearly 200 campuses nation-wide that have some form of Responsible Action Policy in place (sometimes called Good Samaritan policy). All members of the Big Ten have Responsible Action Policies in place either as campus policies, by state law, or both.

This bill is endorsed by the Tavern League of Wisconsin, Wisconsin Professional Police Association, United Council of UW Students, Associated Students of Madison, as well as the Student Body Presidents and Vice Presidents of UW System campuses.

This legislation will help encourage our young adults to make good, safe decisions when in an emergency situation. Wisconsin culture appreciates beer and alcohol, and we are aware that our youth do not always wait until they are of legal age to consume. This legislation is not to encourage abusing these laws, but rather to help stop further illegal or dangerous activity by potentially taking an underage drinking citation out of the equation when faced with the decision to call for emergency police or ambulance assistance.

I would like to stress that this is not intended to serve as a loophole for students who drink underage. This bill includes penalties for students trying to abuse this legislation as a "get out of jail free" card. And while SB 222 would prohibit some UW disciplinary sanctions, there are several options open to campus personnel to impose consequences less severe than expulsion from the dorms or school. Legislative Council has provided a memo addressing the disciplinary actions available to UW System police and administrators under this bill.

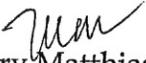
There are many representatives from the universities, both student and administrative, here today. I'm happy to have their expertise available to the committee. If you have any questions, I'm happy to answer them at this time.



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE JOAN BALLWEG

FROM:  Mary Matthias, Senior Staff Attorney

RE: 2013 Assembly Bill 256, Relating to Underage Drinking and Requests for Emergency or Law Enforcement Assistance

DATE: August 8, 2013

This memorandum responds to several questions you have posed regarding 2013 Assembly Bill 256, relating to underage drinking and requests for emergency or law enforcement assistance. The first part of the memorandum provides a brief description of the bill; the second part of the memorandum sets forth your questions and my responses.

BACKGROUND

The bill provides that in certain situations in which emergency assistance has been requested, an underage person who has contact with a law enforcement officer as a result of that request for assistance may not be cited for, or convicted of, certain violations related to underage drinking. In those situations an underage person is also exempt from certain disciplinary sanctions that may be imposed by a University of Wisconsin (UW) institution or campus.

An underage person may be eligible for the exemption in any of the following circumstances: (a) the underage person requested emergency medical assistance for himself or herself; (b) the underage person requested emergency medical assistance for another person; (c) another person requested assistance for the underage person; or (d) the underage person requested law enforcement assistance to report, request investigation of, or prevent a possible crime. The request for assistance may be made by dialing 911 or by other means.

To be eligible for the exemption, an underage person must remain at the scene until emergency medical assistance or law enforcement assistance arrives, must cooperate with the providers of assistance and must provide any information that is requested. These requirements do not apply if the underage person is in need of emergency medical assistance and lacks the capacity to cooperate when emergency medical assistance arrives. ✓

If a person knowingly makes a false report of an emergency and requests assistance based on that false report, with the intent to claim an exemption from citation or conviction for underage drinking, the person is subject to a fine of \$100 to \$600 and imprisonment up to 90 days for a first offense, and a fine of up to \$10,000 and imprisonment up to six years for a second or subsequent offense within four years of a previous offense.

QUESTIONS

1. From which violations related to underage drinking may an underage person be exempt under the bill? Does the bill provide any exemption from citation or conviction for individuals who are 21 years of age or older?

The bill provides an exemption from citation for, and conviction of, the underage drinking violations listed below if all of the requirements of the bill are met. The exemptions apply only to individuals who have not attained the legal drinking age. None of the bill's provisions apply to individuals who are 21 years of age or older.

- Knowingly possessing or consuming alcohol beverages unless accompanied by a parent, guardian, or spouse who has attained the legal drinking age.
- Procuring or attempting to procure alcohol beverages from a person or establishment that is licensed or permitted to sell alcohol beverages.
- Possessing or consuming alcohol beverages on licensed premises unless accompanied by a parent, guardian, or spouse who has attained the legal drinking age.
- Entering, or knowingly attempting to enter, or being on licensed premises unless accompanied by a parent, guardian, or spouse who has attained the legal drinking age or under other circumstances allowed by law.
- Falsely representing one's age for the purpose of receiving alcohol beverages from a person or establishment that is licensed or permitted to sell alcohol beverages.

2. Does the bill create an exemption from citation and conviction for an underage person who provides alcohol beverages to other underage persons?

No. The bill does not provide an exemption for the offense of providing alcohol beverages to a minor or providing alcohol beverages to a person who is intoxicated. Thus, if an underage person sells, dispenses, or gives alcohol beverages to another underage individual or an individual who is intoxicated, he or she may be cited and convicted for those offenses to the same extent as he or she could be under current law.

3. May an underage person be denied the protections of the bill if law enforcement personnel determine that the underage person is "playing the system"?

Yes. As discussed above, the bill imposes penalties on an underage person who knowingly makes a fraudulent request for assistance in an attempt to take advantage of the

exemptions provided under the bill. If a law enforcement officer who responds to a request for assistance believes that the request was made fraudulently, he or she may contact the district attorney to refer the individual for prosecution.

In addition, the protections of the bill do not apply to an underage person unless he or she remains at the scene until assistance arrives and cooperates with the providers of assistance who respond to the request for assistance. If a law enforcement officer believes that an underage person has not provided the required cooperation, and the officer has reason to believe the underage person has committed an underage drinking violation, the law enforcement officer may issue an underage drinking citation to the underage person.

4. Is the UW System prohibited from imposing *any* sanctions against a student to whom the exemption applies under the bill?

No. The bill prohibits institutions and campuses within the UW System from imposing only the following four types of sanctions, for the specific underage drinking violations described above, when the requirements of the bill are met:

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

Under the bill, UW System institutions or campuses may impose other types of sanctions against students who violate UW System rules or policies pertaining to underage drinking violations, as provided in s. UWS 17.10, Wis. Adm. Code. Those sanctions, which are referred to as disciplinary sanctions in the UW System administrative rules, include all of the following:

- A written reprimand.
- Denial of specified university privileges.
- Payment of restitution.
- Educational or service sanctions, including community service.
- Disciplinary probation.
- Imposition of reasonable terms and conditions on continued student status.

5. May an underage person be prosecuted for illegal activities other than underage drinking violations that are discovered in the course of responding to a request for assistance?

Yes. The provisions of the bill provide exemption from citation or conviction for only the specific underage drinking offenses described above. The bill provides no exemptions for

other violations, such as controlled substances violations, that may be discovered by law enforcement in the course of responding to a request for assistance. If law enforcement discovers evidence of any other type of violation, the underage person may be cited or convicted for those offenses.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

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February 5, 2014

Committee on Universities and Technical Colleges
Chair Shelia Harsdorf
Wisconsin State Senate

I would like to thank the Committee on Universities and Technical Colleges for allowing me to comment on Senate Bill 222.

I work at Ripon College, a small, private institution here in Ripon, WI. My role on campus is the Director of Residence Life and I work closely with our students and student handbook. My office and staff of both professional level and student staff are responsible for College policy enforcement and are the first responders when dealing with alcohol consumption and alcohol emergencies on campus.

I started working here at Ripon in 2004 and in my nine years of experience I have witnessed student behavior after the effects of alcohol in a variety of different circumstances. In my experience the fear of repercussion, sanction, and "getting in trouble" often prevail when a student consuming alcohol has to make decisions. This includes decisions about whether or not to call 911 for a friend who has had too much to drink or was in some sort of danger. At Ripon College we have always tried to eliminate that fear for our students as a way to encourage them to call for help in those situations. If a student has been hospitalized for alcohol poisoning, been physically or sexually assaulted, been the victim of theft or other crimes, or just found themselves in need of help after the consumption of alcohol, we have looked at the bigger safety issue before the alcohol consumption when approaching judicial sanctions from the Institution. As of August 2012 the College put that language into its official student handbook. That language can be found here:

Emergency Alcohol Amnesty

The emergency alcohol amnesty policy is designed to encourage students to seek help in an alcohol or drug emergency without hesitating because of worry about receiving policy violation sanctions from the College. This policy also applies to someone who has been a crime victim, who also may be intoxicated and therefore reluctant to report the crime. If in doubt about a person's safety related to alcohol or drug use, seek help by calling 911 or security/professional residence life staff at 748-8703.

Emergency amnesty protects a student from policy violations when they are seeking help in an emergency. Judicial amnesty granted by the College for alcohol or drug sanctions will be granted to students who, in good faith, report, or experience themselves, an alcohol or drug emergency or crime victimization. However, a student will not be granted protection under this policy if campus officials (e.g., residence life staff, campus safety) intervene beforehand.

- 1. Students may be required to participate in an appropriate alcohol educational program depending upon their involvement in the situation. Failure to comply will invalidate protection under this policy.*
- 2. A record of all requests for assistance under this policy shall be maintained by the dean of students. Records kept as a result of this policy shall not be noted on the student's conduct record as a policy violation. Students involved may still need to meet with residence life staff for a review of the incident, but this meeting will not result in sanctions from the College.*

3. This policy does not preclude disciplinary action regarding other violations of College policy, such as causing or threatening physical harm, sexual abuse, damage to property, harassment, hazing, etc. Students should also be aware that this policy does not prevent action by local and state authorities.

4. Nothing in this policy shall prevent an individual who is obligated by state or federal law to do so from reporting, charging or taking other action related to the possible criminal prosecution of any student.

Excerpt from the Ripon College Student Handbook: <http://www.ripon.edu/wp-content/uploads/2012/10/Handbook.pdf>

Senate Bill 222 accomplishes this same goal of eliminating fear in our students in order to address necessary safety concerns, while safeguarding against abuses of the law. As someone who works closely with students and often responds to emergencies on campus, I welcomed the addition of our Emergency Alcohol Amnesty policy to our handbook as a way to alleviate student concern of sanction in times of crisis. I support Senate Bill 222 as a way to extend that alleviated concern to other students in Wisconsin and hopefully increase the likelihood that a student will call for help for themselves or others despite alcohol being involved.

Thank you,
Jessica Joanis
Director of Residence Life
Ripon College

BERLIN POLICE DEPARTMENT

Chief Dennis W. Plantz ★ ★ ★ Captain Kevin J. Block

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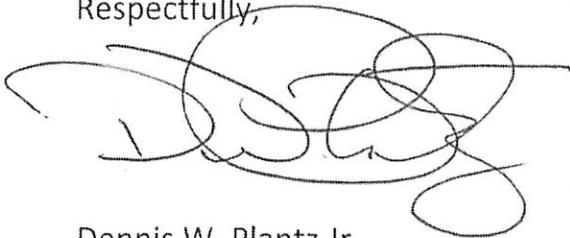
SERVICE TO THE COMMUNITY IS OUR PRIMARY BUSINESS

Dear Representative Ballweg,

Please log me as a supporter of 2013 Assembly Bill 256. I write you not only as a Chief of Police, but also as a father of two college age sons. I see the value in Bill 256 as having the ability to make it clear that we as a State value our youth, and though they may not make the best choices, it is clear that in an emergency the thought of being cited for a violation will not be the decision prohibiting an individual from doing the right thing and calling for help.

I believe that Bill 256 as it is written will prohibit its abuse, and that well trained Law Enforcement Officers will be able to vet through the emergency situation and make the right call. I applaud you and you colleagues for drafting Bill 256.

Respectfully,



Dennis W. Plantz Jr.

Berlin Police Department



www.cityofberlin.net