

**2001 DRAFTING REQUEST**

**Bill**

Received: 01/09/2001

Received By: nelsorp1

Wanted: Soon

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: Melissa Gilbert

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Correctional System - prisons

Extra Copies: ISR

**Pre Topic:**

No specific pre topic given

**Topic:**

Probation, parole and extended supervision agents responsible for locating absconders

**Instructions:**

See Attached 99AB 743

**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>
/?	nelsorp1 01/23/2001	jdye 02/02/2001		_____			State
/1			rschlue 02/06/2001	_____	lrb_docadmin 02/06/2001	lrb_docadmin 02/27/2001	

FE Sent For:

<END>

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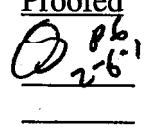
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1/?	nelsorp1	1 2/2 jld	 2-5-1	 2-6-1			

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Gilbert, Melissa  
**Sent:** Tuesday, January 09, 2001 12:57 PM  
**To:** Nelson, Robert P.  
**Subject:** corrections bills

Hi Bob!

I understand you are helping out Mike Dsida with corrections drafting at this time. If so, we would like to [REDACTED] and AB 743 (arming of absconder units) from the 1999 session. If you are no longer working on corrections, please let us know whom we should contact about these bills.

Thanks much!

**Melissa Gilbert**  
**Research Assistant**  
**Rep. Scott Walker**

AB743

**ASSEMBLY BILL 743**

An Act to renumber and amend 941.23 and 941.235 (2); and to create 301.51, 941.23 (2), 941.235 (2) (d) and 941.237 (3) (am) of the statutes; relating to: probation, parole and extended supervision agents responsible for locating absconders. (FE)

2000

02-10-00. A. Introduced by Representatives Walker, La Fave, Ainsworth, Duff, Goetsch, Grothman, Gunderson, Handrick, Kaufert, F. Lasee, M. Lehman, Owens, Pettis, Ryba, Spillner, Stone, Ziegelbauer and Nass; cosponsored by Senators Darling, Drzewiecki, A. Lasee, Rosenzweig and Schultz.	
02-10-00. A. Read first time and referred to committee on Corrections and the Courts .	<b><u>660</u></b>
02-23-00. A. Public hearing held.	
02-28-00. A. <b><u>Fiscal estimate received.</u></b>	
03-01-00. A. Executive action taken.	
03-08-00. A. Report passage recommended by committee on Corrections and the Courts, Ayes 10, Noes 2 . . . . .	<b><u>714</u></b>
03-08-00. A. Referred to committee on Rules . . . . .	<b><u>714</u></b>
03-21-00. A. Placed on calendar 3-23-2000 by committee on Rules.	
03-23-00. A. Read a second time . . . . .	<b><u>817</u></b>
03-23-00. A. Ordered to a third reading . . . . .	<b><u>817</u></b>
03-23-00. A. Rules suspended . . . . .	<b><u>817</u></b>
03-23-00. A. Read a third time and <b>passed, Ayes 90, Noes 9</b> . . . . .	<b><u>817</u></b>
03-23-00. A. Ordered immediately messaged . . . . .	<b><u>817</u></b>
03-24-00. S. Received from Assembly . . . . .	<b><u>526</u></b>
03-24-00. S. Read first time and referred to committee on Insurance, Tourism, Transportation and Corrections. . . . .	<b><u>528</u></b>
04-06-00. S. Failed to concur in pursuant to Senate Joint Resolution 1 . . . . .	<b><u>583</u></b>

2001  
1999 ASSEMBLY BILL 743

February 10, 2000 - Introduced by Representatives WALKER, LA FAVE, AINSWORTH, DUFF, GOETSCH, GROTHMAN, GUNDERSON, HANDRICK, KAUFERT, F. LASEE, M. LEHMAN, OWENS, PETTIS, RYBA, SPILLNER, STONE, ZIEGELBAUER and NASS, cosponsored by Senators DARLING, DRZEWIECKI, A. LASEE, ROSENZWEIG and SCHULTZ. Referred to Committee on Corrections and the Courts.

Regen

1 AN ACT to renumber and amend 941.23 and 941.235 (2); and to create 301.51,  
2 941.23 (2), 941.235 (2) (d) and 941.237 (3) (am) of the statutes; relating to:  
3 probation, parole, and extended supervision agents responsible for locating  
4 absconders.

**Analysis by the Legislative Reference Bureau**

Current law prohibits a person from carrying a concealed and dangerous weapon. With certain exceptions, current law also prohibits a person from carrying a handgun on the premises of a tavern. A person who violates either of these prohibitions may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, current law prohibits a person from carrying any firearm in a building owned or leased by the state or any political subdivision of the state. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. None of these prohibitions apply to a peace officer, who is any person vested by law with a duty to maintain public order or to make arrests for crime.

\* This bill provides that these three weapons-related prohibitions do not apply to a probation, extended supervision, and parole agent whose primary duty is to locate persons who have absconded from probation, parole, or extended supervision (an absconder agent) and who goes armed while acting in his or her official capacity.

The bill requires the department of corrections (DOC) to select the type of firearm that absconder agents may use and requires DOC to provide ammunition for the firearm to them. The absconder agent, however, is responsible for purchasing the

**ASSEMBLY BILL 743**

firearm and the holster. In addition, under the bill, DOC must provide training regarding firearm safety and use to absconder agents.

The bill also requires DOC to provide credentials and a badge to each absconder agent.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 301.51<sup>✓</sup> of the statutes is created to read:

2           **301.51 Absconder agents.** (1) DEFINITION. In this<sup>✓</sup> section, "absconder agent"  
3 means a probation, parole, or extended supervision agent whose primary duty is to  
4 locate persons who have absconded from probation, parole, or extended supervision.

5           (2) ABSCONDER AGENT FIREARMS. (a) The<sup>✓</sup> department shall select the type of  
6 firearm that absconder agents may carry. If an absconder agent carries a firearm,  
7 the absconder agent shall purchase the firearm and any holster needed for it, and the  
8 department shall provide the needed ammunition. The department shall provide  
9 training regarding firearm safety and use to absconder agents.

10           (3) CREDENTIALS AND IDENTIFICATION. The department shall provide credentials  
11 and a badge to each absconder agent, who shall carry them at all times while on duty.

12           SECTION 2. 941.23<sup>✓</sup> of the statutes is renumbered 941.23 (1) and amended to  
13 read:

14           941.23 (1) Any person ~~except a peace officer~~<sup>✓</sup> who goes armed with a concealed  
15 and dangerous weapon is guilty of a Class A misdemeanor.

16           SECTION 3. 941.23 (2)<sup>✓</sup> of the statutes is created to read:

17           941.23 (2) Subsection (1)<sup>✓</sup> does not apply to any of the following:

18           (a) A peace officer.

ASSEMBLY BILL 743

1 (b) A probation, extended supervision, and parole agent, as defined in s. 940.20  
 2 (2m) (a) 2., whose primary duty is to locate persons who have absconded from  
 3 probation, extended supervision, or parole and who goes armed while acting in his or  
 4 her official capacity.

5 SECTION 4. 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and  
 6 amended to read:

7 941.235 (2) (intro.) This section does not apply to peace any of the following:

- 8 (a) Peace officers or armed.
- 9 (b) Armed forces or military personnel who go armed in the line of duty ~~or to~~  
 10 any.

11 (c) Any person duly authorized by the chief of police of any city, village or town,  
 12 the chief of the capitol police or the sheriff of any county to possess a firearm in any  
 13 building under sub. (1).

14 SECTION 5. 941.235 (2) (d) of the statutes is created to read:

15 941.235 (2) (d) A probation, extended supervision, and parole agent, as defined  
 16 in s. 940.20 (2m) (a) 2., whose primary duty is to locate persons who have absconded  
 17 from probation, extended supervision, or parole and who goes armed while acting in  
 18 his or her official capacity.

19 SECTION 6. 941.237 (3) (am) of the statutes is created to read:

20 941.237 (3) (am) A probation, extended supervision, and parole agent, as  
 21 defined in s. 940.20 (2m) (a) 2., whose primary duty is to locate persons who have  
 22 absconded from probation, extended supervision, or parole and who goes armed while  
 23 acting in his or her official capacity.

PWF





# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

February 6, 2001

### MEMORANDUM

To: Representative Walker

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1920 Probation, parole and extended supervision agents responsible for locating absconders

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.