



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4520/1
MLJ:ahe&emw

2017 SENATE BILL 568

November 20, 2017 - Introduced by Senators ERPENBACH, JOHNSON, LARSON, MILLER, RINGHAND, RISSER, VINEHOUT, WIRCH, L. TAYLOR, SHILLING and BEWLEY, cosponsored by Representatives C. TAYLOR, ANDERSON, BERCEAU, BILLINGS, BROSTOFF, CONSIDINE, CROWLEY, FIELDS, GOYKE, HEBL, HESSELBEIN, KOLSTE, OHNSTAD, POPE, RIEMER, SARGENT, SINICKI, SPREITZER, STUCK, SUBECK, WACHS, ZAMARRIPA and ZEPNICK. Referred to Committee on Health and Human Services.

1 **AN ACT** *to create* 20.455 (2) (er), 165.935 and 940.32 (1) (a) 4m. of the statutes;
2 **relating to:** creating a reproductive health care facility safety program and
3 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill directs the Department of Justice to create programs to address harassment, threats, and violence towards patients, prospective patients, and reproductive health care providers. Under the bill, DOJ must develop training programs for law enforcement officers and prosecuting attorneys to address anti-reproductive health care behaviors and a program to foster community collaboration in the prevention of and response to illegal anti-reproductive health care activities, and create a resource center to collect data and disseminate information on illegal anti-reproductive health care activities. The bill also creates a grant program under which DOJ may award grants to counties that need support in addressing illegal anti-reproductive health care activities.

For further information see the **state** 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:

4 **SECTION 1.** 20.455 (2) (er) of the statutes is created to read:

SENATE BILL 568**SECTION 1**

1 20.455 (2) (er) *Reproductive health care facility safety*. A sum sufficient to
2 provide grants under s. 165.935 (3) to support reproductive health care facility safety.

3 **SECTION 2.** 165.935 of the statutes is created to read:

4 **165.935 Reproductive health care facility safety; grants. (1)**

5 DEFINITIONS. In this section:

6 (a) “Illegal anti-reproductive health care activities” means harassment,
7 threats, and violence towards patients, prospective patients, and reproductive
8 health care providers in violation of the law.

9 (b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

10 (c) “Reproductive health care facility” means any facility that provides
11 reproductive health care services.

12 (d) “Reproductive health care provider” means any person, facility or
13 institution licensed or otherwise authorized by the state of Wisconsin to provide
14 health care services including any physician, coordinated care organization,
15 hospital, facility, employee of such facility or institution, or agent of such person
16 acting in the course and scope of employment or agency related to reproductive
17 health care services.

18 (e) “Reproductive health care services” means any service, including
19 counseling, related to human reproduction, including abortion, contraception,
20 infertility treatment, prenatal care, miscarriage management, and treatment for
21 sexually transmitted infections.

22 **(2) REPRODUCTIVE HEALTH CARE FACILITY SAFETY PROGRAMS.** The department of
23 justice shall establish the following programs to facilitate safety related to providing
24 and receiving reproductive health care services:

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1 (a) A training program for law enforcement officers on best practices in
2 prevention, identification, and investigation of illegal anti-reproductive health care
3 activities. The training program shall be administered by the law enforcement
4 standards board under s. 165.85. The department of justice shall establish
5 guidelines for ongoing continuing education under this program.

6 (b) A training program for prosecuting attorneys on best practices for
7 prosecuting illegal anti-reproductive health care activities. The department of
8 justice shall establish guidelines for ongoing continuing education under this
9 program.

10 (c) A program to foster community collaboration in the prevention of, response
11 to, and planning to address illegal anti-reproductive health care activities.

12 (d) A resource center to collect data and disseminate information on illegal
13 anti-reproductive health care activities, which shall include all of the following:

14 1. Identification of relevant state statutes and local ordinances to address
15 illegal anti-reproductive health care activities.

16 2. Identification of information, policies, model protocols, procedures and best
17 practices relevant to reproductive health care facility safety and prevention of illegal
18 anti-reproductive health care activities.

19 3. Compilation of national and state-specific historical information on illegal
20 anti-reproductive health care activities.

21 4. Compilation of state statistics on violence against reproductive health care
22 providers, patients, and potential patients.

23 5. Information about individuals or groups who have been convicted of illegal
24 anti-reproductive health care activities, including names, pictures, addresses,
25 known aliases, temporary restraining orders or injunctions, and prior convictions.

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1 Information collected under this subdivision may be disseminated only to local,
2 state, and federal law enforcement agencies, district attorneys and federal
3 prosecuting attorneys, and reproductive health care facilities.

4 **(3) REPRODUCTIVE HEALTH CARE FACILITY GRANTS.** From the appropriation under
5 s. 20.455 (2) (er), the department of justice shall award grants in amounts
6 determined by the department of justice to local law enforcement agencies and
7 prosecutorial units in counties with a demonstrated need for assistance in
8 preventing and addressing illegal anti-reproductive health care facilities.

9 **SECTION 3.** 940.32 (1) (a) 4m. of the statutes is created to read:

10 940.32 (1) (a) 4m. Impeding or attempting to impede access to a health care
11 facility where the victim seeks, obtains, or provides health care.

12 **SECTION 4. Nonstatutory provisions.**

13 (1) Within 180 days of the effective date of this subsection, the department of
14 justice shall promulgate emergency rules under section 227.24 of the statutes to
15 implement the programs under section 165.935 (2) of the statutes and the grant
16 program under section 165.935 (3) of the statutes for the period before the effective
17 date of the permanent rules but not to exceed the period authorized under section
18 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the
19 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
20 department is not required to provide evidence that promulgating a rule under this
21 subsection as an emergency rule is necessary for the preservation of the public peace,
22 health, safety, or welfare and is not required to provide a finding of emergency for a
23 rule promulgated under this subsection.

24 (2) Within 180 days of the effective date of this subsection, each Wisconsin law
25 enforcement agency shall develop specific guidelines to address complaints from

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1 reproductive health care providers that include the documentation and prompt
2 investigation of every complaint from a reproductive health care provider, as defined
3 in section 165.935 (1) (d) of the statutes regarding illegal anti-reproductive health
4 care activities, as defined in section 165.935 (1) (a) of the statutes.

5 (3) Within 180 days of the implementation of a training program under section
6 165.935 (2) (a) of the statutes, all law enforcement officers in Wisconsin shall receive
7 initial training under the program.

8 **SECTION 5. Effective date.**

9 (1) The treatment of section 165.935 of the statutes takes effect on the first day
10 of the 7th month beginning after publication.

11 (END)