

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB59)

Received: 5/14/2013 Received By: phurley
Wanted: As time permits Same as LRB:
For: Garey Bies (608) 266-5350 By/Representing:
May Contact: Drafter: phurley
Subject: Criminal Law - law enforcement Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Bies@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Law enforcement agencies to establish policy for review prior to searches

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	phurley 5/14/2013	kfollett 5/14/2013	jmurphy 5/14/2013	_____	sbasford 5/14/2013	sbasford 5/14/2013	

FE Sent For:

<END>

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/1	phurley	llg/f 5/14	jm 5/14	_____ scf			

FE Sent For:

<END>

Hurley, Peggy

From: Bruce, Cory
Sent: Tuesday, May 14, 2013 12:43 PM
To: Hurley, Peggy
Subject: RE: Amendment for AB 59

Peggy,
That is consistent with our intent, but Garey would like to add one more thing...he'd like it say something to the effect that it's been documented that the law enforcement officer asking to conduct the search has had training on the departments policy. Basically, if the officer hasn't had training on the department policy they can't be given authorization from the supervisor.

Thanks,
Cory

From: Hurley, Peggy
Sent: Tuesday, May 14, 2013 11:24 AM
To: Bruce, Cory
Subject: RE: Amendment for AB 59

Hi Cory,

I want to be sure I understand all of the parts of this amendment request.

As I understand it, you want to require police departments to establish a written policy before any searches take place pursuant to the new authorization. I will probably put this requirement in chapter 175 (miscellaneous police provisions). The policy shall establish a procedure for a law enforcement officer to submit in writing the basis for the search (reasonable suspicion of a violation) to a supervisor. The supervisor must review the application and approve the search before it occurs. If exigent circumstances arise, the supervisor may give approval based on a verbal account of the reasonable suspicion, but the officer must submit the written application after the search occurs.

All searches conducted under the new authorization (i.e., the authorizations created in each section of the bill) must be according to the policy established.

Does that reflect your intent?

From: Bruce, Cory
Sent: Tuesday, May 14, 2013 10:58 AM
To: Hurley, Peggy
Subject: Amendment for AB 59

Peggy,
Rep. Bies is a member of the Criminal Justice Committee. The committee is having an exec. Session on Thursday. Rep. Bies would like to have the following language drafted as an amendment.

Amendment to AB 59:

Require a Law enforcement agency must have a written policy in place and department members trained in the policy prior to privilege being used.

The policy must have in place a procedure for supervisor review and approval. If an exigent situation arises it can be verbal and given in writing later.

Per committee rules, we need to have the amendment 24 hours prior to the hearing (10:30am).

Let me know if you have any questions.

Thanks,
Cory Bruce
Office of Rep. Bies



**ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 59**

today

✓

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 "SECTION 1g. 175.55 of the statutes is created to read:

4 **175.55 Searches of persons on probation, parole, or under extended**
5 **supervision.** (1) In this section:

6 (a) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

7 (b) "Search" means a search authorized under s. 302.043 (4), 302.045 (3m) (e),
8 302.05 (3) (c) 4., 302.11 (6m), 302.113 (7r), 302.114 (8g), 304.02 (2m), 304.06 (1r), or
9 973.09 (1d).

10 (2) Each law enforcement agency shall adopt ^a written policies ^{e y} for conducting a
11 search. The policy shall require all of the following:

12 (a) A law enforcement officer who wishes to conduct a search to receive training
13 on the policy established under this section before he or she conducts a search.

*pls:
check
all
spacing
please*

6

7

a e y

1 (b) Except as provided in par. (c), the law enforcement officer who wishes to
2 conduct a search to submit, to his or her supervisor, a written summary of the facts
3 or circumstances that form the basis for reasonable suspicion to conduct the search.

4 (c) In the existence of exigent circumstances, the law enforcement officer who
5 wishes to conduct a search to present, to his or her supervisor, a verbal summary of
6 the facts or circumstances that form the basis for reasonable suspicion to conduct the
7 search. A law enforcement officer who receives approval for a search after providing
8 a summary under this paragraph shall, as soon as practicable after the search occurs,
9 reduce the summary to writing.

10 (d) A supervisor of the law enforcement officer who wishes to conduct a search
11 to review the summary of the facts submitted under par. (b) or (c) and to grant approval
12 to the search before the search occurs. A supervisor may not grant approval to a law
13 enforcement officer who has not received the training required under par. (a)."

14 **2.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1R".

15 **3.** Page 2, line 7: delete "conducted in a reasonable manner" and substitute
16 "approved according to the policy established under s. 175.55, conducted in a
17 reasonable manner,".

18 **4.** Page 2, line 17: delete "conducted in a reasonable manner" and substitute
19 "approved according to the policy established under s. 175.55, conducted in a
20 reasonable manner,".

21 **5.** Page 3, line 7: delete "conducted in a reasonable manner" and substitute
22 "approved according to the policy established under s. 175.55, conducted in a
23 reasonable manner,".

