

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB453)

Received: **02/09/2000**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Lehman (608) 267-2367**

By/Representing: **Andrew**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

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Subject: **Munis - miscellaneous
Counties
Courts - miscellaneous**

Extra Copies: **RPN**

Pre Topic:

No specific pre topic given

Topic:

Municipal liability, law enforcement mutual aid

Instructions:

Keep current law, but allow the shift in liability to the employing unit of government only upon a written agreement between the employing and service-requesting unit of government. SAME as s0223/1, which was lost.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 1999 ASSEMBLY BILL 453**

Regen

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
12 latter's jurisdiction. For purposes of ss. 895.35 and 895.46, such the law enforcement

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

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

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

9 **66.315 Police, local governmental employes; pay when acting outside**
10 **county or municipality.** (1) Any chief of police, sheriff, deputy sheriff, county
11 traffic officer or other peace officer of any city, ~~county~~, village ~~or~~, town or county, who
12 shall be required by command of the governor, sheriff or other superior authority to
13 maintain the peace or who responds to the request of the authorities of another
14 municipality, to perform police or peace duties outside territorial limits of the city,
15 ~~county~~, village ~~or~~, town or county where employed as such officer, and any other
16 employe of a city, village, town or county who is requested by another political
17 subdivision to perform duties similar to the duties that he or she performs for his or
18 her regular employer in that other political subdivision, shall be entitled to the same
19 wage, salary, pension, worker's compensation, and all other service rights for such
20 service, as for service rendered within the limits of the city, ~~county~~, village ~~or~~, town
21 or county where regularly employed.

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

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

12 **SECTION 3. Initial applicability.**

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

14 (END)