

2001 SENATE BILL 425

February 5, 2002 – Introduced by Senators BURKE, BAUMGART, DARLING, HANSEN, HARSDORF, MOEN, PLACHE, ROBSON and WIRCH, cosponsored by Representatives FREESE, AINSWORTH, BIES, FRISKE, HAHN, HINES, HUBER, JESKEWITZ, KAUFERT, LA FAVE, LASSA, J. LEHMAN, LOEFFELHOLZ, McCORMICK, MILLER, MUSSER, NASS, OLSEN, OWENS, PETROWSKI, RYBA, STONE, SYKORA, TOWNSEND, URBAN and VRAKAS. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT to amend** 110.07 (2m) and 110.07 (4) of the statutes; **relating to:**
2 investigations by state traffic patrol officers and inspectors.

Analysis by the Legislative Reference Bureau

Current law grants state traffic patrol officers and inspectors specific powers and duties. The primary duty of a state traffic patrol officer is to enforce motor vehicle and traffic laws. The primary duty of an inspector is to enforce motor vehicle laws. State traffic patrol officers and inspectors may not conduct investigations for crimes under the Criminal Code.

This bill specifies that a state traffic patrol officer or inspector may conduct investigations relating to the violation of any law for which the state traffic patrol officer or inspector is granted enforcement powers, including crimes relating to the use or operation of vehicles. State traffic patrol officers and inspectors may not conduct investigations for crimes under the Criminal Code that are unrelated to the use or operation of vehicles.

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

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

3 **SECTION 1.** 110.07 (2m) of the statutes is amended to read:

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1 110.07 **(2m)** In addition to the primary powers granted by subs. (1) and (2), any
2 officer of the state traffic patrol shall have the powers of a peace officer under s. 59.28,
3 except that the officer shall have the arrest powers of a law enforcement officer under
4 s. 968.07, regardless of whether the violation is punishable by forfeiture or criminal
5 penalty. A state traffic officer shall at all times be available as a witness for the state
6 but shall may not conduct investigations for crimes under chs. 939 to 948 other than
7 crimes relating to the use or operation of vehicles. The primary duty of a state traffic
8 officer shall be the enforcement of chs. 340 to 351 or of any other law relating to the
9 use or operation of vehicles upon the highway. No state traffic officer shall be used
10 in or take part in any dispute or controversy between employer or employee
11 concerning wages, hours, labor or working conditions; nor shall any such officer be
12 required to serve civil process. The department may assign state traffic officers to
13 safeguard state officers or other persons.

14 **SECTION 2.** 110.07 (4) of the statutes is amended to read:

15 110.07 **(4)** In addition to the primary powers granted by sub. (3), any inspector
16 shall have the powers of a peace officer under s. 59.28, except that the inspector shall
17 have the arrest powers of a law enforcement officer under s. 968.07, regardless of
18 whether the violation is punishable by forfeiture or criminal penalty. An inspector
19 shall at all times be available as a witness for the state but shall may not conduct
20 investigations for crimes under chs. 939 to 948 other than crimes relating to the use
21 or operation of vehicles. The primary duty of an inspector shall be the enforcement
22 of the provisions specified in sub. (3). No inspector may be used in or take part in any
23 dispute or controversy between employer or employee concerning wages, hours,

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1 labor or working conditions; nor may an inspector be required to serve civil process.

2 The department may assign inspectors to safeguard state officers or other persons.

3 (END)