

DISCUSSION/ACTION
March 2, 2007

HIGHER EDUCATIONAL AIDS BOARD

BOARD REPORT #07-17

PROPOSED LEGISLATION: DRUG CONVICTIONS

2007 SENATE BILL 67

February 26, 2007 – Introduced by Senators LEIBHAM, LAZICH, COWLES, ROESSLER, KANAVAS, SCHULTZ and DARLING, cosponsored by Representatives HAHN, LEMAHIEU, VAN ROY, LOTHIAN, NYGREN, SUDER, KERKMAN, ZIEGELBAUER, PRIDEMORE, VUKMIR, ZIPPERER, A. OTT, NASS, ALBERS, TOWNSEND, BIES, M. WILLIAMS, VOS, PETROWSKI and ROTH. Referred to Committee on Agriculture and Higher Education.

1 **AN ACT** *to renumber* 36.11 (27); and *to create* 36.11 (27) (b) and 39.28 (7) of the
2 statutes; **relating to:** making a postsecondary student who has been convicted
3 of possessing, with intent to manufacture, distribute, or deliver, or of
4 manufacturing, distributing, or delivering, a controlled substance or controlled
5 substance analog based on conduct that occurred during a period of enrollment
6 for which the postsecondary student was receiving any state financial
7 assistance ineligible for state financial assistance and granting rule-making
8 authority.

Analysis by the Legislative Reference Bureau

Under current federal law, a postsecondary student who is convicted of a state or federal crime involving the sale of a controlled substance for conduct that occurred during a period of enrollment for which the postsecondary student was receiving any federal grant, loan, or work assistance is ineligible to receive any federal grant, loan, or work assistance for a period of two years from the date of the conviction, and a postsecondary student who is convicted of such a crime based on that conduct following a previous conviction for such a crime based on that conduct is ineligible to receive any 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.

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This bill makes a postsecondary student who is convicted of manufacturing, distributing, or delivering, or of possessing, with intent to manufacture, distribute, or deliver, a controlled substance or controlled substance analog under the law of this state or a substantially similar federal law or law of another state based on conduct that occurred during a period of enrollment for which the postsecondary student was receiving any state financial assistance provided by the Higher Education Aids Board or the Board of Regents of the University of Wisconsin System (state financial assistance) ineligible to receive any state financial assistance for a period of two years following the conviction, and a postsecondary student who is convicted of such a crime based on that conduct following a previous conviction for such a crime based on that conduct ineligible for state financial assistance for an indefinite period, unless the student satisfactorily completes a drug rehabilitation program or the conviction is reversed, set aside, or vacated.

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

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

1 **SECTION 1.** 36.11 (27) of the statutes is renumbered 36.11 (27) (a).

2 **SECTION 2.** 36.11 (27) (b) of the statutes is created to read:

3 36.11 **(27)** (b) 1. Subject to subd. 3., the board may not provide any financial
4 assistance under this chapter to a person for a period of 2 years following the date
5 on which the person is convicted of manufacturing, distributing, or delivering a
6 controlled substance or controlled substance analog under s. 961.41 (1) or under a
7 substantially similar federal law or law of another state or of possessing, with intent
8 to manufacture, distribute, or deliver, a controlled substance or controlled substance
9 analog under s. 961.41 (1m) or under a substantially similar federal law or law of
10 another state based on conduct that occurred during a period of enrollment for which
11 the person was receiving any financial assistance from the board or from the higher
12 educational aids board.

13 2. Subject to subd. 3., the board may not provide any financial assistance under
14 this chapter to a person for an indefinite period following the date on which the

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1 person is convicted of a violation specified in subd. 1. that is based on conduct that
2 occurred during a period of enrollment for which the person was receiving any
3 financial assistance from the board or from the higher educational aids board, if the
4 person has a previous conviction for a violation specified in subd. 1. based on that
5 conduct.

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

13 **SECTION 3.** 39.28 (7) of the statutes is created to read:

14 39.28 (7) (a) Subject to par. (c), the board may not provide any financial
15 assistance under this subchapter to a person for a period of 2 years following the date
16 on which the person is convicted of manufacturing, distributing, or delivering a
17 controlled substance or controlled substance analog under s. 961.41 (1) or under a
18 substantially similar federal law or law of another state or of possessing, with intent
19 to manufacture, distribute, or deliver, a controlled substance or controlled substance
20 analog under s. 961.41 (1m) or under a substantially similar federal law or a
21 substantially similar law of another state based on conduct that occurred during a
22 period of enrollment for which the person was receiving any financial assistance from
23 the board or from the Board of Regents of the University of Wisconsin System.

24 (b) Subject to par. (c), the board may not provide any financial assistance under
25 this subchapter to a person for an indefinite period following the date on which the

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1 person is convicted of a violation specified in par. (a) that is based on conduct that
2 occurred during a period of enrollment for which the person was receiving any
3 financial assistance from the board or from the Board of Regents of the University
4 of Wisconsin System, if the person has a previous conviction for a violation specified
5 in par. (a) based on that conduct.

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

SECTION 4. Initial applicability.

13
14 (1) This act first applies to financial assistance provided for a period of
15 enrollment that begins after the effective date of this subsection.

16 (END)