



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2007 Wisconsin Act 27**  
[2007 Assembly Bill 198]

**Conservation Wardens Employed  
by the Great Lakes Indian Fish and  
Wildlife Commission**

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) was created in the settlement of federal litigation regarding the extent of rights for the harvest of natural resources retained by the Chippewa Indian bands when the bands ceded territory to the United States in treaties in 1837 and 1842. GLIFWC function in this regard is to enforce an off-reservation conservation code (off-reservation code) governing Chippewa Indians' exercise of those rights within the ceded territory but outside the boundaries of their reservations. GLIFWC employs conservation wardens for this purpose. (The individual bands employ conservation wardens to enforce tribal conservation codes on the respective reservations.)

Under prior law, because GLIFWC wardens were not included within the statutory definition of "peace officer," the many statutes that apply to peace officers did not apply to GLIFWC wardens. This included statutes that confer certain privileges on peace officers, establish certain responsibilities of peace officers, and provide certain personal protections for peace officers. In addition, the statutes that authorize peace officers to respond to certain emergencies when on duty but outside of their territorial jurisdiction did not apply to GLIFWC wardens.

2007 Wisconsin Act 27 consists of two sets of provisions, related to: extending to GLIFWC wardens certain privilege, responsibilities, and protections applicable to peace officers; and to the authority of GLIFWC wardens to arrest or assist in certain emergencies.

### **Privileges, Responsibilities, and Protections Extended to GLIFWC Wardens**

Act 27 applies to GLIFWC wardens many, but not all, of the provisions of the Criminal Code and the conservation and motor vehicle statutes that apply to peace officers. In general, the Act does the following:

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

1. Applies statutes regarding the protection of officers or interference with law enforcement to *all GLIFWC wardens*. Examples of the statutes treated in this manner are s. 940.20 (2), Stats., battery to a law enforcement officer, s. 941.21, Stats., disarming a peace officer, and s. 946.41, Stats., resisting or obstructing an officer. The Act also applies a number of other, miscellaneous statutes to all GLIFWC wardens, such as the requirement that a peace officer provide first aid to a person in custody (s. 940.291, Stats.), communicable diseases (ch. 252, Stats.), and the exception for peace officers to the prohibition on shining animals (s. 29.314, Stats.). The Act applies to all GLIFWC wardens the exceptions enjoyed by peace officers to various aspects of the Motor Vehicle Code, including exceptions to various rules of the road and various restrictions on vehicle equipment.
2. Applies most statutes regarding the possession or use of firearms and other weapons by peace officers to *GLIFWC wardens who meet state certification standards*. Examples of statutes treated in this manner are exceptions for peace officers to prohibitions against carrying concealed weapons (s. 941.23, Stats.) and the use of pepper spray (s. 941.26, Stats.). However, the Act applies to all GLIFWC wardens. The privilege applicable to peace officers of having a loaded firearm in a motor vehicle or motor boat while in the line of duty. The Act does *not* apply statutes authorizing the possession or use of explosives or particularly dangerous weapons to *any* GLIFWC warden. Examples of statutes in this category are exceptions for peace officers to prohibitions against the possession or use of machine guns, short-barreled shotguns and rifles, explosives, and certain other weapons (ss. 941.26 (3), 941.27 (2), and 941.28 (4), Stats.).
3. Authorizes GLIFWC and its wardens to use the transaction information for management of enforcement (TIME) system if GLIFWC agrees to contribute information in its possession to the Department of Justice (DOJ) for addition to the TIME system. (The TIME system allows officers in the field to access information regarding criminal investigations, suspected criminals, outstanding warrants, etc., as well as drivers' license and vehicle registration information, using computers installed in their patrol vehicles.)
4. Applies the statutes administered by the Law Enforcement Standards Board (LESB) to GLIFWC wardens who agree to accept the duties of law enforcement officers under the laws of this state. This makes a GLIFWC warden who agrees to do so subject to the rules and certification procedures of the LESB. Also, it is a prerequisite for exercising the authority to make arrests for violations of state law and to render aid and assistance to Wisconsin peace officers, described below.
5. Authorizes GLIFWC to receive from the Department of Transportation monthly compilations of vehicle registration information, drivers' license and identification card photographs, and other identifying information in the same manner that sheriffs and chiefs of local police departments, among others, currently receive this information.

### **Authority to Arrest and Assist**

Act 27 authorizes a GLIFWC warden to make an arrest for a violation of state law in the ceded territory if the warden is responding to either: (1) an emergency situation that poses a significant threat to life or of bodily harm; or (2) acts that the warden believes, on reasonable grounds, constitute a felony. The Act also authorizes a GLIFWC warden to render aid or assistance to a Wisconsin peace officer in an

emergency or at the request of the Wisconsin peace officer. A GLIFWC warden may take these actions only if all of the following conditions are met:

1. The warden is on duty and on official business.
2. The warden meets the training standards for state and local law enforcement officers and has agreed to accept the duties of law enforcement officers under the laws of this state.
3. GLIFWC has adopted and implemented written policies regarding making felony arrests under state law and rendering aid or assistance to state or local officers.
4. GLIFWC maintains liability insurance that does all of the following:
  - a. Covers GLIFWC's liability up to a limit of not less than \$2,000,000 per occurrence for the acts and omissions of its wardens acting under this authority.
  - b. Provides that the insurer, in defending a claim against the policy, may not raise the defense of sovereign immunity of the insured up to that limit.
5. GLIFWC presents evidence to DOJ of this insurance. When this evidence is provided, the Act requires DOJ to notify the sheriff of each county in the ceded territory that GLIFWC has met this insurance criterion.

The Act also authorizes GLIFWC wardens to engage in fresh pursuit in Wisconsin beyond the ceded territory under specified circumstances.

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