



## 1997 ASSEMBLY BILL 419

June 10, 1997 - Introduced by Representatives HANSON, GOETSCH, MUSSER, TRAVIS, R. POTTER, CULLEN, NOTESTEIN, R. YOUNG, ZIEGELBAUER, MURAT, HUTCHISON, LAZICH, OLSEN, FREESE, NASS, ROBSON, PLOUFF, SKINDRUD, M. LEHMAN, BALDWIN, ALBERS, OWENS, WASSERMAN, KRUSICK, HASENOHRL, BOCK, GRONEMUS, STASKUNAS and WALKER, cosponsored by Senators ADELMAN, HUELSMAN, DRZEWIECKI, RUDE, ROESSLER, CLAUSING, FARROW, RISSER, PLACHE, GROBSCHMIDT and ZIEN. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to repeal** 15.257 (3) and 165.85 (4) (bn) 1. a.; **to consolidate, renumber**  
2             **and amend** 165.85 (4) (bn) 1. (intro.) and b.; **to amend** 165.85 (4) (b) 1., 165.85  
3             (4) (cm) 2. (intro.) and b., 346.03 (6) and 346.17 (3); and **to create** 15.257 (3),  
4             85.07 (3) (e), 85.07 (8), 165.85 (4) (bn) 1m., 165.85 (4) (cm) and 165.86 (1) (c) of  
5             the statutes; **relating to:** motor vehicle pursuit by law enforcement officers,  
6             training of law enforcement officers, requiring the exercise of rule-making  
7             authority and providing a penalty.

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

Under current law, no person may be employed as a law enforcement officer unless the law enforcement standards board (board) annually certifies that the person has successfully completed 400 hours of law enforcement training, and 24 hours of annual recertification training thereafter.

This bill makes numerous changes to laws relating to police pursuit (pursuit by a law enforcement officer of a motor vehicle operated by an individual who is disregarding the officer's attempt to stop the vehicle). The bill requires the board to promulgate model standards on police pursuit, including standards for determining whether to initiate or engage in police pursuit, establishing police pursuit driving techniques and informing law enforcement officers of their agency's written guidelines on police pursuit. The bill requires the law enforcement training

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program to include training based upon those model standards. With specific exceptions, each law enforcement officer in this state must biennially complete at least 4 hours of refresher training based upon the model standards.

The bill also:

1. Increases the minimum fines for using a motor vehicle to knowingly elude a traffic officer attempting to stop the vehicle. Current minimum fines range from \$300 to \$600. The bill raises these minimum fines to a range of \$600 to \$1,100. The bill does not affect the maximum fines.

2. Creates a 7-member law enforcement pursuit standards council to assist the board with promulgating model standards relating to police pursuit. The bill sunsets the council on June 30, 2001.

3. Specifies that the model standards established by the board under this bill are advisory only and that no law enforcement agency is required to implement the model standards.

4. Requires every law enforcement agency to annually report its police pursuits, including the reasons for and the outcomes of such pursuits.

5. Requires DOT to submit a compiled summary of police pursuits to the legislature.

6. Requires law enforcement agencies to biennially review their written guidelines on police pursuit.

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.** 15.257 (3) of the statutes is created to read:

2           15.257 (3) LAW ENFORCEMENT PURSUIT STANDARDS COUNCIL. There is created in  
3 the department of justice a law enforcement pursuit standards council consisting of  
4 7 persons appointed by the attorney general. Of the 7 members, 3 shall be  
5 representatives of law enforcement, 2 shall be citizen members not employed in law  
6 enforcement and one each shall be representatives of district attorneys and the  
7 judiciary.

8           **SECTION 2.** 15.257 (3) of the statutes, as created by 1997 Wisconsin Act .... (this  
9 act), is repealed.

10           **SECTION 3.** 85.07 (3) (e) of the statutes is created to read:

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1           85.07 (3) (e) Current statistical information compiled from the information  
2 submitted under sub. (8) (b).

3           **SECTION 4.** 85.07 (8) of the statutes is created to read:

4           85.07 (8) POLICE PURSUIT INFORMATION. (a) In this subsection, “police pursuit”  
5 means an active attempt by a traffic officer in a police vehicle to apprehend one or  
6 more occupants of a moving motor vehicle, the operator of which is resisting  
7 apprehension by disregarding the officer’s visual or audible signal to stop his or her  
8 vehicle, increasing the speed of the vehicle or extinguishing the lights of the vehicle.

9           (b) Not later than August 15 of each year, each law enforcement agency, as  
10 defined in s. 165.83 (1) (b), that uses police vehicles shall report to the department,  
11 on a form prescribed by the department, information on police pursuit engaged in  
12 during the preceding 12 months by law enforcement officers employed by that  
13 agency. The information shall include the circumstances of the police pursuit,  
14 including the distance, location and maximum speed of the pursuit; the reasons for  
15 commencing the police pursuit; and the outcome of the police pursuit, including the  
16 number if any of resulting deaths or great bodily injuries and an estimate of the value  
17 of any resulting property damage, if any. The department shall collect and maintain  
18 information submitted under this paragraph for not less than 10 years.

19           **SECTION 5.** 165.85 (4) (b) 1. of the statutes is amended to read:

20           165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law  
21 enforcement officer, except on a temporary or probationary basis, unless the person  
22 has satisfactorily completed a preparatory program of law enforcement training  
23 approved by the board and has been certified by the board as being qualified to be  
24 a law enforcement or tribal law enforcement officer. The program shall include 400  
25 hours of training, except the program for law enforcement officers who serve as

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1 rangers for the department of natural resources includes 240 hours of training. The  
2 board shall promulgate a rule under ch. 227 providing a specific curriculum for a  
3 400-hour conventional program and a 240-hour ranger program. The rule shall  
4 ensure that there is an adequate amount of training for each program to enable the  
5 person to deal effectively with domestic abuse incidents. The training under this  
6 subdivision shall include training on emergency detention standards and procedures  
7 under s. 51.15, emergency protective placement standards and procedures under s.  
8 55.06 (11) and information on mental health and developmental disabilities agencies  
9 and other resources that may be available to assist the officer in interpreting the  
10 emergency detention and emergency protective placement standards, making  
11 emergency detentions and emergency protective placements and locating  
12 appropriate facilities for the emergency detentions and emergency protective  
13 placements of persons. The training under this subdivision shall include training on  
14 police pursuit standards, guidelines and driving techniques established under par.  
15 (cm) 2. b. The period of temporary or probationary employment established at the  
16 time of initial employment shall not be extended by more than one year for an officer  
17 lacking the training qualifications required by the board. The total period during  
18 which a person may serve as a law enforcement and tribal law enforcement officer  
19 on a temporary or probationary basis without completing a preparatory program of  
20 law enforcement training approved by the board shall not exceed 2 years, except that  
21 the board shall permit part-time law enforcement and tribal law enforcement  
22 officers to serve on a temporary or probationary basis without completing a program  
23 of law enforcement training approved by the board to a period not exceeding 3 years.  
24 For purposes of this section, a part-time law enforcement or tribal law enforcement  
25 officer is a law enforcement or tribal law enforcement officer who routinely works not

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1 more than one-half the normal annual work hours of a full-time employe of the  
2 employing agency or unit of government. Law enforcement training programs  
3 including municipal, county and state programs meeting standards of the board are  
4 acceptable as meeting these training requirements.

5 **SECTION 6.** 165.85 (4) (bn) 1. (intro.) and b. of the statutes are consolidated,  
6 renumbered 165.85 (4) (bn) 1. and amended to read:

7 165.85 (4) (bn) 1. No person other than an officer elected by popular vote may  
8 continue as a law enforcement or tribal law enforcement officer, except on a  
9 temporary or probationary basis, unless that person completes annual  
10 recertification training. Any officer elected by popular vote who is also a certified  
11 officer must complete annual recertification training to maintain certification. Any  
12 officer who is subject to this subdivision shall complete at least 24 hours each fiscal  
13 year beginning in the later of the following: ~~b.~~ The fiscal year following the fiscal  
14 year in which he or she complies with par. (b) 1.

15 **SECTION 7.** 165.85 (4) (bn) 1. a. of the statutes is repealed.

16 **SECTION 8.** 165.85 (4) (bn) 1m. of the statutes is created to read:

17 165.85 (4) (bn) 1m. Each officer who is subject to subd. 1. shall biennially  
18 complete at least 4 hours of training from curricula based upon model standards  
19 promulgated by the board under par. (cm) 2. b. Hours of training completed under  
20 this subdivision shall count toward the hours of training required under subd. 1.

21 **SECTION 9.** 165.85 (4) (cm) of the statutes is created to read:

22 165.85 (4) (cm) 1. In this paragraph, "police pursuit" has the meaning given in  
23 s. 85.07 (8) (a).

24 2. The board, in cooperation with the law enforcement pursuit standards  
25 council, shall promulgate rules that do all of the following:

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1 a. Establish model standards that could be used by any law enforcement agency  
2 to determine whether to initiate or continue police pursuit, to establish police pursuit  
3 driving techniques employed by that agency and to inform its officers of its written  
4 guidelines provided under s. 346.06 (6). The board shall review and, if considered  
5 appropriate by the board, revise the model standards established under this subd.  
6 2. a. not later than June 30 of each even-numbered year thereafter. The rules  
7 promulgated under this subd. 2. a. are advisory only, are not required to be included  
8 as a law enforcement training standard under this subsection and are inadmissible  
9 as evidence, except to show compliance with this subd. 2. a.

10 b. Notwithstanding sub. (3) (d), establish the preparatory program and annual  
11 recertification training curricula required under pars. (b) 1. and (bn) 1m.,  
12 respectively, relating to police pursuit standards, guidelines and driving techniques.  
13 The advisory curriculum committee established under sub. (3) (d) shall advise the  
14 board in promulgating rules under this subd. 2. b.

15 **SECTION 10.** 165.85 (4) (cm) 2. (intro.) and b. of the statutes, as created by 1997  
16 Wisconsin Act .... (this act), are amended to read:

17 165.85 (4) (cm) 2. (intro.) The board, ~~in cooperation with the law enforcement~~  
18 ~~pursuit standards council,~~ shall promulgate rules that do all of the following:

19 b. ~~Notwithstanding sub. (3) (d), establish~~ Establish the preparatory program  
20 and annual recertification training curricula required under pars. (b) 1. and (bn) 1m.,  
21 respectively, relating to police pursuit standards, guidelines and driving techniques.  
22 ~~The advisory curriculum committee established under sub. (3) (d) shall advise the~~  
23 ~~board in promulgating rules under this subd. 2. b.~~

24 **SECTION 11.** 165.86 (1) (c) of the statutes is created to read:

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

5           **SECTION 12.** 346.03 (6) of the statutes is amended to read:

6           346.03 (6) Every law enforcement agency ~~which~~ that uses authorized  
7 emergency vehicles shall provide written guidelines for its officers and employes  
8 regarding exceeding speed limits under the circumstances specified in sub. (4) and  
9 when otherwise in pursuit of actual or suspected violators. The guidelines shall  
10 consider, among other factors, road conditions, density of population, severity of  
11 crime and necessity of pursuit by vehicle. The guidelines are not subject to  
12 requirements for rules under ch. 227. Each law enforcement agency shall review its  
13 written guidelines by June 30 of each even-numbered year and, if considered  
14 appropriate by the law enforcement agency, shall revise those guidelines.

15           **SECTION 13.** 346.17 (3) of the statutes is amended to read:

16           346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.  
17 346.04 (3) shall be fined not less than ~~\$300~~ \$600 nor more than \$10,000 and may be  
18 imprisoned for not more than 2 years.

19           (b) If the violation results in bodily harm, as defined in s. 939.22 (4), to another,  
20 or causes damage to the property of another, as defined in s. 939.22 (28), the person  
21 shall be fined not less than ~~\$500~~ \$1,000 nor more than \$10,000 and may be  
22 imprisoned for not more than 2 years.

23           (c) If the violation results in great bodily harm, as defined in s. 939.22 (14), to  
24 another, the person shall be fined not less than ~~\$600~~ \$1,100 nor more than \$10,000  
25 and may be imprisoned for not more than 2 years.

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1 (d) If the violation results in the death of another, the person shall be fined not  
2 less than \$600 \$1,100 nor more than \$10,000 and may be imprisoned for not more  
3 than 5 years.

4 **SECTION 14. Nonstatutory provisions.**

5 (1) The law enforcement standards board shall submit proposed rules required  
6 under section 165.85 (4) (cm) 2. of the statutes, as created by this act, to the joint  
7 legislative council staff for review under section 227.15 (1) of the statutes no later  
8 than the first day of the 7th month beginning after the effective date of this  
9 subsection.

10 **SECTION 15. Initial applicability.**

11 (1) The treatment of section 165.85 (4) (b) 1. of the statutes first applies to  
12 preparatory programs of law enforcement training commenced on the first day of the  
13 10th month beginning after the effective date of this subsection.

14 (2) The treatment of section 165.85 (4) (bn) 1m. of the statutes first applies to  
15 recertification programs commenced on July 1, 1998.

16 (3) The treatment of section 346.17 (3) of the statutes first applies to violations  
17 of section 346.04 (3) of the statutes that occur on the effective date of this subsection  
18 but does not preclude the counting of other violations as prior violations for  
19 sentencing a person or by the department of transportation in taking administrative  
20 action.

21 **SECTION 16. Effective dates.** This act takes effect on the day after  
22 publication, except as follows:

23 (1) The treatment of section 85.07 (3) (e) and (8) of the statutes takes effect on  
24 the first day of the 4th month beginning after publication.

