



2021 ASSEMBLY BILL 451

July 12, 2021 - Introduced by Representatives BOWEN, HONG, ANDERSON, BALDEH, BROSTOFF, CONLEY, EMERSON, HEBL, MOORE OMOKUNDE, NEUBAUER and SINICKI, cosponsored by Senator L. TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 62.13 (5) (e) and 62.50 (17) (a) of the statutes; **relating to:**
2 disciplinary procedures for members of police and fire departments.

Analysis by the Legislative Reference Bureau

Under current law, in municipalities with a fire and police commission (Milwaukee) or a police and fire commission (certain other municipalities with police or fire departments), disciplinary actions are generally initiated by the chief of the department and adjudicated by the fire and police commission or police and fire commission board (board). In general, the chief of the department files charges (PFCs) or provides a notice of his or her disciplinary action (FPC) and the member subject to discipline may, respectively, request a hearing before the board or appeal the action to the board. Under current law, the board determines a hearing or appeal by a majority vote. Under this bill, the charges filed by the chief of the department or the disciplinary action taken by the chief are affirmed by the board except upon a two-thirds vote of the board.

For further information see the 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:

3 **SECTION 1.** 62.13 (5) (e) of the statutes is amended to read:

ASSEMBLY BILL 451**SECTION 1**

1 62.13 (5) (e) For charges filed by a member of the board, the board as a body
2 or an aggrieved person, the charges are sustained upon a majority vote of the board.
3 For charges filed by the chief, the charges are sustained unless the board, by a
4 two-thirds vote of the board members, determines that the charges are not
5 sustained. If the board determines that the charges are not sustained, the accused,
6 if suspended, shall be immediately reinstated and all lost pay restored. If the board
7 determines that the charges are sustained, the accused, by order of the board, may
8 be suspended or reduced in rank, or suspended and reduced in rank, or removed, as
9 the good of the service may require.

10 **SECTION 2.** 62.50 (17) (a) of the statutes is amended to read:

11 62.50 (17) (a) Within 3 days after hearing the matter the board, or a 3-member
12 panel of the board, shall, ~~by a majority vote of its members and~~ subject to par. (b),
13 determine whether by a preponderance of the evidence the charges are sustained.
14 The charges are sustained unless the board or panel, by a two-thirds vote of its
15 members, determines that the charges are not sustained. If the board or panel
16 determines that the charges are sustained, the board shall at once determine
17 whether the good of the service requires that the accused be permanently discharged
18 or be suspended without pay for a period not exceeding 60 days or reduced in rank.
19 If the charges are not sustained the accused shall be immediately reinstated in his
20 or her former position, without prejudice. The decision and findings of the board, or
21 panel, shall be in writing and shall be filed, together with a transcript of the evidence,
22 with the secretary of the board.

23 **SECTION 3. Initial applicability.**

