

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 354**

March 20, 2000 – Offered by Representatives GOETSCH and YOUNG.

1 **AN ACT to amend** 165.85 (4) (b) 1.; and **to create** 165.842 of the statutes;
2 **relating to:** collection of data concerning motor vehicle stops, law enforcement
3 training standards and granting rule-making authority.

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

4 **SECTION 1.** 165.842 of the statutes is created to read:

5 **165.842 Motor vehicle stops; collection and analysis of information;**
6 **annual report. (1) DEFINITIONS.** In this section:

7 (a) “African American” means, with respect to an American citizen, ancestry
8 originating among the dark-skinned people of Africa.

9 (b) “American Indian” means ancestry of at least one-fourth American Indian
10 or ancestry sufficient to gain the person enrollment as a member of a federally
11 recognized American Indian tribe or band or tribal recognition as an American
12 Indian.

1 (c) “Asian–Indian” means ancestry originating in India, Pakistan or
2 Bangladesh.

3 (d) “Department” means the department of justice.

4 (e) “Ethnic heritage” means any of the following:

5 1. African American, Black or Negro.

6 2. American Indian.

7 3. Alaskan Native.

8 4. Asian.

9 5. Asian–Indian.

10 6. Pacific Islander.

11 7. Caucasian.

12 8. Chinese.

13 9. Filipino.

14 10. Guamian or Chamorro.

15 11. Hispanic, Latino or Spanish.

16 12. Japanese.

17 13. Korean.

18 14. Native Hawaiian.

19 15. Samoan.

20 16. Vietnamese.

21 (f) “Hispanic” means ancestry originating in Spain, Mexico, Puerto Rico, Cuba,
22 Central America or South America.

23 (g) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b).

24 (h) “Law enforcement officer” means a person who is employed by a law
25 enforcement agency for the purpose of detecting and preventing crime and enforcing

1 laws or ordinances and who is authorized to make arrests for violations of the laws
2 or ordinances that the person is employed to enforce, whether that enforcement
3 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

4 (i) “Motor vehicle stop” means the stop or detention of a motor vehicle that is
5 traveling in any public or private place, or the detention of an occupied motor vehicle
6 that is already stopped in any public or private place, for the purpose of investigating
7 any alleged or suspected violation of a state or federal law or city, village, town or
8 county ordinance.

9 **(2) INFORMATION COLLECTION REQUIRED.** All persons in charge of law
10 enforcement agencies shall obtain, or cause to be obtained, all of the following
11 information with respect to each motor vehicle stop made on or after January 1, 2001,
12 by a law enforcement officer employed by the law enforcement agency:

13 (a) The reason that the law enforcement officer stopped or detained the motor
14 vehicle.

15 (b) The age, gender and ethnic heritage of the operator of the motor vehicle.

16 (c) The number of persons in the motor vehicle.

17 (d) Whether a search was conducted of the motor vehicle, the operator of the
18 motor vehicle or any passenger in the motor vehicle, and for each search conducted
19 all of the following information:

20 1. Whether the search was based on probable cause or reasonable suspicion to
21 believe that an offense had been, was being or was about to be committed, or whether
22 the search was based on the consent of the person searched or, for a motor vehicle
23 search, on the consent of the operator or other authorized person.

24 2. If the search was of a passenger in the motor vehicle, the age, gender and
25 ethnic heritage of the passenger.

1 3. What, if anything, was seized as a result of the search.

2 (e) Whether any person who was asked to consent to a search of the motor
3 vehicle or of his or her person refused to consent.

4 (f) Whether the motor vehicle stop or a search conducted during the stop
5 resulted in the operator or any passenger being given a written warning of or a
6 citation for a violation of any law or ordinance and, if so, a listing of each warning
7 or citation given and the alleged violation for which the warning or citation was
8 given.

9 (g) Whether the motor vehicle stop or a search conducted during the stop
10 resulted in the arrest of the operator or any passenger and, if so, a listing of each
11 arrest made and the reason for the arrest.

12 **(3) SUBMISSION OF INFORMATION COLLECTED.** The person in charge of a law
13 enforcement agency shall forward the information obtained under sub. (2) to the
14 department using the form prescribed by the rules promulgated under sub. (5) and
15 in accordance with the reporting schedule established under the rules promulgated
16 under sub. (5).

17 **(4) ANALYSIS AND REPORT BY DEPARTMENT.** (a) The department shall compile the
18 information submitted to it by law enforcement agencies under sub. (3) and shall
19 analyze the information, along with any other relevant information, to determine,
20 both for the state as a whole and for each law enforcement agency, all of the following:

21 1. Whether the number of motor vehicle stops and searches of motor vehicles
22 operated or occupied by persons who are not Caucasians compared to the number of
23 motor vehicle stops and searches of motor vehicles operated or occupied solely by
24 persons who are Caucasians is disproportionate based on an estimate of the
25 population and characteristics of all persons traveling on state highways, on an

1 estimate of the populations and characteristics of persons traveling on state
2 highways who are violating a law or ordinance, or on some other relevant population
3 estimate.

4 2. A determination as to whether any disproportion found under subd. 1. is the
5 result of profiling, stereotyping or discrimination based on ethnic heritage, race or
6 skin color.

7 (b) For each year, the department shall prepare an annual report that
8 summarizes the information submitted to it by law enforcement agencies concerning
9 motor vehicle stops made during the year and that describes the methods and
10 conclusions of its analysis of the information. On or before March 31, 2002, and on
11 or before each March 31 thereafter, the department shall submit the annual report
12 required under this paragraph to the legislature under s. 13.172 (2), to the governor
13 and to the director of state courts.

14 (5) RULES. The department shall promulgate rules to implement the
15 requirements of this section, including rules prescribing a form for use in obtaining
16 information under sub. (2) and establishing a schedule for forwarding the
17 information obtained to the department. The form shall require the law enforcement
18 officer completing the form to specify the manner by which the law enforcement
19 officer determined the ethnic heritage of any person for whom that information is
20 required to be collected under sub. (2). The department shall make the form
21 prescribed by its rules available to law enforcement agencies.

22 **SECTION 2.** 165.85 (4) (b) 1. of the statutes is amended to read:

23 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
24 enforcement officer, except on a temporary or probationary basis, unless the person
25 has satisfactorily completed a preparatory program of law enforcement training

1 approved by the board and has been certified by the board as being qualified to be
2 a law enforcement or tribal law enforcement officer. The program shall include 400
3 hours of training, except the program for law enforcement officers who serve as
4 rangers for the department of natural resources includes 240 hours of training. The
5 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
6 400-hour conventional program and a 240-hour ranger program. The rule shall
7 ensure that there is an adequate amount of training for each program to enable the
8 person to deal effectively with domestic abuse incidents. The training under this
9 subdivision shall include training on emergency detention standards and procedures
10 under s. 51.15, emergency protective placement standards and procedures under s.
11 55.06 (11) and information on mental health and developmental disabilities agencies
12 and other resources that may be available to assist the officer in interpreting the
13 emergency detention and emergency protective placement standards, making
14 emergency detentions and emergency protective placements and locating
15 appropriate facilities for the emergency detentions and emergency protective
16 placements of persons. The training under this subdivision shall include training
17 designed to prevent the use of profiling, stereotyping or discrimination based on
18 ethnic heritage, as defined in s. 165.842 (1) (e), race or skin color as a basis for
19 detaining, searching or arresting a person or for otherwise treating a person
20 differently from persons of other ethnic heritage, races or skin color. The training
21 under this subdivision shall include training on police pursuit standards, guidelines
22 and driving techniques established under par. (cm) 2. b. The period of temporary or
23 probationary employment established at the time of initial employment shall not be
24 extended by more than one year for an officer lacking the training qualifications
25 required by the board. The total period during which a person may serve as a law

1 enforcement and tribal law enforcement officer on a temporary or probationary basis
2 without completing a preparatory program of law enforcement training approved by
3 the board shall not exceed 2 years, except that the board shall permit part–time law
4 enforcement and tribal law enforcement officers to serve on a temporary or
5 probationary basis without completing a program of law enforcement training
6 approved by the board to a period not exceeding 3 years. For purposes of this section,
7 a part–time law enforcement or tribal law enforcement officer is a law enforcement
8 or tribal law enforcement officer who routinely works not more than one–half the
9 normal annual work hours of a full–time employe of the employing agency or unit
10 of government. Law enforcement training programs including municipal, county
11 and state programs meeting standards of the board are acceptable as meeting these
12 training requirements.

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