

**ASSEMBLY AMENDMENT 48,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 100**

June 21, 2005 – Offered by Representative YOUNG.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 818, line 2: after that line insert:

3 “**SECTION 2086g.** 165.842 of the statutes is created to read:

4 **165.842 Motor vehicle stops; collection and analysis of information;**

5 **annual report. (1) DEFINITIONS.** In this section:

6 (a) “Department” means the department of justice.

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

8 (c) “Law enforcement officer” means a person who is employed by a law
9 enforcement agency for the purpose of detecting and preventing crime and enforcing
10 laws or ordinances and who is authorized to make arrests for violations of the laws
11 or ordinances that the person is employed to enforce, whether that enforcement
12 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

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

6 **(2) INFORMATION COLLECTION REQUIRED.** All persons in charge of law
7 enforcement agencies shall obtain, or cause to be obtained, all of the following
8 information with respect to each motor vehicle stop made on or after January 1, 2007,
9 by a law enforcement officer employed by the law enforcement agency:

10 (a) The name, address, gender, and race of the operator of the motor vehicle.

11 The officer shall subjectively select the operator’s race from the following list:

- 12 1. Caucasian.
- 13 2. African–American.
- 14 3. Hispanic.
- 15 4. American Indian or Alaska Native.
- 16 5. Asian or Pacific Islander.

17 (b) The reason that the officer stopped or detained the motor vehicle.

18 (c) The make and year of the motor vehicle.

19 (d) The date, time, and location of the motor vehicle stop.

20 (e) Whether or not a law enforcement officer conducted a search of the motor
21 vehicle, the operator, or any passenger and, if so, whether the search was with
22 consent or by other means.

23 (f) The name, address, gender, and race of any person searched, with the officer
24 subjectively selecting the person’s race from the list under par. (a).

25 (g) The name and badge number of the officer making the motor vehicle stop.

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

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

10 1. Whether the number of motor vehicle stops and searches involving motor
11 vehicles operated or occupied by members of a racial minority compared to the
12 number of motor vehicle stops and searches involving motor vehicles operated or
13 occupied solely by persons who are not members of a racial minority is
14 disproportionate based on an estimate of the population and characteristics of all
15 persons traveling on state highways, on an estimate of the populations and
16 characteristics of persons traveling on state highways who are violating a law or
17 ordinance, or on some other relevant population estimate.

18 2. A determination as to whether any disproportion found under subd. 1. is the
19 result of racial profiling, racial stereotyping, or other race-based discrimination or
20 selective enforcement.

21 (b) For each year, the department shall prepare an annual report that
22 summarizes the information submitted to it by law enforcement agencies concerning
23 motor vehicle stops made during the year and that describes the methods and
24 conclusions of its analysis of the information. On or before March 31, 2008, and on
25 or before each March 31 thereafter, the department shall submit the annual report

1 required under this paragraph to the legislature under s. 13.172 (2), to the governor,
2 and to the director of state courts.

3 **(5) RULES.** The department shall promulgate rules to implement the
4 requirements of this section, including rules prescribing a form for use in obtaining
5 information under sub. (2) and establishing a schedule for forwarding the
6 information obtained to the department. The department shall make the form
7 prescribed by its rules available to law enforcement agencies. The department may,
8 by rule, require the collection of information in addition to that specified in sub. (2)
9 (a) to (g) if the department determines that the information will help to make the
10 determinations required under sub. (4) (a).

11 **(6) ACCESS TO RECORDS.** Information collected under sub. (2) is not subject to
12 inspection or copying under s. 19.35 (1).

13 **SECTION 2086m.** 165.85 (4) (b) 1d. f. of the statutes is created to read:

14 165.85 **(4)** (b) 1d. f. Training concerning cultural diversity, including sensitivity
15 toward racial and ethnic differences. The training shall be designed to prevent the
16 use of race, racial profiling, racial stereotyping, or other race–based discrimination
17 or selection as a basis for detaining, searching, or arresting a person or for otherwise
18 treating a person differently than persons of other races and shall emphasize the fact
19 that the primary purposes of enforcement of traffic regulations are safety and equal
20 and uniform enforcement under the law.”.

21 **(END)**