

# State of Wisconsin



1995 Assembly Bill 861

Date of enactment: **March 22, 1996**

Date of publication\*: **March 25, 1996**

## 1995 WISCONSIN ACT 174

AN ACT *to renumber and amend* 16.84 (11); *to amend* 16.84 (2); *to repeal and recreate* 778.25 (1) (a) 6.; and *to create* 16.846 and 778.25 (1) (a) 6. of the statutes; **relating to:** the enforcement of rules promulgated by the department of administration concerning the use, care and preservation of property under the department's control and granting rule-making authority.

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

**SECTION 1.** 16.84 (2) of the statutes is amended to read:

16.84 (2) Appoint such number of security police officers as is necessary to safeguard all public property placed by law in the department's charge, and provide, by agreement with any other state agency, police and security services at the historical society headquarters building located at 816 State street and the historical society museum located at 30 N. Carroll street in the city of Madison upon reimbursement therefor by the society. When authorized by the buildings and facilities owned, controlled or occupied by the other state agency. The governor, or the department shall appoint such number of security may, to the extent it is necessary, authorize police officers as is necessary employed by the department to safeguard state officers, state employes or other persons. All such security officers may arrest, with or without warrant, any person violating any law within or around any of said properties or in the presence or vicinity of said state officers or other persons being safeguarded by authorization of the governor A police officer who is employed by the department and who is performing duties that are within the scope of his or her employment as a police officer has

the powers of a peace officer under s. 59.24, except that the officer has the arrest powers of a law enforcement officer under s. 968.07 regardless of whether the violation is punishable by forfeiture or criminal penalty. The officer may exercise the powers of a peace officer and the arrest powers of a law enforcement officer while located anywhere within this state. Nothing in this subsection limits or impairs the duty of the chief and each police officer of the police force of the municipality in which the property is located to arrest and take before the proper court or magistrate persons found in a state of intoxication or engaged in any disturbance of the peace or violating any state law, ~~except s. 16.843 (2), in or around any of said properties located in the municipality in which the property is located, as required by s. 62.09 (13).~~

**SECTION 2.** 16.84 (11) of the statutes is renumbered 16.846 (1) (a) and amended to read:

16.846 (1) (a) ~~Prepare, publish~~ The department shall promulgate under ch. 227, and shall enforce or have enforced, rules of conduct for the several buildings for which property leased or managed by the department has managing authority. Any . Unless the rule specifies a penalty as provided under par. (b), a person found guilty of violating one of these rules a rule promulgated under this subsection shall, unless the rule violated prescribes

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

a lesser penalty, be fined not more than \$100 or imprisoned for not more than 30 days, or both.

**SECTION 3.** 16.846 of the statutes is created to read:

**16.846 Rules relating to use, care and preservation of property under department control.**

(1) (b) A rule promulgated under par. (a) may provide that a person who violates the rule is subject to one of the following:

1. A lesser criminal penalty than the criminal penalty specified in par. (a).

2. A forfeiture of not more than \$500.

(2) A forfeiture under sub. (1) (b) 2. may be sued for and collected in the name of the department before any court having jurisdiction of such action. An action for a forfeiture under sub. (1) (b) 2. may be brought by the department, by the department of justice at the request of the department, or by a district attorney.

(3) All fines imposed and collected under this section shall be transmitted to the county treasurer for disposition in accordance with s. 59.20 (5) and (8). All forfeitures, including forfeitures of posted bail, if any, imposed and collected under this section shall be transmitted to the

county treasurer for disposition in accordance with ss. 778.13 and 778.17.

**SECTION 4.** 778.25 (1) (a) 6. of the statutes is created to read:

778.25 (1) (a) 6. Under an administrative rule promulgated by the department of administration under s. 16.846 brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under ch. 48.

**SECTION 5.** 778.25 (1) (a) 6. of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

778.25 (1) (a) 6. Under an administrative rule promulgated by the department of administration under s. 16.846 brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under chs. 48 and 938.

**SECTION 6. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 778.25 (1) (a) 6. of the statutes takes effect on July 1, 1996, or on the day after publication, whichever is later.