

# State of Wisconsin



2021 Assembly Bill 777

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

**AN ACT** to repeal 165.986 (6); to renumber and amend 165.986 (1), 165.986 (2) and 165.986 (4); to amend 20.455 (2) (bm), 20.455 (2) (kb), 165.986 (title), 165.986 (3) and 165.986 (5); and to create 16.20, 165.986 (1c), 165.986 (2) (a) and (c), 165.986 (4) (bm) and 165.986 (4m) of the statutes; relating to: grants to political subdivisions for additional policing and strategic planning to combat crime and grants for beat patrol and specialized officers.

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

**SECTION 1.** 16.20 of the statutes is created to read:

**16.20 Grants for additional policing and strategic planning.** (1) **DEFINITION.** In this section, "political subdivision" means a city, village, town, or county.

(2) **ADDITIONAL POLICING.** (a) From the moneys allocated under 2021 Wisconsin Act ... (this act), section 14 (1) (a), the department shall award one or more grants to a political subdivision for costs associated with additional policing to address automobile theft and carjacking within the political subdivision. In awarding the grants, the department shall give priority to the political subdivisions having a higher incidence of automobile theft or carjacking.

(b) No political subdivision may have more than a total of 4 years of additional policing costs funded by grants under par. (a).

(c) The department shall ensure that no grant awarded under par. (a) is used to supplant funding available to the political subdivision from other sources.

(d) Each political subdivision that receives a grant under par. (a) shall submit a report to the department no later than 2 years after receiving the grant and again no

later than 4 years after receiving the grant. Each report shall describe in detail how the grant moneys were expended and the results of those expenditures, including any impact on the number of persons arrested and charged for automobile theft or carjacking in the political subdivision.

(3) **STRATEGIC PLANNING.** (a) From the moneys allocated under 2021 Wisconsin Act ... (this act), section 14 (1) (b), the department shall award one or more grants to a political subdivision for costs associated with strategic planning to combat crime within the political subdivision.

(b) No political subdivision may have more than a total of 2 years of strategic planning costs funded by grants under par. (a).

(c) The department shall ensure that no grant awarded under par. (a) is used to supplant funding available to the political subdivision from other sources.

(d) Each political subdivision that receives a grant under par. (a) shall submit a report to the department no later than 2 years after receiving the grant. The report shall describe in detail how the grant moneys were expended and the results of those expenditures.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 2.** 20.455 (2) (bm) of the statutes is amended to read:

20.455 (2) (bm) *Law enforcement officer supplement grants — state funds.* The amounts in the schedule for grants under s. 165.986 (4) (1m).

**SECTION 3.** 20.455 (2) (kb) of the statutes is amended to read:

20.455 (2) (kb) *Law enforcement officer supplement grants.* The amounts in the schedule to provide grants for uniformed law enforcement officers under s. 165.986. All moneys transferred from the appropriation account under s. 20.505 (1) (id) 3. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.505 (1) (id).

**SECTION 4.** 165.986 (title) of the statutes is amended to read:

**165.986 (title) Beat patrol and specialized officers; grant program.**

**SECTION 5.** 165.986 (1) of the statutes is renumbered 165.986 (1m) and amended to read:

165.986 (1m) The department of justice shall provide grants from the appropriations under s. 20.455 (2) (bm) and (kb) and from the moneys allocated under 2021 Wisconsin Act .... (this act), section 14 (1) (a) and (b), to cities political subdivisions to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. ~~A city is eligible for a grant under this subsection in fiscal year 1994–95 if the city has a population of 25,000 or more or specialized law enforcement officers.~~ A city political subdivision may receive a grant for a calendar year if the city it applies for a grant before September 1 of the preceding calendar year. Grants shall be awarded to the 10 eligible cities political subdivisions submitting an application for a grant that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available under the uniform crime reporting system of the federal bureau of investigation.

**SECTION 6.** 165.986 (1c) of the statutes is created to read:

165.986 (1c) In this section:

(a) “Political subdivision” means a city, village, town, or county.

(b) “Specialized law enforcement officer” means a law enforcement officer whose primary duties and assignments relate to achieving a law enforcement or public safety goal.

**SECTION 7.** 165.986 (2) of the statutes is renumbered 165.986 (2) (intro.) and amended to read:

165.986 (2) (intro.) A city political subdivision applying to the department of justice for a grant under sub. (4) (1m) shall ~~include a~~ submit to the department of justice all of the following:

(b) A proposed plan of expenditure of the grant moneys that sets forth a strategy for applying the grant moneys toward the goals identified in par. (a). If grant moneys will be used for salary and fringe benefits of a specialized law enforcement officer, the plan must include a description of the officer’s duties and their relation to the goals identified in par. (a).

(2m) The grant moneys that a city political subdivision receives under sub. (4) (1m) may be used for salary and fringe benefits only. Except as provided in sub. (3), the positions for which funding is sought must be created on or after April 21, 1994, and result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties the date on which the application for the initial grant under sub. (1m) is submitted. The department may issue a grant in 2 annual payments, with the 2nd payment contingent upon the grant recipient’s progress in meeting its goals as reported in sub. (4m).

**SECTION 8.** 165.986 (2) (a) and (c) of the statutes are created to read:

165.986 (2) (a) Goals the political subdivision identifies toward which the grant moneys will be applied, using data that demonstrate specific problems and that may be used as a measurement of progress toward the goals.

(c) If the applicant has received a previous grant under sub. (1m), a statement of its progress in reducing crime or achieving other goals related to the purposes for which it received the grant.

**SECTION 9.** 165.986 (3) of the statutes is amended to read:

165.986 (3) During the first 6 months of the first year of a grant under sub. (4) (1m), a city political subdivision may, with the approval of the department, use part of the grant for the payment of salary and fringe benefits for overtime provided by uniformed law enforcement officers whose primary duty is beat patrolling or by specialized law enforcement officers. A city political subdivision may submit a request to the department for a 3-month extension of the use of the grant for the payment of overtime costs. To be eligible to use part of the first year’s grant for overtime costs, the city political subdivision shall provide the department with all of the following:

(a) The reasons why uniformed law enforcement officers assigned to beat patrol duties or specialized law enforcement officers need to work overtime.

(b) The status of the hiring and training of new uniformed law enforcement officers who will have beat patrol duties or of specialized law enforcement officers.

(c) Documentation that a sufficient amount of the grant for the first year will be available, during the period remaining after the payment of overtime costs, to pay the salary and fringe benefits of the same number of uniformed officers whose primary duty is beat patrolling or

of specialized law enforcement officers that the grant originally planned to pay.

**SECTION 10.** 165.986 (4) of the statutes is renumbered 165.986 (4) (a) and amended to read:

165.986 (4) (a) The department shall develop criteria which, notwithstanding s. 227.10 (1), need not be promulgated as rules under ch. 227, for use in determining the amount to grant award to cities political subdivisions under sub. (4) (1m). The department may not award an annual grant under sub. (1) in excess of \$150,000 to any city criteria shall include, for each applicant if applicable, the applicant's success in using previous grants to reduce crime or achieve other goals set by the department. The criteria may also include the rates of nonviolent crime in the political subdivision.

(b) ~~The department shall review any application and plan submitted under sub. (2) to determine if that each application and, plan, and statement of progress submitted under sub. (2) (c) or (4m) meet the requirements of this section.~~

(c) The grant that a city political subdivision receives under sub. (4) (1m) must result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties or the number of specialized law enforcement officers and may not supplant existing local resources. The political subdivision may not reduce its expenditures as a result of receiving the grant.

**SECTION 10c.** 165.986 (4) (bm) of the statutes is created to read:

165.986 (4) (bm) If a jurisdiction is the subject of more than one eligible application for a grant under sub. (1m), the department shall award the grant to the political subdivision with the law enforcement agency that predominantly responds to calls for service in the jurisdiction.

**SECTION 11.** 165.986 (4m) of the statutes is created to read:

165.986 (4m) A political subdivision that receives a grant under sub. (1m) shall submit, annually, or as requested by the department of justice, a progress report that includes all of the following:

(a) For each law enforcement officer whose position is funded wholly or in part by the grant, an activity report that includes proactive measures the officer has taken to achieve the goals identified under sub. (2) in the grant application.

(b) Crime reporting information that compares rates of crime in the political subdivision at the time it received a grant and at the end of the reporting period.

(c) Other information requested by the department that demonstrates the efficacy of the grant in reducing crime or achieving other goals identified by the political subdivision or set by the department.

**SECTION 12.** 165.986 (5) of the statutes is amended to read:

165.986 (5) A city political subdivision may receive a grant under sub. (4) (1m) for 3 consecutive years without submitting a new application each year. For each year that a city political subdivision receives a grant under sub. (4) (1m), the city political subdivision shall provide matching funds of at least 25 percent of the amount of the grant.

**SECTION 13.** 165.986 (6) of the statutes is repealed.

**SECTION 14. Nonstatutory provisions.**

(1) ALLOCATION OF FEDERAL ARPA FUNDS RECEIVED.

(a) *Additional policing.*

1. Of the moneys the governor accepts from the federal government under s. 16.54 pursuant to section 602 of the federal Social Security Act as amended by the federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate \$5,000,000 for grants awarded under ss. 16.20 (2) and 165.986 (1m).

2. Before awarding a grant using moneys allocated under subd. 1., the governor and the department of administration shall submit to the joint committee on finance a plan for the grant program under s. 16.20 (2). The plan shall ensure that the grants will be distributed throughout all geographic areas of the state and in both urban and rural communities. If the committee approves or modifies and approves the plan, the department of administration shall implement the grant program in accordance with the plan as approved.

(b) *Strategic planning.*

1. Of the moneys the governor accepts from the federal government under s. 16.54 pursuant to section 602 of the federal Social Security Act as amended by the federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate \$5,000,000 for grants awarded under ss. 16.20 (3) and 165.986 (1m).

2. Before awarding a grant using moneys allocated under subd. 1., the governor and the department of administration shall submit to the joint committee on finance a plan for the grant program under s. 16.20 (3). The plan shall ensure that the grants will be distributed throughout all geographic areas of the state and in both urban and rural communities. If the committee approves or modifies and approves the plan, the department of administration shall implement the grant program in accordance with the plan as approved.