



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3035/1
CMH:klm&amn

2017 ASSEMBLY BILL 391

June 16, 2017 - Introduced by Representatives C. TAYLOR, KESSLER, SARGENT, MASON, ANDERSON, SINICKI and OHNSTAD, cosponsored by Senators RISSER, JOHNSON and L. TAYLOR. Referred to Committee on State Affairs.

1 **AN ACT to create** 946.12 (6) of the statutes; **relating to:** retaliation against a
2 public employee by a public officer and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a public officer is guilty of a Class I felony if he or she initiates or administers, or threatens to initiate or administer, an official action to retaliate against a public employee for an action taken in the employee's official capacity, for an exercise of the employee's rights under the first amendment to the U.S. Constitution or under article I, section 3, of the Wisconsin Constitution, or for making a report of fraud, waste, or mismanagement if the public officer's action has the effect of disciplining the employee.

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

3 **SECTION 1.** 946.12 (6) of the statutes is created to read:
4 946.12 (6) Initiates or administers, or threatens to initiate or administer, an
5 official action to retaliate against a public employee for an action taken in the
6 employee's official capacity, for an exercise of the employee's rights under the first
7 amendment to the U.S. Constitution or under article I, section 3, of the Wisconsin

ASSEMBLY BILL 391

SECTION 1

1 Constitution, or for making a report of fraud, waste, or mismanagement in state
2 government if the effect of the public officer's action would be any of the following:

3 (a) Dismissal, demotion, transfer, removal of any duty assigned to the public
4 employee's position, refusal to restore, suspension, reprimand, verbal or physical
5 harassment, or reduction in base pay.

6 (b) Denial of education or training, if the education or training may reasonably
7 be expected to lead to an appointment, promotion, performance evaluation, or other
8 personnel action.

9 (c) Reassignment.

10 (d) Failure to increase base pay, except with respect to the determination of a
11 discretionary performance award.

12 (END)