

## 2005 SENATE BILL 187

April 27, 2005 – Introduced by Senators LEIBHAM, ROESSLER, OLSEN, LAZICH, A. LASEE and COWLES, cosponsored by Representatives KREIBICH, PETTIS, SUDER, GUNDRUM, AINSWORTH, PRIDEMORE, OWENS, VOS, STRACHOTA, KRAWCZYK, GARD, OTT, NASS, HAHN, LEMAHIEU, JESKEWITZ, DAVIS, GUNDERSON, PETROWSKI, ALBERS, BIES, VAN ROY, HINES, LOTHIAN and LAMB. Referred to Committee on Higher Education and Tourism.

1     **AN ACT to create** 36.11 (6) (bm) and 39.28 (7) of the statutes; **relating to:** making  
2             a student who has been convicted of possessing, with intent to manufacture,  
3             distribute, or deliver, or of manufacturing, distributing, or delivering, a  
4             controlled substance or controlled substance analog ineligible for state  
5             financial aid and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

Under current federal law, a college student who is convicted of a state or federal crime involving the sale of a controlled substance is ineligible for a federal grant, loan, or work assistance for a period of two years from the date of the conviction, and a college student who is convicted of such a crime following a previous conviction for such a crime is ineligible for a federal grant, loan, or work assistance indefinitely, unless the student satisfactorily completes a drug rehabilitation program or the conviction is reversed, set aside, or otherwise rendered nugatory.

This bill makes a college student who is convicted of possessing, with intent to manufacture, distribute, or deliver, or of manufacturing, distributing, or delivering, a controlled substance or controlled substance analog under the law of this state or a substantially similar federal law or law of another state ineligible for a state grant, loan, or work assistance for a period of two years following the conviction, and a college student who is convicted of such a crime following a previous conviction for such a crime ineligible for a state grant, loan, or work assistance for an indefinite period, unless the student satisfactorily completes a drug rehabilitation program or the conviction is reversed, set aside, or vacated.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 36.11 (6) (bm) of the statutes is created to read:

2           36.11 **(6)** (bm) 1. Subject to subd. 3., the board may not provide any financial  
3 assistance under this chapter to a person who has been convicted of manufacturing,  
4 distributing, or delivering a controlled substance or controlled substance analog  
5 under s. 961.41 (1), of possessing, with intent to manufacture, distribute, or deliver,  
6 a controlled substance or controlled substance analog under s. 961.41 (1m), or of  
7 possessing, with intent to manufacture, distribute, or deliver, or of manufacturing,  
8 distributing, or delivering, a controlled substance or controlled substance analog  
9 under a substantially similar federal law or a substantially similar law of another  
10 state, for a period of 2 years following the date of the conviction.

11           2. Subject to subd. 3., the board may not provide any financial assistance under  
12 this chapter to a person who has been convicted of a violation specified in subd. 1.  
13 following a previous conviction of a violation specified in subd. 1., for an indefinite  
14 period following the date of the conviction.

15           3. A person who is ineligible for financial assistance under subd. 1. or 2. may  
16 resume eligibility for that assistance before the end of the ineligibility period if the  
17 conviction is reversed, set aside, or vacated or if the person satisfactorily completes  
18 a drug rehabilitation program that complies with such criteria as the board may  
19 prescribe in policies established by the board for purposes of this subdivision and  
20 that includes 2 unannounced tests for the presence of controlled substances or  
21 controlled substance analogs in the person's system.

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1           **SECTION 2.** 39.28 (7) of the statutes is created to read:

2           39.28 (7) (a) Subject to par. (c), the board may not provide any financial  
3 assistance under this subchapter to a person who has been convicted of  
4 manufacturing, distributing, or delivering a controlled substance or controlled  
5 substance analog under s. 961.41 (1), of possessing, with intent to manufacture,  
6 distribute, or deliver, a controlled substance or controlled substance analog under s.  
7 961.41 (1m), or of possessing, with intent to manufacture, distribute, or deliver, or  
8 of manufacturing, distributing, or delivering, a controlled substance or controlled  
9 substance analog under a substantially similar federal law or a substantially similar  
10 law of another state, for a period of 2 years following the date of the conviction.

11           (b) Subject to par. (c), the board may not provide any financial assistance under  
12 this subchapter to a person who has been convicted of a violation specified in par. (a)  
13 following a previous conviction of a violation specified in par. (a), for an indefinite  
14 period following the date of the conviction.

15           (c) A person who is ineligible for financial assistance under par. (a) or (b) may  
16 resume eligibility for that assistance before the end of the ineligibility period if the  
17 conviction is reversed, set aside, or vacated or if the person satisfactorily completes  
18 a drug rehabilitation program that complies with such criteria as the board may  
19 prescribe in rules promulgated by the board for purposes of this paragraph and that  
20 includes 2 unannounced tests for the presence of controlled substances or controlled  
21 substance analogs in the person's system.

22           **SECTION 3. Initial applicability.**

23           (1) This act first applies to financial assistance provided for a period of  
24 enrollment that begins after the effective date of this subsection.

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(END)