



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0188/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 192**

September 27, 2011 – Offered by Representative POCAN.

1 **AN ACT to amend** 62.13 (2s) (a); and **to create** 59.28 (3), 60.55 (1) (c), 60.56 (1)
2 (c), 61.65 (9), 62.13 (2s) (e), 62.13 (11m) and 62.50 (4m) of the statutes; **relating**
3 **to:** provision of police or fire protection services by a county sheriff or
4 municipality.

Analysis by the Legislative Reference Bureau

Under current law, cities, villages, and towns (municipalities) and county sheriffs are subject to varying requirements regarding the provision of police and fire protection services. They are as follows:

1. A town board must provide fire protection services for the town and may provide law enforcement services for the town or any portion of the town.
2. A village with a population of 5,500 or more must provide fire protection services for the village. A village with a population of 5,000 or more must provide police protection services for the village and a village with a population of less than 5,000 may provide police protection services.
3. A city must provide police and fire protection services for the city.
4. A county sheriff must provide law enforcement services for the county.

Also under current law, a city or village may, subject to certain requirements, abolish its police department and contract with the county for the county sheriff to provide police protection services for the city or village.

Under this substitute amendment, a municipality may not condition the provision of fire or police protection services and a sheriff may not condition the provision of law enforcement services to a person based on the person's payment of a fee, charge, or tax. Also, a contract between a city or village and a county for the county sheriff to provide law enforcement services for the city or village must require that the county sheriff not condition the provision of police protection services to a person in the city or village based on the person's payment of a fee, charge, or tax.

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

1 **SECTION 1.** 59.28 (3) of the statutes is created to read:

2 **59.28 (3)** The sheriff may not condition the provision of law enforcement
3 services under sub. (1) to a person based on the person's payment of a fee, charge, or
4 tax. This subsection does not affect the sheriff's authority to enter into a contract to
5 provide law enforcement services in addition to that required under sub. (1) to a
6 municipality.

7 **SECTION 2.** 60.55 (1) (c) of the statutes is created to read:

8 **60.55 (1) (c)** The town board may not condition the provision of fire protection
9 under par. (a) to a person in any portion of the town based on the person's payment
10 of a fee, charge, or tax.

11 **SECTION 3.** 60.56 (1) (c) of the statutes is created to read:

12 **60.56 (1) (c)** The town board may not condition the provision of law enforcement
13 services under par. (a) to a person in any portion of the town in which the town
14 provides law enforcement service based on the person's payment of a fee, charge, or
15 tax.

16 **SECTION 4.** 61.65 (9) of the statutes is created to read:

17 **61.65 (9)** A village may not condition the provision of police or fire protection
18 services under sub. (1) (a) or (2) (a) to a person in any portion of the village in which

1 the village provides police or fire protection services based on the person's payment
2 of a fee, charge, or tax.

3 **SECTION 5.** 62.13 (2s) (a) of the statutes, as affected by 2011 Wisconsin Act 32,
4 is amended to read:

5 62.13 (2s) (a) Subject to pars. (b) to ~~(d)~~ (e), a city may abolish its police
6 department or combined protective services department if it enters into a contract
7 with a county under s. 59.03 (2) (e) for the county sheriff to provide law enforcement
8 services in all parts of the city. If the city is located in more than one county, it may
9 not abolish its police department or combined protective services department under
10 this paragraph unless the city enters into a contract under this paragraph with the
11 county in which the greatest amount of the city's equalized value, population or
12 territory is located. If a city that is located in more than one county enters into a
13 contract with a county under this paragraph, the jurisdiction of the contracting
14 county's sheriff and deputies includes the entire territory of the city.

15 **SECTION 6.** 62.13 (2s) (e) of the statutes is created to read:

16 62.13 (2s) (e) A contract that is entered into under this subsection shall specify
17 that the county sheriff may not condition the provision of law enforcement services
18 under the contract to a person in the city based on the person's payment of a fee,
19 charge, or tax.

20 **SECTION 7.** 62.13 (11m) of the statutes is created to read:

21 62.13 (11m) PROVISION OF POLICE AND FIRE PROTECTION SERVICES. A city may not
22 condition the provision of police or fire protection services under this section to a
23 person in the city based on the person's payment of a fee, charge, or tax.

24 **SECTION 8.** 62.50 (4m) of the statutes is created to read:

