

2005 DRAFTING REQUEST

Bill

Received: 04/26/2005

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Jason Fields (608) 266-3756**

By/Representing: **himself**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Fields@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

False charging of persons by law enforcement officers

Instructions:

See Attached

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>
/?				_____			S&L Crime
/1	chanaman 05/02/2005	jdyer 05/02/2005	pgreensl 05/02/2005	_____	lemery 05/02/2005	lnorthro 05/03/2005	S&L Crime
/2	chanaman 05/19/2005	jdyer 05/19/2005	jfrantze 05/19/2005	_____	mbarman 05/19/2005	mbarman 05/19/2005	

FE Sent For:

<END>

↳ At
Intro.

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 5/19 Jb/Pg
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/?	chanaman	1/5 2 jld	9/2 ps	5/10 ps llc			

FE Sent For:

<END>

Hanaman, Cathlene

From: Jason Fields [jsnfields@sbcglobal.net]

Sent: Tuesday, April 26, 2005 1:34 PM

To: Hanaman, Cathlene

Cc: Riley, Neci

Subject: Draft of Bill regarding criminal conduct of lwa enforcement agents

Hello Cathlene, I was not sure who should receive this, so I sent it to you thinking that if you are not the correct person to do this that you would forward this email to that person.

I would like to have a bill drafted that states that any law enforcement agent, in particular, Police Officers or Sheriffs, who makes a false claim about a person or persons, will be charged with criminal intent. I need to see the exact penalty of criminal intent?

This bill serves to address the fact that we have a law in Ch. 946 which states that persons who falsely charge a law enforcement agent will be charged with a class A status or forfeiture, however we have nothing in the law of Wisconsin that states that officers should be held accountable when they committ this same act.

If possihble I would like this to be completed within a week. I know that all of you are quite busy and I do appreciate the time and help everyone there has given me.

Rep. Jason Fields: 11th Assembly
(608) 266-3756



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2878/7

TUES
P.M.

1 rmm
Y.....
cmh
jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{re: car} relating to: false arrests and providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Current law provides penalties for committing various acts that affect the administration of government, including resisting or obstructing an officer, ~~obstructing justice by giving false information to an officer of any court,~~ false swearing, perjury, and knowingly making a false complaint that an officer has engaged in misconduct. This bill creates a forfeiture, not to exceed \$10,000, for a peace officer who knowingly arrests or causes the arrest of a person who did not commit the crime for which the arrest is being made or for a peace officer who, in his or her official capacity, knowingly makes an allegation that the peace officer knows could lead to the arrest of a person who is not responsible for the action for which the arrest is being made. ✓

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted. ✓

For further information see the *state and local* 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:

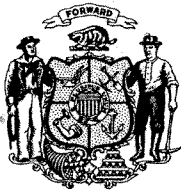
2 SECTION 1. 946.655 of the statutes is created to read: ✓

Northrop, Lori

From: Fields, Jason
Sent: Tuesday, May 03, 2005 9:22 AM
To: LRB.Legal
Subject: Draft review: LRB 05-2878/1 Topic: False charging of persons by law enforcement officers

It has been requested by <Fields, Jason> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2878/1 Topic: False charging of persons by law enforcement officers



today
if
possible

RMR

2005 BILL

repeal act

1 AN ACT to create 946.655 of the statutes; relating to: false arrests and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides penalties for committing various acts that affect the administration of government, including resisting or obstructing an officer, false swearing, perjury, and knowingly making a false complaint that an officer has engaged in misconduct. This bill creates a forfeiture, not to exceed \$10,000, for a peace officer who knowingly arrests or causes the arrest of a person who did not commit the crime for which the arrest is being made or for a peace officer who, in his or her official capacity, knowingly makes an allegation that the peace officer knows could lead to the arrest of a person who is not responsible for the action for which the arrest is being made.

Law
enforcement

Law
enforcement

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(B)

BILL

1
2
3
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9

SECTION 1. 946.655 of the statutes is created to read:

law enforcement

946.655 False arrests or allegations by a peace officer. (1) Any peace officer who knowingly arrests or causes the arrest of a person who is not responsible for the action for which the arrest is being made is subject to a Class A forfeiture.

law enforcement

(2) Any peace officer, in his or her official capacity, who knowingly makes an allegation that the peace officer knows could lead to the arrest of a person who is not responsible for the action for which the arrest is being made is subject to a Class A forfeiture.

(END)