

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 453**

February 10, 2000 – Offered by Representative M. LEHMAN.

1     **AN ACT** *to amend* 66.305 and 66.315 of the statutes; **relating to:** liability for the  
2             actions of law enforcement officers and other employes of cities, villages, towns  
3             or counties who are requested to assist other jurisdictions.

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

4             **SECTION 1.** 66.305 of the statutes is amended to read:

5             **66.305   Law enforcement, local governmental employes; mutual**  
6             **assistance.** (1) Upon the request of any law enforcement agency, including county  
7             law enforcement agencies as provided in s. 59.28 (2), the law enforcement personnel  
8             of any other law enforcement agency may assist the requesting agency within the  
9             latter’s jurisdiction, notwithstanding any other jurisdictional provision. Upon the  
10            request of the governing body of a city, village, town or county, an employe of another  
11            city, village, town or county may assist the requesting political subdivision within the

1 latter's jurisdiction. For purposes of ss. 895.35 and 895.46, ~~such~~ the law enforcement  
2 personnel, or other employes of another political subdivision, while acting in  
3 response to ~~such~~ the request, shall be deemed considered employes of the requesting  
4 agency or political subdivision, unless the requesting law enforcement agency or  
5 political subdivision and the officer's employing agency or political subdivision enter  
6 into a written agreement that apportions liability between the jurisdictions.

7 (2) The provisions of s. 66.315, to the extent applicable, shall apply to this  
8 section.

9 SECTION 2. 66.315 of the statutes is amended to read:

10 **66.315 Police, local governmental employes; pay when acting outside**  
11 **county or municipality.** (1) Any chief of police, sheriff, deputy sheriff, county  
12 traffic officer or other peace officer of any city, ~~county,~~ village ~~or,~~ town or county, who  
13 shall be required by command of the governor, sheriff or other superior authority to  
14 maintain the peace or who responds to the request of the authorities of another  
15 municipality, to perform police or peace duties outside territorial limits of the city,  
16 ~~county,~~ village ~~or,~~ town or county where employed as such officer, and any other  
17 employee of a city, village, town or county who is requested by another political  
18 subdivision to perform duties similar to the duties that he or she performs for his or  
19 her regular employer in that other political subdivision, shall be entitled to the same  
20 wage, salary, pension, worker's compensation, and all other service rights for such  
21 service as for service rendered within the limits of the city, ~~county,~~ village ~~or,~~ town  
22 or county where regularly employed.

23 (2) All wage and disability payments, pension and worker's compensation  
24 claims, damage to equipment and clothing and medical expense, shall be paid by the  
25 city, ~~county,~~ village ~~or,~~ town or county regularly employing such peace officer or other

1 employe of a political subdivision. Upon making such the payment such the city,  
2 county, village or, town or county shall be reimbursed by the state, county or other  
3 political subdivision whose officer or agent commanded the services out of which the  
4 payments arose, and if an officer is commanded under sub. (1) to perform police or  
5 peace duties outside the territorial limits where he or she is regularly employed, or  
6 if another employe of a political subdivision is requested to perform duties similar  
7 to the duties that he or she performs for his or her regular employer in that other  
8 political subdivision, the commanding or requesting agency or political subdivision  
9 shall be liable for the officer's or employe's actions while performing those duties, for  
10 purposes of ss. 895.35 and 895.46, unless that agency or political subdivision and the  
11 officer's or employe's regular employing agency or political subdivision enter into a  
12 written agreement that apportions liability between the jurisdictions.

13 **SECTION 3. Initial applicability.**

14 (1) This act first applies to claims arising on the effective date of this subsection.

15 (END)