

1969 Assembly Bill 43

Date published:
June 17, 1969

CHAPTER 72, LAWS OF 1969

AN ACT to create 954.028 of the statutes, relating to permitting police to stop and frisk suspects.

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

954.028 of the statutes is created to read:

954.028 TEMPORARY DETENTION AND SEARCH WITHOUT ARREST. (1) Whenever any peace officer of this state, having identified himself as such, encounters any person under circumstances which reasonably lead the officer to suspect that such person has committed, is committing or is about to commit a crime, such officer may detain such person for the purpose of ascertaining the identity of the person detained and the circumstances surrounding his presence which led the officer to believe that such person had committed, was committing or was about to commit a criminal offense. Such person shall not be detained longer than is reasonably necessary to determine said identity and circumstances. Such detention and questioning shall be conducted in the vicinity where the person was stopped.

(2) Whenever any peace officer, having identified himself as such, authorized to detain any person under sub. (1), reasonably believes that any person whom he has detained, or is about to detain, is armed with a dangerous weapon and offers a threat to the safety of the officer or another, he may frisk the detained person for such weapon. If such a frisk discloses a weapon or any material the possession of which may be a criminal offense, it may be seized. If at any time probable cause for arrest of the person shall appear, the person shall be arrested. If, after an inquiry into the circumstances which prompted the detention, no probable cause for the arrest of the person shall appear, he shall be released.

(3) Whenever any action is taken hereunder, the officer taking such action shall file a written report with his department within 24 hours. Such report shall contain at least the following information: The person stopped; the person searched; the time and place of the stop and search; the names of other citizens or officers who were present; whether force was used and if so how much; the circumstances supporting the reasonable indication that a crime was about to, was or had been committed; and the fruits of the search, if any.

(4) This section shall not be construed to limit any power which would otherwise be possessed by peace officers by virtue of statute or common law.

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If you do not see text of the Act, ¹⁶⁸ SCROLL DOWN.

(5) Any dangerous weapon seized under this section shall be forwarded, within 48 hours of its seizure, to the crime laboratory division of the department of justice for examination.

Approved June 4, 1969.
