



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0194/1
CMH:wlj&kjf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 360**

January 22, 2016 - Offered by Representative SANFELIPPO.

1 **AN ACT to create** 301.51, 941.23 (2) (f), 941.235 (2) (b) and 941.237 (3) (bm) of the
2 statutes; **relating to:** persons charged with locating persons who abscond from
3 parole, probation, or extended supervision; going armed with a firearm;
4 providing an exemption from emergency rule procedures; and requiring the
5 exercise of rule-making authority.

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

6 **SECTION 1.** 301.51 of the statutes is created to read:

7 **301.51 Persons who locate absconders; going armed and**
8 **identification. (1)** In this section:

9 (a) "Absconder agent" means a probation, extended supervision, or parole
10 agent whose primary duty is to locate individuals who have absconded from
11 probation, extended supervision, or parole.

1 (b) “Firearms instructor” means a certified firearms instructor that is qualified
2 to administer a firearms qualification test for active law enforcement officers in the
3 state.

4 **(2)** The department shall issue credentials and a badge to each absconder agent
5 who is eligible to carry a firearm under the rules promulgated in sub. (3) (b). An
6 absconder agent shall carry the credentials and badge at all times while he or she is
7 acting in an official capacity and carrying a firearm.

8 **(3)** The department shall promulgate rules regarding all of the following:

9 (a) The type of firearm and ammunition that an absconder agent may carry
10 while acting in an official capacity.

11 (b) A requirement that an absconder agent may carry a firearm while acting
12 in an official capacity only if a firearms instructor has found the absconder agent to
13 meet the standards for qualification in firearms training for active law enforcement
14 officers to carry a firearm of the type under par. (a) that are established by the state
15 or a law enforcement agency in this state. The rules shall require each absconder
16 agent to pass annually a firearms qualification test administered by a firearms
17 instructor to be eligible to carry a firearm while he or she is acting in an official
18 capacity and shall require an absconder agent to subject any firearm carried by him
19 or her to an annual inspection for functionality.

20 (c) Procedures to follow if an absconder agent brandishes or discharges a
21 firearm while acting in an official capacity and a policy or standard regulating the
22 use of force by an absconder agent in an official capacity, including requiring an
23 investigation similar to the investigation in s. 175.47 if a discharge of a firearm by
24 an absconder agent results in a death.

1 (4) The department may furnish an absconder agent with a firearm and
2 ammunition to carry while acting in an official capacity.

3 (5) An absconder agent may not brandish or discharge a firearm while acting
4 in an official capacity for purposes other than self-defense under s. 939.48.

5 **SECTION 2.** 941.23 (2) (f) of the statutes is created to read:

6 941.23 (2) (f) An absconder agent, as defined in s. 301.51 (1) (a), who is going
7 armed with a firearm while acting in an official capacity and who is complying with
8 s. 301.51 and any rule promulgated under s. 301.51 (3).

9 **SECTION 3.** 941.235 (2) (b) of the statutes is created to read:

10 941.235 (2) (b) An absconder agent, as defined in s. 301.51 (1) (a), who is going
11 armed while acting in an official capacity and who is complying with s. 301.51 and
12 any rule promulgated under s. 301.51 (3).

13 **SECTION 4.** 941.237 (3) (bm) of the statutes is created to read:

14 941.237 (3) (bm) An absconder agent, as defined in s. 301.51 (1) (a), who is going
15 armed while acting in an official capacity and who is complying with s. 301.51 and
16 any rule promulgated under s. 301.51 (3).

17 **SECTION 5. Nonstatutory provisions.**

18 (1) The department of corrections may promulgate emergency rules under
19 section 227.24 of the statutes implementing section 301.51 of the statutes, as created
20 by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency
21 rules promulgated under this subsection remain in effect until the date on which
22 permanent rules take effect. Notwithstanding section 227.24 (1) (a) and (3) of the
23 statutes, the department is not required to provide evidence that promulgating a rule
24 under this subsection as an emergency rule is necessary for the preservation of the

1 public peace, health, safety, or welfare and is not required to provide a finding of
2 emergency for a rule promulgated under this subsection.

3 (END)