



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2856/1
MLJ:emw

2021 ASSEMBLY BILL 455

July 12, 2021 - Introduced by Representatives BOWEN, HONG, ANDERSON, BALDEH, BILLINGS, CABRERA, CONLEY, CONSIDINE, EMERSON, GOYKE, HEBL, L. MYERS, MOORE OMOKUNDE, NEUBAUER, SHANKLAND, SHELTON, SINICKI, SPREITZER and SUBECK, cosponsored by Senators JOHNSON, AGARD, CARPENTER, LARSON and ROYS. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 165.845 (1) (intro.), (b) and (c); *to renumber and amend*
2 165.845 (1) (a); *to amend* 165.845 (title) and 165.845 (2); and *to create* 20.455
3 (2) (fj), 165.845 (1g), 165.845 (1r) (a) 2., 165.845 (1r) (d) and 165.845 (1r) (e) of
4 the statutes; **relating to:** reporting of law enforcement use-of-force incidents
5 and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires that the Department of Justice publish an annual report on law enforcement use-of-force incidents, including incidents where there was a shooting, where a firearm was discharged in the direction of a person (even if there was no injury), and where other serious bodily harm resulted from the incident. The bill requires certain demographic information to be collected about each such incident and reported annually by DOJ on its website. The bill also makes an initial appropriation to DOJ of \$100,000 to cover data collection costs and also appropriates \$100,000 annually that DOJ must use to reimburse local law enforcement agencies for data collection and reporting costs.

For further information see the state and 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:

ASSEMBLY BILL 455**SECTION 1**

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2021-22 2022-23

3 **20.455 Justice, department of**

4 (2) LAW ENFORCEMENT SERVICES

5 (fj) Data collection and reporting GPR A 200,000 100,000

6 **SECTION 2.** 20.455 (2) (fj) of the statutes is created to read:

7 20.455 (2) (fj) *Data collection and reporting.* The amounts in the schedule for
8 data collection and reporting costs under s. 165.845 (1r) and to reimburse local law
9 enforcement agencies for data collection and reporting costs in accordance with s.
10 165.845 (1r) (e).

11 **SECTION 3.** 165.845 (title) of the statutes is amended to read:

12 **165.845 (title) Collect Collection and reporting of crime data.**

13 **SECTION 4.** 165.845 (1) (intro.), (b) and (c) of the statutes are renumbered
14 165.845 (1r) (intro.), (b) and (c).

15 **SECTION 5.** 165.845 (1) (a) of the statutes is renumbered 165.845 (1r) (a) (intro.)
16 and amended to read:

17 165.845 (1r) (a) (intro.) Collect information concerning the number and nature
18 of offenses known to have been committed in this state and such other information
19 as may be useful in the study of crime and the administration of justice. The
20 department of justice may determine any other information to be obtained regarding
21 crime and justice system statistics. The information shall include data all of the
22 following:

ASSEMBLY BILL 455

1 1. Data requested by the federal bureau of investigation under its system of
2 uniform crime reports for the United States.

3 **SECTION 6.** 165.845 (1g) of the statutes is created to read:

4 165.845 (**1g**) In this section, “serious bodily harm” has the meaning given in
5 s. 969.001 (2).

6 **SECTION 7.** 165.845 (1r) (a) 2. of the statutes is created to read:

7 165.845 (**1r**) (a) 2. For any incident involving the shooting of a civilian by a law
8 enforcement officer or the shooting of a law enforcement officer by a civilian; any
9 incident involving the discharge of a firearm by a law enforcement officer at or in the
10 direction of a civilian or the discharge of a firearm by a civilian at or in the direction
11 of a law enforcement officer; and any incident in which an action taken by a law
12 enforcement officer as a response to an act of resistance results in serious bodily
13 harm or death or in which an act of resistance taken by a civilian against a law
14 enforcement officer results in serious bodily harm or death, all of the following
15 information:

16 a. The gender, race, ethnicity, and age of each person who was shot at, injured,
17 or killed.

18 b. The date, time, and location of the incident.

19 c. Whether any civilian involved in the incident was armed and, if he or she was
20 armed, the type of weapon that the civilian had.

21 d. The type of resistance used against the law enforcement officer by the
22 civilian, the type of action taken in response by the officer, and, if applicable, the
23 types of weapons used.

24 e. The number of law enforcement officers involved in the incident.

25 f. The number of civilians involved in the incident.

ASSEMBLY BILL 455**SECTION 7**

1 g. A brief description regarding the circumstances surrounding the incident,
2 including perceptions on behavior or mental disorders.

3 **SECTION 8.** 165.845 (1r) (d) of the statutes is created to read:

4 165.845 (1r) (d) Publish an annual report using the information collected
5 under par. (a) 2. The report may be published electronically on the department of
6 justice's Internet site in an interactive format and shall include, at a minimum, all
7 information that is reported to the department by local law enforcement agencies
8 under par. (a) 2.

9 **SECTION 9.** 165.845 (1r) (e) of the statutes is created to read:

10 165.845 (1r) (e) From the appropriation under s. 20.455 (2) (fj), reimburse local
11 law enforcement agencies that request reimbursement for costs associated with the
12 collection and reporting of the information specified in par. (a) 2. Reimbursements
13 issued under this paragraph may not exceed a total of \$100,000 per year.

14 **SECTION 10.** 165.845 (2) of the statutes is amended to read:

15 165.845 (2) All persons in charge of law enforcement agencies and other
16 criminal and juvenile justice system agencies shall supply the department of justice
17 with the information described in sub. ~~(1)~~ (1r) (a) on the basis of the forms or
18 instructions or both to be supplied by the department under sub. ~~(1)(a)~~ (1r) (b). The
19 department may conduct an audit to determine the accuracy of the data and other
20 information it receives from law enforcement agencies and other criminal and
21 juvenile justice system agencies.

22 **SECTION 11. Effective date.**

23 (1) This act takes effect on the day after publication, or on the 2nd day after the
24 publication of the 2021 biennial budget act, whichever is later.

25

(END)