AN ACT to create 102.03 (5) (e), 175.45 and 895.46 (7) of the statutes, relating to: mutual aid agreements between Wisconsin law enforcement agencies and law enforcement agencies in physically adjacent states.

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

SECTION 1. 102.03 (5) (e) of the statutes is created to read:

102.03 (5) (e) He or she is a Wisconsin law enforcement officer acting under an agreement authorized under s. 175.45.

SECTION 2. 175.45 of the statutes is created to read:

175.45 Mutual aid agreements. (1) In this section:

(a) “Border county” means any of the following:
1. Any Wisconsin county that has land that is within 5 miles from any land of a physically adjacent state, as measured, where applicable, by any land that is above the ordinary high water mark.
2. Any county of a physically adjacent state which county has land that is within 5 miles from any land of Wisconsin, as measured, where applicable, by any land that is above the ordinary high water mark.

(b) “Law enforcement agency of a physically adjacent state” means a governmental unit of one or more persons employed by a physically adjacent state or a political subdivision of a physically adjacent state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

(c) “Law enforcement officer of a physically adjacent state” means any person employed by a physically adjacent state or any political subdivision of a physically adjacent state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

(d) “Physically adjacent state” means Minnesota, Iowa, Illinois or Michigan.

(e) “Political subdivision” means a county, city, village or town.

(f) “Wisconsin law enforcement agency” means a governmental unit of one or more persons employed by this state or a political subdivision of this state, for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(g) “Wisconsin law enforcement officer” means any person employed by this state or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

(2) Except as provided in sub. (8), a Wisconsin law enforcement agency may enter into a mutual aid agreement with a law enforcement agency of a physically adjacent state authorizing one or more of the following:

(a) Law enforcement officers of the law enforcement agency of the physically adjacent state to act with some or all of the arrest and other police authority of a law enforcement officer of the Wisconsin law enforcement agency while within the Wisconsin law enforcement agency’s territorial jurisdiction and within a border county.

(b) Law enforcement officers of the Wisconsin law enforcement agency to act with some or all of the arrest
and other police authority of a law enforcement officer of
the law enforcement agency of the physically adjacent
state while within that agency’s territorial jurisdiction
and within a border county.

(3) An agreement under this section shall be written
and may be on an individual case–by–case basis or may
be on a continuing basis until terminated by either
agency.

(4) An agreement under this section may grant
authority to an officer only to enforce laws and make
arrests for violations of laws that are similar to the types
of laws that he or she is authorized to enforce or make
arrests for regarding violations of in his or her home state.

(5) (a) Except as provided in par. (b), any agreement
under this section shall provide that any Wisconsin law
enforcement officer, acting under the agreement in
another state, shall continue to be covered by his or her
employing agency for purposes of worker’s compensa-
tion, unemployment compensation, benefits under ch. 40
and civil liability and any officer of another state acting
in Wisconsin under the agreement shall continue to be
covered for worker’s compensation, unemployment
compensation, disability and other employe benefits and
civil liability purposes by his or her employing agency in
his or her home state. Any Wisconsin officer acting
within an adjoining state, under the agreement, is consid-
ered while so acting to be in the ordinary course of his or
her employment with his or her employing Wisconsin
law enforcement agency.

(b) An agreement under this section shall provide
that any Wisconsin law enforcement officer, acting under
the agreement in another state, is subject to any immunity
from liability or limit on liability to the same extent as any
officer of the other state. An agreement under this section
shall provide that any law enforcement officer of another
state, acting under the agreement in Wisconsin, is subject
to any immunity from liability or limit on liability to the
same extent as a Wisconsin law enforcement officer.

(6) No law enforcement officer of a physically adja-
cent state, acting under an agreement under this section,
may be considered, for liability purposes, as an employe
or agent of this state or any Wisconsin law enforcement
agency for his or her actions within this state regardless
of the supervision or control of the officer’s actions while
within this state. The officer of the physically adjacent
state is considered as continuing to be an employe of the
agency employing him or her in the officer’s home state.

(7) Any agreement under this section entered into by
a Wisconsin law enforcement agency may include any
terms and conditions considered appropriate by that
agency, except the agreement shall comply with this sec-
tion.

(8) At least 30 days prior to entering into an agree-
ment under sub. (2), a Wisconsin law enforcement
agency shall submit a copy of the proposed agreement to
the department of justice for the department’s review and
comment. The department shall provide its comments to
the Wisconsin law enforcement agency within 21 days
after the department receives the proposed agreement.
The Wisconsin law enforcement agency need not have
the consent of the department to enter into the agreement.
The Wisconsin law enforcement agency may revise the
proposed agreement without having to resubmit the pro-
posed agreement to the department.

Section 3. 895.46 (7) of the statutes is created to
read:

895.46 (7) The protection afforded by this section
does not apply to any law enforcement officer of another
state acting in Wisconsin under an agreement authorized
under s. 175.45.