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## **2005 SENATE BILL 132**

March 23, 2005 – Introduced by Senators Kanavas, Kedzie, Stepp, Brown, Roessler and Coggs, cosponsored by Representatives Davis, Montgomery, Hahn, Ainsworth, Bies, Gunderson, Gundrum, Jensen, Townsend, Ott, Vos, Rhoades, Hines, Van Roy, Jeskewitz, Friske, Gronemus and Musser. Referred to Committee on Judiciary, Corrections and Privacy.

AN ACT to renumber 895.35; and to create 895.35 (2) of the statutes; relating

to: payment of litigation expenses of emergency medical services personnel, fire

fighters, first responders, and law enforcement or correctional officers.

## Analysis by the Legislative Reference Bureau

Current law requires a municipality (a city, town, village, school district, technical college district, or county) to pay the judgment and costs of a municipal officer or employee who is sued in his or her official capacity or for actions taken in the scope of his or her employment. Current law also permits a municipality to pay the reasonable litigation expenses of a municipal officer against whom criminal charges or a civil lawsuit not involving the recovery of damages is brought.

This bill requires the municipality to pay these litigation expenses for an emergency medical services technician, first responder, fire fighter, or law enforcement or correctional officer unless, in relation to the lawsuit, the person for whom the litigation expenses are incurred is convicted of a crime; the person's employment is terminated for cause; the person resigns before the expenses are incurred; the person is demoted; or the person is suspended without pay for at least ten working days.

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

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

## **SENATE BILL 132**

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1	<b>SECTION 1.</b> 895.35 of the statutes is renumbered 895.35 (1).
2	<b>Section 2.</b> 895.35 (2) of the statutes is created to read:
3	895.35 (2) Notwithstanding sub. (1), the city, town, village, school district,
4	$technical\ college\ district,\ or\ county\ shall\ pay\ all\ reasonable\ expenses\ under\ sub.\ (1)$
5	for an emergency medical services technician or first responder under s. $146.50\ (1)$
6	(e) to (hm), a fire fighter, or a law enforcement or correctional officer, unless, in
7	relation to the charges or action resulting in expenses under sub. (1), any of the
8	following applies:
9	(a) The person is convicted of a crime.
10	(b) The person's employment is terminated for cause.
11	(c) The person resigns for reasons other than retirement before the expenses
12	are incurred.
13	(d) The person is demoted or reduced in rank.
14	(e) The person is suspended without pay for 10 or more working days.
15	Section 3. Initial applicability.
16	(1) This act first applies to expenses incurred on the effective date of this
17	subsection.

(END)