# State of Wisconsin
**2013 – 2014 LEGISLATURE**

LRB–1474/P1
PJH:jld:jf

~~PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION~~

2013 BILL
4-2-13

Regen

AN ACT ***to repeal*** 165.85 (4m); ***to renumber*** 62.09 (15); ***to renumber and amend*** 61.28; ***to amend*** 29.921 (5), 40.02 (48) (b) 4., 60.22 (4), 110.07 (1) (a) (intro.), 110.07 (6), 165.85 (2) (d), 165.85 (3) (cm), 165.85 (3) (d), 165.85 (5) (title), 165.85 (5) (b), 165.86 (1) (c), 165.92 (2) (a), 175.41 (3) (c), 895.46 (1) (b) 1. and 939.22 (37); ***to repeal and recreate*** 165.85 (4) and 165.85 (5) (a); and ***to create*** 61.28 (2), 61.29 (3), 62.09 (15) (a), 165.85 (2) (bv), 165.85 (2) (bx), 165.85 (2) (cm), 165.85 (2) (e) and 165.85 (2) (f) of the statutes; **relating to:** law enforcement standards and requiring the exercise of rule–making authority.

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***Analysis by the Legislative Reference Bureau***

Under current law, the Law Enforcement Standards Board (board) is attached to the Department of Justice. There are 15 members on the board who serve four–year terms and, among other duties, establish minimum educational and training standards for law enforcement officers, tribal law enforcement officers, jail officers, juvenile detention officers, and constables.

This bill separates the training standards into three distinct categories: 1) the standards for law enforcement officers and tribal law enforcement officers; 2) the standards for jail officers; and 3) the standards for juvenile detention officers. Under the bill, constables whose town boards require them to undergo training are subject

to the same training standards as law enforcement officers and tribal law enforcement officers.

The bill makes several changes to the training and education standards, including setting forth a training and education protocol for law enforcement students, recruits, and temporary or probationary employees. Under the bill, law enforcement officer students and tribal law enforcement officer students are required to submit fingerprints and undergo a criminal background check. Any person who has been convicted of a felony or of a misdemeanor related to domestic violence may not participate in a student training program for becoming a law enforcement officer or a tribal law enforcement officer. Under the bill, under most circumstances a recruit or a temporary or probationary employee must complete his or her training program within the original period of his or her temporary or probationary employment, not to exceed 12 months, except that the board may extend that period if the employer shows good cause for the board to do so.

The bill eliminates specific hour requirements for training and education and allows the board to determine the specific outcome criteria and training curricula, including the required subjects, number of hours, objectives, and measures of performance for the training and education protocol for each category of officer. The bill requires the board to develop model standards for use by law enforcement agencies to show handgun proficiency and to include handgun proficiency in the preparatory program and recertification training. The bill allows the board more flexibility than exists under current law for determining how law enforcement agencies are reimbursed for expenses related to training and educating officers.

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

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

1 **SECTION 1.** 29.921 (5) of the statutes is amended to read:

2 29.921 **(5)** ADDITIONAL ARREST POWERS. In addition to the arrest powers under
3 sub. (1), a warden who has completed a program of law enforcement training
4 approved by the law enforcement standards board, has been certified as qualified to
5 be a law enforcement officer under s. 165.85 (4) ~~(b)~~ (a) 1. and has complied with any
6 applicable requirements under s. 165.85 (4) ~~(bn) 1.~~ (a) 7. while on duty and in uniform
7 or on duty and upon display of proper credentials may assist another law
8 enforcement agency as defined under s. ~~165.83 (1) (b)~~ 165.85 (2) (bv) including

making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the warden makes an arrest without the presence of another law enforcement agency, the warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The warden shall be available as a witness for the state. A warden may not conduct investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924 (1) and 41.41 (12). A warden acting under the authority of this subsection is considered an employee of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

**SECTION 2.** 40.02 (48) (b) 4. of the statutes is amended to read:

40.02 **(48)** (b) 4. A "member of the state traffic patrol" includes one division administrator in the department of transportation who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol, if the division administrator is certified by the law enforcement standards board under s. 165.85 (4) ~~(b)~~ (a) 1. as being qualified to be a law enforcement officer.

**SECTION 3.** 60.22 (4) of the statutes is amended to read:

60.22 **(4)** JURISDICTION OF CONSTABLE. Shall determine the jurisdiction and duties of the town constable. ~~The town board may also require the town constable to complete training under s. 165.85 (4m)~~ A town constable who is given law enforcement duties by the town board, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum

employment standards for law enforcement officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

**SECTION 4.** 61.28 of the statutes is renumbered 61.28 (1) and amended to read:

61.28 **(1)** The village marshal shall execute and file an official bond. The marshal shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. The marshal shall obey all lawful written orders of the village board~~; and arrest with or without process every person found in the village engaged in any disturbance of the peace or violating any law of the state or ordinance of the village. The marshal may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance the person shall forfeit not exceeding $10~~. The marshal is entitled to the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 (1) (c); for other service rendered the village, compensation as the board fixes.

**SECTION 5.** 61.28 (2) of the statutes is created to read:

61.28 **(2)** A village marshal who is given law enforcement duties by the village board, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum employment standards for law enforcement officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

**SECTION 6.** 61.29 (3) of the statutes is created to read:

61.29 **(3)** A village constable who is given law enforcement duties by the village board, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum employment standards for law enforcement

officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

**SECTION 7.** 62.09 (15) of the statutes is renumbered 62.09 (15) (b).

**SECTION 8.** 62.09 (15) (a) of the statutes is created to read:

62.09 **(15)** (a) A constable who is given law enforcement duties by the common council, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum employment standards for law enforcement officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

**SECTION 9.** 110.07 (1) (a) (intro.) of the statutes is amended to read:

110.07 **(1)** (a) (intro.) The secretary shall employ not more than 399 traffic officers. The state traffic patrol consists of the traffic officers, the person designated to head them whose position shall be in the classified service and, if certified under s. 165.85 (4) ~~(b)~~ (a) 1. as qualified to be a law enforcement officer, the division administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol. The division administrator may not be counted under this paragraph. Members of the state traffic patrol shall:

**SECTION 10.** 110.07 (6) of the statutes is amended to read:

110.07 **(6)** The division administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol shall be designated superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4) ~~(b)~~ (a) 1. as qualified to be a law enforcement officer.

**SECTION 11.** 165.85 (2) (bv) of the statutes is created to read:

165.85 **(2)** (bv) "Law enforcement agency" means a governmental unit of this state or a political subdivision of this state that employs one or more law enforcement officers.

**SECTION 12.** 165.85 (2) (bx) of the statutes is created to read:

165.85 **(2)** (bx) "Law enforcement instructor" means a person who is certified by the board to deliver board–approved program outcomes, course competencies, performance standards, and learning objectives in training programs and training schools for law enforcement officers, tribal law enforcement officers, jail officers, and juvenile detention officers.

**SECTION 13.** 165.85 (2) (cm) of the statutes is created to read:

165.85 **(2)** (cm) "Police pursuit" has the meaning given in s. 85.07 (8) (a).

**SECTION 14.** 165.85 (2) (d) of the statutes is amended to read:

165.85 **(2)** (d) "Political subdivision" means counties, cities, villages, towns, town sanitary districts ~~and~~, public inland lake protection and rehabilitation districts, and technical college districts.

**SECTION 15.** 165.85 (2) (e) of the statutes is created to read:

165.85 **(2)** (e) "Preservice student" means any person who meets the minimum recruitment qualifications set by the board and who enrolls in preparatory training prior to employment as a law enforcement officer, tribal law enforcement officer, jail officer, or juvenile detention officer.

**SECTION 16.** 165.85 (2) (f) of the statutes is created to read:

165.85 **(2)** (f) "Recruit" means a law enforcement officer, tribal law enforcement officer, jail officer, or juvenile detention officer employed on a probationary or temporary basis, in compliance with the minimum recruitment qualifications set by the board.

1 **SECTION 17.** 165.85 (3) (cm) of the statutes is amended to read:

2 165.85 **(3)** (cm) Decertify law enforcement, tribal law enforcement, jail or
3 juvenile detention officers who terminate employment or are terminated, who
4 violate or fail to comply with a rule, policy, or order of the board relating to curriculum
5 or training, who falsify information to obtain or maintain certified status, who are
6 certified as the result of an administrative error, who are convicted of a felony or of
7 any offense that, if committed in Wisconsin, could be punished as a felony, who are
8 convicted of a misdemeanor crime of domestic violence, or who fail to pay
9 court–ordered payments of child or family support, maintenance, birth expenses,
10 medical expenses, or other expenses related to the support of a child or former
11 spouse, or who fail to comply, after appropriate notice, with a subpoena or warrant
12 issued by the department of children and families or a county child support agency
13 under s. 59.53 (5) and related to paternity or child support proceedings. The board
14 shall establish procedures for decertification in compliance with ch. 227, except that
15 decertification for failure to pay court–ordered payments of child or family support,
16 maintenance, birth expenses, medical expenses, or other expenses related to the
17 support of a child or former spouse or for failure to comply, after appropriate notice,
18 with a subpoena or warrant issued by the department of children and families or a
19 county child support agency under s. 59.53 (5) and related to paternity or child
20 support proceedings shall be done as provided under sub. (3m) (a).

21 **SECTION 18.** 165.85 (3) (d) of the statutes is amended to read:

22 165.85 **(3)** (d) Establish minimum curriculum requirements for preparatory
23 courses and programs, and recommend minimum curriculum requirements for
24 recertification and advanced courses and programs, in schools approved by the board
25 and operated by or for this state or any political subdivision of the state for the

specific purpose of training law enforcement recruits, law enforcement officers, tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits, jail officers, juvenile detention officer recruits, or juvenile detention officers in areas of knowledge and ability necessary to the attainment of effective performance as an officer, and ranging from subjects such as first aid, patrolling, statutory authority, techniques of arrest, protocols for official action by off–duty officers, firearms, and recording custodial interrogations to subjects designed to provide a better understanding of ever–increasing complex problems in law enforcement such as human relations, civil rights, constitutional law, and supervision, control, and maintenance of a jail or juvenile detention facility. The board shall appoint a 13–member ~~advisory~~ curriculum advisory committee consisting of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis ~~of not more than one chief of police and one sheriff from any one of the 8 state administrative districts~~ together with the director of training of the Wisconsin state patrol. This committee shall advise the board in the establishment of the curriculum requirements.

**SECTION 19.** 165.85 (4) of the statutes is repealed and recreated to read:

165.85 **(4)** REQUIRED STANDARDS. (a) *Law enforcement and tribal law enforcement officers.* 1. The board shall establish program outcomes for a preparatory program of law enforcement and tribal law enforcement officer training, which shall include not less than 600 hours of training. The board shall establish criteria for the general program outcomes for the preparatory program. Specifics of the training curriculum, competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject shall be established by written policy of the board. In establishing the preparatory training program, the board shall give due consideration to recommendations made

1 by the curriculum advisory committee. The board may amend the criteria and
2 policies governing the preparatory training program as needed to respond to
3 technological changes affecting law enforcement, additional recommendations made
4 by the curriculum advisory committee, or other conditions affecting the public
5 interest in maintaining training standards of a proper professional character.
6 Notwithstanding s. 227.10 (1), the criteria and policies established under this
7 paragraph need not be promulgated as rules under ch. 227.

8 2. Except as provided in subd. 3. or 8., no person may be employed as a law
9 enforcement or tribal law enforcement officer, except on a temporary or probationary
10 basis, unless the person has satisfactorily completed the preparatory training
11 program established under subd. 1. and has been certified by the board as being
12 qualified to be a law enforcement or tribal law enforcement officer.

13 3. A recruit may exercise law enforcement powers during an original period of
14 temporary or probationary employment that, except as provided in subd. 6. or as
15 otherwise authorized by law, may not exceed 12 months from the recruit's first date
16 of employment.

17 3h. A person may be certified by the board under subd. 2. only if the person has
18 successfully completed the preparatory program established under subd. 1. within
19 the person's original period of temporary or probationary employment established
20 in subd. 3.

21 3m. Except as provided in sub. (3m) (a), and in addition to certification
22 procedures under this paragraph, the board may certify any person as being a tribal
23 law enforcement officer on the basis of the person's completion of the training
24 requirements for law enforcement officer certification prior to May 6, 1994. The

officer must also meet the agreement requirements under sub. (3) (c) prior to certification as a tribal law enforcement officer.

4. Preservice students taking part in the preparatory program of law enforcement or tribal law enforcement officer training established by the board under subd. 1. shall be fingerprinted on 2 fingerprint cards, each bearing a complete set of the student's fingerprints, or by other technologies approved by the department of justice. The fingerprints shall be submitted to the department of justice for verification of the identify of the person fingerprinted and to obtain records of his or her criminal arrests and convictions in Wisconsin. The department of justice shall provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purpose of verifying the person fingerprinted and obtaining records of his or her criminal arrests and convictions on file with the federal bureau of investigation.

5. No person who has been convicted of any federal felony, any crime of domestic violence, or of any offense that, if committed in Wisconsin, could be punished as a felony may take part in the preparatory training program established under subd. 1. unless he or she has been granted an absolute and unconditional pardon for the crime.

6. Upon a showing of good cause by a recruit or a recruit's employer, the board may extend the recruit's original period of temporary or probationary employment for a period of time it deems appropriate.

7. a. Except as provided in subd. 8., no person may continue as a certified law enforcement or tribal law enforcement officer unless that person maintains law enforcement or tribal law enforcement employment and completes annual recertification training. Any officer who is subject to this subdivision shall complete

at least 24 hours of recertification training each fiscal year beginning in the fiscal year following the fiscal year in which he or she is certified as a law enforcement or tribal law enforcement officer by the board.

b. Each officer who is subject to this subdivision shall biennially complete at least 4 hours of training from curricula based upon model standards promulgated by the board under par. (d). Hours of training completed under this subd. 7. b. shall count toward the hours of training required under subd. 7. a.

c. Each officer who is subject to this subdivision shall annually complete a handgun qualification course from curricula based upon model standards established by the board under par. (e). Hours of training completed under this subd. 7. c. shall count toward the hours of training required under subd. 7. a.

8. Sheriffs are not required to satisfy the requirements under subd. 2., 3., or 7. as a condition of tenure or continued employment.

(b) *Jail officers.* 1. The board shall establish a preparatory program of jail officer training, which shall include not less than 160 hours of training. The board shall establish criteria for the general program outcomes for the preparatory program. Specifics of the training curriculum competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject shall be established by written policy of the board. In establishing the preparatory training program, the board shall give due consideration to recommendations made by the curriculum advisory committee. The board may amend the criteria and policies governing the preparatory training program as needed to respond to technological changes affecting jail administration, additional recommendations made by the curriculum advisory committee, or other conditions affecting the public interest in maintaining training standards of a proper

professional character. The board may provide that any part of the training program under this subdivision and the training program under par. (c) 1. are identical and count toward either training requirement under this paragraph or par. (c). Notwithstanding s. 227.10 (1), the criteria and policies established under this paragraph need not be promulgated as rules under ch. 227.

2. Except as provided in subd. 7., no person may be employed as a jail officer, except on a temporary or probationary basis, unless the person has satisfactorily completed the preparatory training program established under subd. 1. and has been certified by the board as being qualified to be a jail officer.

3. A recruit may exercise jail officer powers only during an original period of temporary or probation employment that, except as provided in subd. 5. or as otherwise authorized by law, may not exceed 12 months from the recruit's first date of employment.

4. A person may be certified by the board under subd. 2. only if the person has successfully completed the preparatory program established under subd. 1. within the person's original period of temporary or probationary employment established in subd. 3.

5. Upon a showing of good cause by a recruit or a recruit's employer, the board may extend the recruit's original period of temporary or probationary employment for a period of time it deems appropriate.

6. No person may continue as a certified jail officer, unless that person maintains employment with a jail and completes annual recertification training. The officer shall complete at least 24 hours of recertification training each fiscal year beginning in the fiscal year following the fiscal year in which he or she is certified as a jail officer by the board.

7. Subdivision 2. does not apply to a jail officer serving under permanent appointment prior to July 2, 1983. The failure of any such officer to fulfill those requirements does not make that officer ineligible for any promotional examination for which he or she is otherwise eligible. Any such officer may voluntarily participate in programs to fulfill those requirements.

(c) *Juvenile detention officers.* 1. The board shall establish a preparatory program of juvenile detention officer training, which shall include not less than 160 hours of training. The board shall establish criteria for the general program outcomes for the preparatory program. Specifics of the training curriculum, competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject shall be established by written policy of the board. In establishing the preparatory training program, the board shall give due consideration to recommendations made by the curriculum advisory committee. The board may amend the criteria and policies governing the preparatory training program as needed to respond to technological changes affecting juvenile detention administration, additional recommendations made by the curriculum advisory committee, or other conditions affecting the public interest in maintaining training standards of a proper professional character. The board may provide that any part of the training program under this subdivision and the training program under par. (b) 1. are identical and count toward either training requirement under this paragraph or par. (b). Notwithstanding s. 227.10 (1), the criteria and policies established under this paragraph need not be promulgated as rules under ch. 227.

2. No person may be employed as a juvenile detention officer, except on a temporary or probationary basis, unless the person has satisfactorily completed the

program established under subd. 1. and has been certified ~~by the board as~~ being qualified to be a juvenile detention officer. probationary

3. A recruit may exercise juvenile detention officer powers only during an original period of temporary or probation employment that, except as provided in subd. 5. or as otherwise authorized by law, may not exceed 12 months from the recruit's first date of employment.

4. A person may be certified by the board under subd. 2. only if the person has successfully completed the preparatory program established under subd. 1. within the person's original period of temporary or probationary employment established in subd. 3.

5. Upon a showing of good cause by a recruit or a recruit's employer, the board may extend the recruit's original period of temporary or probationary employment for a period of time it deems appropriate.

6. No person may continue as a certified juvenile detention officer, except on a temporary or probationary basis, unless that person maintains employment with a juvenile detention facility and completes annual recertification training. The officer shall complete at least 24 hours of recertification training each fiscal year beginning in the fiscal year following the fiscal year in which he or she is certified as a juvenile detention officer by the board.

7. Any person employed and certified as a jail officer on July 1, 1994, is certified as a juvenile detention officer and remains certified as a juvenile detention officer subject to annual recertification requirements under subd. 6. and the board's decertification authority under sub. (3) (cm).

(d) *Police pursuit.* The board shall promulgate rules that do all of the following:

1. Establish model standards that could be used by any law enforcement agency to determine whether to initiate or continue police pursuit, to establish police pursuit driving techniques employed by that agency, and to inform its officers of its written guidelines provided under s. 346.03 (6). The board shall review and, if considered appropriate by the board, revise the model standards established under this subdivision not later than June 30 of each odd–numbered year thereafter. The rules promulgated under this subdivision are advisory only, are not required to be included as a law enforcement training standard under this subsection, and are inadmissible as evidence, except to show compliance with this subdivision.

2. Establish the preparatory program and biennial recertification training curricula required under par. (a) relating to police pursuit standards, guidelines, and driving techniques.

(e) *Firearms.* The board shall establish criteria for firearm training. Notwithstanding s. 227.10 (1), the criteria need not be promulgated as rules under ch. 227 and shall do all of the following:

1. Establish model standards that could be used by any law enforcement agency to show handgun proficiency.

2. Establish the preparatory program and annual recertification training curricula required under par. (a) relating to an office's ability to operate and fire a handgun.

(f) *Local or agency standards.* Nothing in this subsection shall preclude any law enforcement or tribal law enforcement agency or sheriff from setting recruit training, employment, and recertification training standards that are higher than the minimum standards set by the board.

**SECTION 20.** 165.85 (4m) of the statutes is repealed.

1 **SECTION 21.** 165.85 (5) (title) of the statutes is amended to read:

2 165.85 **(5)** (title) SCHOOLS AND PROGRAMS; ~~GRANTS~~ TRAINING REIMBURSEMENTS.

3 **SECTION 22.** 165.85 (5) (a) of the statutes is repealed and recreated to read:

4 165.85 **(5)** (a) All training programs and training schools for law enforcement,
5 tribal law enforcement, jail, and juvenile detention officers and law enforcement
6 instructors must be authorized and approved by the board as meeting standards
7 established by the board. The board may authorize and approve a training program
8 or training school only if it is operated by an agency of the state or of a political
9 subdivision of the state. The authority granted in this paragraph does not authorize
10 the board to select a site for a state police, jail, or juvenile detention officer academy
11 or to expend funds thereon.

12 **SECTION 23.** 165.85 (5) (b) of the statutes is amended to read:

13 165.85 **(5)** (b) The board shall authorize the reimbursement to each political
14 subdivision of approved expenses incurred by ~~officers~~ recruits who satisfactorily
15 complete training at schools certified by the board. Reimbursement of these
16 expenses for law enforcement officer, jail officer and juvenile detention officer
17 preparatory training shall be for board approved tuition, living, and travel expenses
18 ~~for the first 400 hours of law enforcement preparatory training and for the first 120~~
19 ~~hours of jail or juvenile detention officer preparatory training~~. Reimbursement of
20 approved expenses for completion of annual recertification training under sub. (4)
21 ~~(bn)~~ shall include at least $160 per officer thereafter. Funds may also be distributed
22 for attendance at other training programs and courses or for training services on a
23 priority basis to be decided by the department of justice.

24 **SECTION 24.** 165.86 (1) (c) of the statutes is amended to read:

165.86 **(1)** (c) Identify state agencies and political subdivisions that employ law enforcement officers in the state and notify the appropriate officials of the model law enforcement pursuit standards established by the board under s. 165.85 (4) ~~(cm) 2. a.~~ (d).

**SECTION 25.** 165.92 (2) (a) of the statutes is amended to read:

165.92 **(2)** (a) A tribal law enforcement officer who meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1. and (c)~~ (a) 1., 2., and 7. shall have the same powers to enforce the laws of the state and to make arrests for violations of such laws that sheriffs have, including powers granted to sheriffs under ss. 59.27 and 59.28 and under the common law, and shall perform the duties accepted under s. 165.85 (3) (c).

**SECTION 26.** 175.41 (3) (c) of the statutes is amended to read:

175.41 **(3)** (c) The commission warden meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1., and (c)~~ (a) 1., 2., and 7. and has agreed to accept the duties of a law enforcement officer under the laws of this state.

**SECTION 27.** 895.46 (1) (b) 1. of the statutes is amended to read:

895.46 **(1)** (b) 1. Satisfactorily completed or are currently enrolled in the preparatory program of law enforcement training under s. 165.85 (4) ~~(b)~~ (a) 1. and, if applicable, the recertification programs under s. 165.85 (4) ~~(bn) 1.~~ (a) 7., or have provided evidence of equivalent law enforcement training and experience as determined by the law enforcement standards board; or

**SECTION 28.** 939.22 (37) of the statutes is amended to read:

939.22 **(37)** "State–certified commission warden" means a commission warden who meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1., and (c)~~ (a) 1., 2., and 7. and

1 has agreed to accept the duties of a law enforcement officer under the laws of this
2 state.
3 **(END)**

## *Analysis by the Legislative Reference Bureau*

Under current law, the Law Enforcement Standards Board (board) is attached to the Department of Justice. There are 15 members on the board who serve four-year terms and, among other duties, establish minimum educational and training standards for law enforcement officers, tribal law enforcement officers, jail officers, juvenile detention officers, and constables.

This bill separates the training standards into three distinct categories: 1) the standards for law enforcement officers and tribal law enforcement officers; 2) the standards for jail officers; and 3) the standards for juvenile detention officers. Under the bill, constables and marshals ~~whose town boards require them to undergo training~~ who are given law enforcement duties are subject to the same training standards as law enforcement officers and tribal law enforcement officers.

The bill makes several changes to the training and education standards, including setting forth a training and education protocol for law enforcement students, recruits, and temporary or probationary employees. Under the bill, law enforcement officer students and tribal law enforcement officer students are required to submit fingerprints and undergo a criminal background check. Any person who has been convicted of a felony or of a misdemeanor related to domestic violence may not participate in a student training program for becoming a law enforcement officer or a tribal law enforcement officer. Under the bill, under most circumstances a recruit or temporary or probationary employee must complete his or her training program within the original period of his or her temporary or probationary employment, not to exceed 12 months, except that the board may extend that period if the recruit or employer shows good cause for the board to do so.

That bill eliminates specific hour requirements for training and education and allows the board to determine the specific outcome criteria and training curricula, including the required subjects, number of hours, objectives, and measures of performance for the training and education protocol for each category of officer. The bill requires the board to develop model standards for use by law enforcement agencies to show handgun proficiency and to include handgun proficiency in the preparatory program and recertification training. The bill allows the board more flexibility than exists under current law for determining how law enforcement agencies are reimbursed for expenses related to training and educating officers.

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

## Hurley, Peggy

**From:** Rinehart, Mark W. <RinehartMW@DOJ.STATE.WI.US>
**Sent:** Tuesday, April 30, 2013 4:42 PM
**To:** Hurley, Peggy
**Subject:** LRB-1474/1
**Attachments:** Analysis by the Legislative Reference Bureau (4-29-13).docx

Hello Peggy,

I have what I hope is the last change to the draft. Page 6, lines 17 through 20 should read: 165.85 (2) (e) "Preservice student" means any person who meets the minimum recruitment qualifications set by the board and who enrolls in preparatory training under ss. 165.85 (4) (a) 1., (4) (b) 1., or (4) (c) 1., prior to employment as a law enforcement officer, tribal law enforcement officer, jail officer, or juvenile detention officer.

Also, I've attached a document prepared by one of our attorneys that has a couple suggested changes to the draft analysis. Our attorney just wants to give you the benefit of his view on a couple points so that you can decide whether you think the changes are appropriate.

Thank you.

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB–1474/1
PJH:jld:ph

# 2013 BILL

5-1-13

Regen

AN ACT ***to repeal*** 165.85 (4m); ***to renumber*** 62.09 (15); ***to renumber and amend*** 61.28; ***to amend*** 29.921 (5), 40.02 (48) (b) 4., 60.22 (4), 110.07 (1) (a) (intro.), 110.07 (6), 165.85 (2) (d), 165.85 (3) (cm), 165.85 (3) (d), 165.85 (5) (title), 165.85 (5) (b), 165.86 (1) (c), 165.92 (2) (a), 175.41 (3) (c), 895.46 (1) (b) 1. and 939.22 (37); ***to repeal and recreate*** 165.85 (4) and 165.85 (5) (a); and ***to create*** 61.28 (2), 61.29 (3), 62.09 (15) (a), 165.85 (2) (bv), 165.85 (2) (bx), 165.85 (2) (cm), 165.85 (2) (e) and 165.85 (2) (f) of the statutes; **relating to:** law enforcement standards and requiring the exercise of rule–making authority.

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***Analysis by the Legislative Reference Bureau***

Under current law, the Law Enforcement Standards Board (board) is attached to the Department of Justice. There are 15 members on the board who serve four–year terms and, among other duties, establish minimum educational and training standards for law enforcement officers, tribal law enforcement officers, jail officers, juvenile detention officers, and constables.

This bill separates the training standards into three distinct categories: 1) the standards for law enforcement officers and tribal law enforcement officers; 2) the standards for jail officers; ~~and 3) the standards for juvenile detention officers~~. Under the bill, constables ~~whose town boards require them to undergo training~~ are subject

and marshals who are given law enforcement duties

to the same training standards as law enforcement officers and tribal law enforcement officers.

The bill makes several changes to the training and education standards, including setting forth a training and education protocol for law enforcement students, recruits, and temporary or probationary employees. Under the bill, law enforcement officer students and tribal law enforcement officer students are required to submit fingerprints and undergo a criminal background check. Any person who has been convicted of a felony or of a misdemeanor related to domestic violence may not participate in a student training program for becoming a law enforcement officer or a tribal law enforcement officer. Under the bill, under most circumstances a recruit or a temporary or probationary employee must complete his or her training program within the original period of his or her temporary or probationary employment, not to exceed 12 months, except that the board may extend that period if the employer shows good cause for the board to do so.

recruit or

The bill eliminates specific hour requirements for training and education and allows the board to determine the specific outcome criteria and training curricula, including the required subjects, number of hours, objectives, and measures of performance for the training and education protocol for each category of officer. The bill requires the board to develop model standards for use by law enforcement agencies to show handgun proficiency and to include handgun proficiency in the preparatory program and recertification training. The bill allows the board more flexibility than exists under current law for determining how law enforcement agencies are reimbursed for expenses related to training and educating officers.

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

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

1 **SECTION 1.** 29.921 (5) of the statutes is amended to read:

2 29.921 **(5)** ADDITIONAL ARREST POWERS. In addition to the arrest powers under
3 sub. (1), a warden who has completed a program of law enforcement training
4 approved by the law enforcement standards board, has been certified as qualified to
5 be a law enforcement officer under s. 165.85 (4) ~~(b)~~ (a) 1. and has complied with any
6 applicable requirements under s. 165.85 (4) ~~(bn) 1.~~ (a) 7. while on duty and in uniform
7 or on duty and upon display of proper credentials may assist another law
8 enforcement agency as defined under s. ~~165.83 (1) (b)~~ 165.85 (2) (bv) including

making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the warden makes an arrest without the presence of another law enforcement agency, the warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The warden shall be available as a witness for the state. A warden may not conduct investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924 (1) and 41.41 (12). A warden acting under the authority of this subsection is considered an employee of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

**SECTION 2.** 40.02 (48) (b) 4. of the statutes is amended to read:

40.02 **(48)** (b) 4. A "member of the state traffic patrol" includes one division administrator in the department of transportation who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol, if the division administrator is certified by the law enforcement standards board under s. 165.85 (4) ~~(b)~~ (a) 1. as being qualified to be a law enforcement officer.

**SECTION 3.** 60.22 (4) of the statutes is amended to read:

60.22 **(4)** JURISDICTION OF CONSTABLE. Shall determine the jurisdiction and duties of the town constable. ~~The town board may also require the town constable to complete training under s. 165.85 (4m)~~ A town constable who is given law enforcement duties by the town board, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum

employment standards for law enforcement officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

**SECTION 4.** 61.28 of the statutes is renumbered 61.28 (1) and amended to read:

61.28 **(1)** The village marshal shall execute and file an official bond. The marshal shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. The marshal shall obey all lawful written orders of the village board~~; and arrest with or without process every person found in the village engaged in any disturbance of the peace or violating any law of the state or ordinance of the village. The marshal may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance the person shall forfeit not exceeding $10~~. The marshal is entitled to the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 (1) (c); for other service rendered the village, compensation as the board fixes.

**SECTION 5.** 61.28 (2) of the statutes is created to read:

61.28 **(2)** A village marshal who is given law enforcement duties by the village board, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum employment standards for law enforcement officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

**SECTION 6.** 61.29 (3) of the statutes is created to read:

61.29 **(3)** A village constable who is given law enforcement duties by the village board, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum employment standards for law enforcement

officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

**SECTION 7.** 62.09 (15) of the statutes is renumbered 62.09 (15) (b).

**SECTION 8.** 62.09 (15) (a) of the statutes is created to read:

62.09 **(15)** (a) A constable who is given law enforcement duties by the common council, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum employment standards for law enforcement officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

**SECTION 9.** 110.07 (1) (a) (intro.) of the statutes is amended to read:

110.07 **(1)** (a) (intro.) The secretary shall employ not more than 399 traffic officers. The state traffic patrol consists of the traffic officers, the person designated to head them whose position shall be in the classified service and, if certified under s. 165.85 (4) ~~(b)~~ (a) 1. as qualified to be a law enforcement officer, the division administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol. The division administrator may not be counted under this paragraph. Members of the state traffic patrol shall:

**SECTION 10.** 110.07 (6) of the statutes is amended to read:

110.07 **(6)** The division administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol shall be designated superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4) ~~(b)~~ (a) 1. as qualified to be a law enforcement officer.

**SECTION 11.** 165.85 (2) (bv) of the statutes is created to read:

165.85 **(2)** (bv) "Law enforcement agency" means a governmental unit of this state or a political subdivision of this state that employs one or more law enforcement officers.

**SECTION 12.** 165.85 (2) (bx) of the statutes is created to read:

165.85 **(2)** (bx) "Law enforcement instructor" means a person who is certified by the board to deliver board–approved program outcomes, course competencies, performance standards, and learning objectives in training programs and training schools for law enforcement officers, tribal law enforcement officers, jail officers, and juvenile detention officers.

**SECTION 13.** 165.85 (2) (cm) of the statutes is created to read:

165.85 **(2)** (cm) "Police pursuit" has the meaning given in s. 85.07 (8) (a).

**SECTION 14.** 165.85 (2) (d) of the statutes is amended to read:

165.85 **(2)** (d) "Political subdivision" means counties, cities, villages, towns, town sanitary districts ~~and~~, public inland lake protection and rehabilitation districts, and technical college districts.

**SECTION 15.** 165.85 (2) (e) of the statutes is created to read:

165.85 **(2)** (e) "Preservice student" means any person who meets the minimum recruitment qualifications set by the board and who enrolls in preparatory training prior to employment as a law enforcement officer, tribal law enforcement officer, jail officer, or juvenile detention officer.

**SECTION 16.** 165.85 (2) (f) of the statutes is created to read:

165.85 **(2)** (f) "Recruit" means a law enforcement officer, tribal law enforcement officer, jail officer, or juvenile detention officer employed on a probationary or temporary basis, in compliance with the minimum recruitment qualifications set by the board.

1 **SECTION 17.** 165.85 (3) (cm) of the statutes is amended to read:

2 165.85 **(3)** (cm) Decertify law enforcement, tribal law enforcement, jail or
3 juvenile detention officers who terminate employment or are terminated, who
4 violate or fail to comply with a rule, policy, or order of the board relating to curriculum
5 or training, who falsify information to obtain or maintain certified status, who are
6 certified as the result of an administrative error, who are convicted of a felony or of
7 any offense that, if committed in Wisconsin, could be punished as a felony, who are
8 convicted of a misdemeanor crime of domestic violence, or who fail to pay
9 court–ordered payments of child or family support, maintenance, birth expenses,
10 medical expenses, or other expenses related to the support of a child or former
11 spouse, or who fail to comply, after appropriate notice, with a subpoena or warrant
12 issued by the department of children and families or a county child support agency
13 under s. 59.53 (5) and related to paternity or child support proceedings. The board
14 shall establish procedures for decertification in compliance with ch. 227, except that
15 decertification for failure to pay court–ordered payments of child or family support,
16 maintenance, birth expenses, medical expenses, or other expenses related to the
17 support of a child or former spouse or for failure to comply, after appropriate notice,
18 with a subpoena or warrant issued by the department of children and families or a
19 county child support agency under s. 59.53 (5) and related to paternity or child
20 support proceedings shall be done as provided under sub. (3m) (a).

21 **SECTION 18.** 165.85 (3) (d) of the statutes is amended to read:

22 165.85 **(3)** (d) Establish minimum curriculum requirements for preparatory
23 courses and programs, and recommend minimum curriculum requirements for
24 recertification and advanced courses and programs, in schools approved by the board
25 and operated by or for this state or any political subdivision of the state for the

1 specific purpose of training law enforcement recruits, law enforcement officers,
2 tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits,
3 jail officers, juvenile detention officer recruits, or juvenile detention officers in areas
4 of knowledge and ability necessary to the attainment of effective performance as an
5 officer, and ranging from subjects such as first aid, patrolling, statutory authority,
6 techniques of arrest, protocols for official action by off–duty officers, firearms, and
7 recording custodial interrogations to subjects designed to provide a better
8 understanding of ever–increasing complex problems in law enforcement such as
9 human relations, civil rights, constitutional law, and supervision, control, and
10 maintenance of a jail or juvenile detention facility. The board shall appoint a
11 13–member ~~advisory~~ curriculum advisory committee consisting of 6 chiefs of police
12 and 6 sheriffs to be appointed on a geographic basis ~~of not more than one chief of~~
13 ~~police and one sheriff from any one of the 8 state administrative districts~~ together
14 with the director of training of the Wisconsin state patrol. This committee shall
15 advise the board in the establishment of the curriculum requirements.

16 **SECTION 19.** 165.85 (4) of the statutes is repealed and recreated to read:

17 165.85 **(4)** REQUIRED STANDARDS. (a) *Law enforcement and tribal law*
18 *enforcement officers.* 1. The board shall establish program outcomes for a
19 preparatory program of law enforcement and tribal law enforcement officer training,
20 which shall include not less than 600 hours of training. The board shall establish
21 criteria for the general program outcomes for the preparatory program. Specifics of
22 the training curriculum, competencies, student learning and performance
23 objectives, particular subjects, and the minimum number of hours for each subject
24 shall be established by written policy of the board. In establishing the preparatory
25 training program, the board shall give due consideration to recommendations made

1 by the curriculum advisory committee. The board may amend the criteria and
2 policies governing the preparatory training program as needed to respond to
3 technological changes affecting law enforcement, additional recommendations made
4 by the curriculum advisory committee, or other conditions affecting the public
5 interest in maintaining training standards of a proper professional character.
6 Notwithstanding s. 227.10 (1), the criteria and policies established under this
7 paragraph need not be promulgated as rules under ch. 227.

8 2. Except as provided in subd. 3. or 8., no person may be employed as a law
9 enforcement or tribal law enforcement officer, except on a temporary or probationary
10 basis, unless the person has satisfactorily completed the preparatory training
11 program established under subd. 1. and has been certified by the board as being
12 qualified to be a law enforcement or tribal law enforcement officer.

13 3. A recruit may exercise law enforcement powers during an original period of
14 temporary or probationary employment that, except as provided in subd. 6. or as
15 otherwise authorized by law, may not exceed 12 months from the recruit's first date
16 of employment.

17 3h. A person may be certified by the board under subd. 2. only if the person has
18 successfully completed the preparatory program established under subd. 1. within
19 the person's original period of temporary or probationary employment established
20 in subd. 3.

21 3m. Except as provided in sub. (3m) (a), and in addition to certification
22 procedures under this paragraph, the board may certify any person as being a tribal
23 law enforcement officer on the basis of the person's completion of the training
24 requirements for law enforcement officer certification prior to May 6, 1994. The

1 officer must also meet the agreement requirements under sub. (3) (c) prior to
2 certification as a tribal law enforcement officer.

3 4. Preservice students taking part in the preparatory program of law
4 enforcement or tribal law enforcement officer training established by the board
5 under subd. 1. shall be fingerprinted on 2 fingerprint cards, each bearing a complete
6 set of the student's fingerprints, or by other technologies approved by the department
7 of justice. The fingerprints shall be submitted to the department of justice for
8 verification of the identify of the person fingerprinted and to obtain records of his or
9 her criminal arrests and convictions in Wisconsin. The department of justice shall
10 provide for the submission of the fingerprint cards or fingerprints by other
11 technologies to the federal bureau of investigation for the purpose of verifying the
12 person fingerprinted and obtaining records of his or her criminal arrests and
13 convictions on file with the federal bureau of investigation.

14 5. No person who has been convicted of any federal felony, any crime of domestic
15 violence, or of any offense that, if committed in Wisconsin, could be punished as a
16 felony may take part in the preparatory training program established under subd.
17 1. unless he or she has been granted an absolute and unconditional pardon for the
18 crime.

19 6. Upon a showing of good cause by a recruit or a recruit's employer, the board
20 may extend the recruit's original period of temporary or probationary employment
21 for a period of time it deems appropriate.

22 7. a. Except as provided in subd. 8., no person may continue as a certified law
23 enforcement or tribal law enforcement officer unless that person maintains law
24 enforcement or tribal law enforcement employment and completes annual
25 recertification training. Any officer who is subject to this subdivision shall complete

1 at least 24 hours of recertification training each fiscal year beginning in the fiscal
2 year following the fiscal year in which he or she is certified as a law enforcement or
3 tribal law enforcement officer by the board.

4 b. Each officer who is subject to this subdivision shall biennially complete at
5 least 4 hours of training from curricula based upon model standards promulgated by
6 the board under par. (d). Hours of training completed under this subd. 7. b. shall
7 count toward the hours of training required under subd. 7. a.

8 c. Each officer who is subject to this subdivision shall annually complete a
9 handgun qualification course from curricula based upon model standards
10 established by the board under par. (e). Hours of training completed under this subd.
11 7. c. shall count toward the hours of training required under subd. 7. a.

12 8. Sheriffs are not required to satisfy the requirements under subd. 2., 3., or
13 7. as a condition of tenure or continued employment.

14 (b) *Jail officers.* 1. The board shall establish a preparatory program of jail
15 officer training, which shall include not less than 160 hours of training. The board
16 shall establish criteria for the general program outcomes for the preparatory
17 program. Specifics of the training curriculum competencies, student learning and
18 performance objectives, particular subjects, and the minimum number of hours for
19 each subject shall be established by written policy of the board. In establishing the
20 preparatory training program, the board shall give due consideration to
21 recommendations made by the curriculum advisory committee. The board may
22 amend the criteria and policies governing the preparatory training program as
23 needed to respond to technological changes affecting jail administration, additional
24 recommendations made by the curriculum advisory committee, or other conditions
25 affecting the public interest in maintaining training standards of a proper

1 professional character. The board may provide that any part of the training program
2 under this subdivision and the training program under par. (c) 1. are identical and
3 count toward either training requirement under this paragraph or par. (c).
4 Notwithstanding s. 227.10 (1), the criteria and policies established under this
5 paragraph need not be promulgated as rules under ch. 227.

6 2. Except as provided in subd. 7., no person may be employed as a jail officer,
7 except on a temporary or probationary basis, unless the person has satisfactorily
8 completed the preparatory training program established under subd. 1. and has been
9 certified by the board as being qualified to be a jail officer.

10 3. A recruit may exercise jail officer powers only during an original period of
11 temporary or probationary employment that, except as provided in subd. 5. or as
12 otherwise authorized by law, may not exceed 12 months from the recruit's first date
13 of employment.

14 4. A person may be certified by the board under subd. 2. only if the person has
15 successfully completed the preparatory program established under subd. 1. within
16 the person's original period of temporary or probationary employment established
17 in subd. 3.

18 5. Upon a showing of good cause by a recruit or a recruit's employer, the board
19 may extend the recruit's original period of temporary or probationary employment
20 for a period of time it deems appropriate.

21 6. No person may continue as a certified jail officer, unless that person
22 maintains employment with a jail and completes annual recertification training.
23 The officer shall complete at least 24 hours of recertification training each fiscal year
24 beginning in the fiscal year following the fiscal year in which he or she is certified
25 as a jail officer by the board.

1 7. Subdivision 2. does not apply to a jail officer serving under permanent
2 appointment prior to July 2, 1983. The failure of any such officer to fulfill those
3 requirements does not make that officer ineligible for any promotional examination
4 for which he or she is otherwise eligible. Any such officer may voluntarily participate
5 in programs to fulfill those requirements.

6 (c) *Juvenile detention officers.* 1. The board shall establish a preparatory
7 program of juvenile detention officer training, which shall include not less than 160
8 hours of training. The board shall establish criteria for the general program
9 outcomes for the preparatory program. Specifics of the training curriculum,
10 competencies, student learning and performance objectives, particular subjects, and
11 the minimum number of hours for each subject shall be established by written policy
12 of the board. In establishing the preparatory training program, the board shall give
13 due consideration to recommendations made by the curriculum advisory committee.
14 The board may amend the criteria and policies governing the preparatory training
15 program as needed to respond to technological changes affecting juvenile detention
16 administration, additional recommendations made by the curriculum advisory
17 committee, or other conditions affecting the public interest in maintaining training
18 standards of a proper professional character. The board may provide that any part
19 of the training program under this subdivision and the training program under par.
20 (b) 1. are identical and count toward either training requirement under this
21 paragraph or par. (b). Notwithstanding s. 227.10 (1), the criteria and policies
22 established under this paragraph need not be promulgated as rules under ch. 227.

23 2. No person may be employed as a juvenile detention officer, except on a
24 temporary or probationary basis, unless the person has satisfactorily completed the

1 program established under subd. 1. and has been certified by the board as being
2 qualified to be a juvenile detention officer.

3 3. A recruit may exercise juvenile detention officer powers only during an
4 original period of temporary or probationary employment that, except as provided
5 in subd. 5. or as otherwise authorized by law, may not exceed 12 months from the
6 recruit's first date of employment.

7 4. A person may be certified by the board under subd. 2. only if the person has
8 successfully completed the preparatory program established under subd. 1. within
9 the person's original period of temporary or probationary employment established
10 in subd. 3.

11 5. Upon a showing of good cause by a recruit or a recruit's employer, the board
12 may extend the recruit's original period of temporary or probationary employment
13 for a period of time it deems appropriate.

14 6. No person may continue as a certified juvenile detention officer, except on
15 a temporary or probationary basis, unless that person maintains employment with
16 a juvenile detention facility and completes annual recertification training. The
17 officer shall complete at least 24 hours of recertification training each fiscal year
18 beginning in the fiscal year following the fiscal year in which he or she is certified
19 as a juvenile detention officer by the board.

20 7. Any person employed and certified as a jail officer on July 1, 1994, is certified
21 as a juvenile detention officer and remains certified as a juvenile detention officer
22 subject to annual recertification requirements under subd. 6. and the board's
23 decertification authority under sub. (3) (cm).

24 (d) *Police pursuit.* The board shall promulgate rules that do all of the following:

1. Establish model standards that could be used by any law enforcement agency to determine whether to initiate or continue police pursuit, to establish police pursuit driving techniques employed by that agency, and to inform its officers of its written guidelines provided under s. 346.03 (6). The board shall review and, if considered appropriate by the board, revise the model standards established under this subdivision not later than June 30 of each odd–numbered year thereafter. The rules promulgated under this subdivision are advisory only, are not required to be included as a law enforcement training standard under this subsection, and are inadmissible as evidence, except to show compliance with this subdivision.

2. Establish the preparatory program and biennial recertification training curricula required under par. (a) relating to police pursuit standards, guidelines, and driving techniques.

(e) *Firearms.* The board shall establish criteria for firearm training. Notwithstanding s. 227.10 (1), the criteria need not be promulgated as rules under ch. 227 and shall do all of the following:

1. Establish model standards that could be used by any law enforcement agency to show handgun proficiency.

2. Establish the preparatory program and annual recertification training curricula required under par. (a) relating to an officer's ability to operate and fire a handgun.

(f) *Local or agency standards.* Nothing in this subsection shall preclude any law enforcement or tribal law enforcement agency or sheriff from setting recruit training, employment, and recertification training standards that are higher than the minimum standards set by the board.

**SECTION 20.** 165.85 (4m) of the statutes is repealed.

1 **SECTION 21.** 165.85 (5) (title) of the statutes is amended to read:

2 165.85 **(5)** (title) SCHOOLS AND PROGRAMS; ~~GRANTS~~ TRAINING REIMBURSEMENTS.

3 **SECTION 22.** 165.85 (5) (a) of the statutes is repealed and recreated to read:

4 165.85 **(5)** (a) All training programs and training schools for law enforcement,
5 tribal law enforcement, jail, and juvenile detention officers and law enforcement
6 instructors must be authorized and approved by the board as meeting standards
7 established by the board. The board may authorize and approve a training program
8 or training school only if it is operated by an agency of the state or of a political
9 subdivision of the state. The authority granted in this paragraph does not authorize
10 the board to select a site for a state police, jail, or juvenile detention officer academy
11 or to expend funds thereon.

12 **SECTION 23.** 165.85 (5) (b) of the statutes is amended to read:

13 165.85 **(5)** (b) The board shall authorize the reimbursement to each political
14 subdivision of approved expenses incurred by ~~officers~~ recruits who satisfactorily
15 complete training at schools certified by the board. Reimbursement of these
16 expenses for law enforcement officer, jail officer and juvenile detention officer
17 preparatory training shall be for board approved tuition, living, and travel expenses
18 ~~for the first 400 hours of law enforcement preparatory training and for the first 120~~
19 ~~hours of jail or juvenile detention officer preparatory training~~. Reimbursement of
20 approved expenses for completion of annual recertification training under sub. (4)
21 ~~(bn)~~ shall include at least $160 per officer thereafter. Funds may also be distributed
22 for attendance at other training programs and courses or for training services on a
23 priority basis to be decided by the department of justice.

24 **SECTION 24.** 165.86 (1) (c) of the statutes is amended to read:

165.86 **(1)** (c) Identify state agencies and political subdivisions that employ law enforcement officers in the state and notify the appropriate officials of the model law enforcement pursuit standards established by the board under s. 165.85 (4) ~~(cm) 2. a.~~ (d).

**SECTION 25.** 165.92 (2) (a) of the statutes is amended to read:

165.92 **(2)** (a) A tribal law enforcement officer who meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1. and (c)~~ (a) 1., 2., and 7. shall have the same powers to enforce the laws of the state and to make arrests for violations of such laws that sheriffs have, including powers granted to sheriffs under ss. 59.27 and 59.28 and under the common law, and shall perform the duties accepted under s. 165.85 (3) (c).

**SECTION 26.** 175.41 (3) (c) of the statutes is amended to read:

175.41 **(3)** (c) The commission warden meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1., and (c)~~ (a) 1., 2., and 7. and has agreed to accept the duties of a law enforcement officer under the laws of this state.

**SECTION 27.** 895.46 (1) (b) 1. of the statutes is amended to read:

895.46 **(1)** (b) 1. Satisfactorily completed or are currently enrolled in the preparatory program of law enforcement training under s. 165.85 (4) ~~(b)~~ (a) 1. and, if applicable, the recertification programs under s. 165.85 (4) ~~(bn) 1.~~ (a) 7., or have provided evidence of equivalent law enforcement training and experience as determined by the law enforcement standards board; or

**SECTION 28.** 939.22 (37) of the statutes is amended to read:

939.22 **(37)** "State–certified commission warden" means a commission warden who meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1., and (c)~~ (a) 1., 2., and 7. and

1 has agreed to accept the duties of a law enforcement officer under the laws of this
2 state.
3 **(END)**

**Barman, Mike**

Rep. Bies Office

**From:** Bruce, Cory
**Sent:** Tuesday, October 15, 2013 3:17 PM
**To:** LRB.Legal
**Subject:** Draft Review: LRB -1474/2 Topic: Law Enforcement Standards Board changes

Please Jacket LRB -1474/2 for the ASSEMBLY.

Send to Rep. Bies

DOJ Draft

He gave the OK 10-15-13

Left a message for Mark Rinehart

Is it OK to send the jacket for LRB-1474 to Rep. Bies?