

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies: **MGD
PEN**

Pre Topic:

SDC:.....Walter - Caucus # 1539,

Topic:

Collection of data concerning motor vehicle stops

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|----------------------|--------------------|----------------|--------------------------|-----------------|-----------------|
| /1 | olsenje 06/27/99 | chanaman 06/27/99 | ismith 06/28/99 | _____ | lrb_docadmin 06/28/99 | | |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------------|-----------------------|------------------|-----------------|-----------------|
| /1 | olsenje | <i>cmr</i> | <i>IS 6/28</i> | <i>IS/SH 6/28</i> | | | |

FE Sent For:

*1
6/27*

<END>

yes

SDC

6/1/27

Agency: Miscellaneous Appropriations

caucus number 1410

duplicate flag:
duplicate with:

| | |
|-------------------------------|--------------|
| Other reference numbers: | LFB Sum #: |
| bill number/amendment number: | |
| LRB draft # | LRB P-draft: |

description: Create statutory language to clarify that Milwaukee Tech is a governmental authority and should be entitled to same governmental immunities which apply to MPS

other notes

drafting instructions: See above, attached memo and letter from Milwaukee Assistant City Attorney

more instructions:

caucus number 1539

duplicate flag:
duplicate with:

| | |
|-------------------------------|--------------|
| Other reference numbers: | LFB Sum #: |
| FM 1230 | |
| bill number/amendment number: | |
| LRB draft # | LRB P-draft: |

description: FM 1230. Collection of Data Related to Drivers Involved in Traffic Stops. Require law enforcement to record various information every time a vehicle is stopped. See motion for who will get info and how it will be reported.

other notes

drafting instructions: FM 1230

more instructions:

caucus number 1705

duplicate flag:
duplicate with:

| | |
|-------------------------------|--------------|
| Other reference numbers: | LFB Sum #: |
| bill number/amendment number: | |
| LRB draft # | LRB P-draft: |

description: \$100,000 GPR annually to the Wisconsin Procurement Institute, a non-profit organization dedicating to securing federal government contracts and creating jobs in Wisconsin.

other notes Modifications to above: earmark without new money from the logical account from Commerce

drafting instructions: See above.

more instructions:

caucus number 1719

duplicate flag:
duplicate with:

| | |
|-------------------------------|--------------|
| Other reference numbers: | LFB Sum #: |
| bill number/amendment number: | |
| LRB draft # 3009/P1 | LRB P-draft: |

description: Youth Activities Center-Milw. Police Athletic League. Permits the building commission to authorize up to \$1 mil of the general fund for a construction grant to Milw. Police Athletic League to assist in construction of Youth Center on 24th and Burleigh St.

other notes

drafting instructions: LRB 3009/P1. See above

more instructions:

+

CN 1539

[REDACTED]

MISCELLANEOUS

Collection of Data Related to Drivers Involved in Traffic Stops

Motion:

Move to require law enforcement officers to record the following information every time the officer stops a vehicle, or approaches an occupied vehicle that is already stopped, for the purpose of investigating a possible violation of a law or local ordinance: (a) the race of the driver; (b) whether or not a search of the vehicle, driver or passengers was conducted; and (c) if an arrest is made or if a citation or written warning is issued, the reason for the arrest, citation or warning. Require law enforcement agencies to report this information for all incidents for which their law enforcement officers were involved to the Department of Justice. Require the Office of Justice Assistance to submit an annual report to the Courts, Governor and Legislature that compiles this data, with the first report due by March 31, 2002. Require the Office of Justice Assistance to promulgate a rule to implement these requirements and to develop a uniform form for reporting these data to the Office, including any other data that the Office believes is necessary to determine whether law enforcement officers improperly target racial minorities when investigating possible violations of laws and ordinances. Specify that these provisions would first apply to vehicle-related law enforcement encounters occurring on January 1, 2001.

Note:

This motion would require law enforcement officers to collect data on the race of the driver involved in a traffic stop or other encounter, whether or not a search was conducted and the reason for an arrest, citation or warning, if any. Law enforcement agencies would be required to report this information to the Office of Justice Assistance and OJA would be required to annually compile this data into a report.

All duties to DoJ, not OJA
per Lucie Walker

Motion #1230



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1127/1

JEO:.....

cmr

Seen!

SDC:.....Walter – Caucus # 1539, Collection of data concerning motor vehicle stops

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1175, line 9: after that line insert:

3 "SECTION 2289t. 165.842 of the statutes is created to read:

4 165.842 Motor vehicle stops; collection of information; annual report.

5 (1) DEFINITIONS. In this section:

6 (a) "Department" means the department of justice.

7 (b) "Law enforcement agency" has the meaning given in s. 165.77 (1) (b).

8 (c) "Law enforcement officer" means a person^{who is} employed by a law enforcement

9 agency for the purpose of detecting and preventing crime and enforcing laws or

10 ordinances and who is authorized to make arrests for violations of the laws or

1 ordinances the person is employed to enforce, whether that enforcement authority
2 extends to all laws or ordinances or is limited to specific laws or ordinances.

3 (d) "Motor vehicle stop" means the stop of a motor vehicle that is travelling²¹
4 in any public or private place, or the detention of an occupied motor vehicle that is
5 already stopped in any public or private place, for the purpose of investigating any
6 alleged or suspected violation of a state or federal law or city, village, town or county
7 ordinance.

8 (2) INFORMATION COLLECTION REQUIRED. All persons in charge of law
9 enforcement agencies shall obtain, or cause to be obtained, all of the following
10 information with respect to each motor vehicle stop made on or after January 1, 2001,
11 by a law enforcement officer employed by the law enforcement agency:

12 (a) The reason the law enforcement officer stopped the motor vehicle.

13 (b) The age, gender and race or ethnicity of the driver of the motor vehicle.

14 (c) The number of persons in the motor vehicle.

15 (d) Whether a search was conducted of the motor vehicle, the driver of the motor
16 vehicle or any passenger in the motor vehicle, and for each search conducted all of
17 the following information:

18 1. Whether the search was based on probable cause or reasonable suspicion,
19 on the consent of the person searched or, for a motor vehicle search, on the consent
20 of the driver or other authorized person.

21 2. If the search was of a passenger in the motor vehicle, the age, gender and race
22 or ethnicity of the passenger.

23 3. What, if anything, was seized as a result of the search.

24 (e) Whether a person was asked to give consent to a search of the motor vehicle
25 or of his or her person but refused to give consent.

1 (f) Whether the motor vehicle stop or a search conducted during the stop
2 resulted in the driver or any passenger being given a written warning of or a citation
3 for a violation of any law or ordinance and, if so, a listing of each warning or citation
4 given and the alleged violation for which the warning or citation was given.

5 (g) Whether the motor vehicle stop or a search conducted during the stop
6 resulted in the arrest of the driver or any passenger and, if so, a listing of each arrest
7 made and the reason for the arrest.

8 (h) Any other information required to be collected under the rules promulgated
9 by the department under sub. (5).

10 (3) SUBMISSION OF INFORMATION COLLECTED. The information obtained by a law
11 enforcement agency under sub. (2) shall be forwarded to the department using the
12 form prescribed by the rules promulgated under sub. (5) and in accordance with the
13 reporting schedule established under the rules promulgated under sub. (5).

14 (4) ANALYSIS AND REPORT BY DEPARTMENT. (a) The department shall compile the
15 information submitted to it by law enforcement agencies under sub. (3) and shall
16 analyze the information, along with any other relevant information, to determine
17 whether law enforcement officers ~~improperly~~ target racial minorities when making
18 motor vehicle stops to investigate alleged or suspected violations of federal, state or
19 local laws or ordinances.

20 (b) For each calendar year, the department shall prepare an annual report that
21 summarizes the information submitted to it by law enforcement agencies concerning
22 motor vehicle stops made during the calendar year and that describes the methods
23 and conclusions of its analysis of the information. On or before March 31, 2002, and
24 on or before each March 31 thereafter, the department shall submit the annual

1 report required under this paragraph to the legislature under s. 13.172 (2), to the
2 governor and to the director of state courts.

3 (5) RULES. (a) The department shall promulgate rules to implement the
4 requirements of this section, including rules prescribing a form for use in obtaining
5 information under sub. (2) and establishing a schedule for forwarding the
6 information obtained to the department. The department shall make the form
7 prescribed by its rules available to law enforcement agencies.

8 (b) The department may by rule require the collection of information in
9 addition to that specified in sub. (2) (a) to (g) if the department determines that the
10 information will help to determine whether law enforcement officers ~~improperly~~
11 target racial minorities when making motor vehicle stops to investigate alleged or
12 suspected violations of federal, state or local laws or ordinances.”

13 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1127/1
JEO:cmh:ijs

SDC:.....Walter – Caucus # 1539, Collection of data concerning motor vehicle stops

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13

(END)