

State of Wisconsin



1995 Assembly Bill 745

Date of enactment: **May 17, 1996**
Date of publication*: **May 31, 1996**

1995 WISCONSIN ACT 337

AN ACT to amend 175.40 (6) (a) 1.; and to create 175.40 (7) of the statutes; relating to: the authority of federal law enforcement officers to make arrests and render assistance and arrests by a peace officer of this state outside of his or her territorial jurisdiction.

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

SECTION 1g. 175.40 (6) (a) 1. of the statutes is amended to read:

175.40 (6) (a) 1. The officer is ~~in uniform~~, on duty and on official business. ~~If the officer is using a vehicle, that vehicle is a marked police vehicle.~~

SECTION 1r. 175.40 (7) of the statutes is created to read:

175.40 (7) (a) In this subsection:

1. "Federal law enforcement officer" means a person employed full-time by the federal government who may make an arrest with or without a warrant for a violation of the U.S. Code and who may carry a firearm in the performance of the person's duties.

2. "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

3. "Wisconsin law enforcement officer" has the meaning given in s. 175.46 (1) (g).

(b) A federal law enforcement officer, while engaged in the performance of official duties, may do any of the following anywhere in the state:

1. Make an arrest for a violation of state law or render aid or assistance if the officer has reasonable grounds for

believing that a felony has been or is being committed in his or her presence and has reasonable grounds for believing that the person to be arrested has committed the felony.

2. Render assistance to a Wisconsin law enforcement officer in an emergency or at the request of the Wisconsin law enforcement officer.

(c) A federal law enforcement officer acting under par. (b) has any immunity from liability or limit on liability to the same extent as a Wisconsin law enforcement officer.

(d) No federal law enforcement officer, acting solely under the authority under par. (b), 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. The federal law enforcement officer is considered as continuing to be an employe of the agency employing him or her.

(e) This subsection does not limit any authority to act that a federal law enforcement officer has under federal law.

SECTION 2. Initial applicability.

(1) This act first applies to acts by federal law enforcement officers on the effective date of this subsection.

* 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].