

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 176**

December 10, 2007 – Offered by Senator GROTHMAN.

1 **AN ACT** *to repeal* 62.13 (5) (h), 111.70 (4) (c) 2. b. and 111.70 (4) (mc); *to*
2 *renumber* 111.70 (4) (c) 2. a.; *to amend* 62.13 (5) (b), 62.50 (11), 62.50 (13),
3 62.50 (14), 62.50 (16) and 62.50 (18); and *to create* 62.13 (5) (be) and 62.13 (5)
4 (bm) of the statutes; **relating to:** payment of a police officer's salary after being
5 charged with a misdemeanor or felony, or after discharge, and the adjournment
6 of a trial or investigation relating to charges brought against a 1st class city
7 police officer.

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

8 **SECTION 1.** 62.13 (5) (b) of the statutes is amended to read:
9 **62.13 (5) (b)** Charges may be filed against a subordinate by the chief, by a
10 member of the board, by the board as a body, or by any aggrieved person. Such
11 charges shall be in writing and shall be filed with the president of the board. Pending
12 disposition of such charges, the board or chief may suspend such subordinate. If a

1 police chief seeks removal of an officer under this subsection for cause, as a result of
2 the officer being charged with a misdemeanor or felony, the officer may not receive
3 any compensation following the chief's action, pending disposition of the charges by
4 the board.

5 **SECTION 2.** 62.13 (5) (be) of the statutes is created to read:

6 62.13 (5) (be) If a police officer is charged with a misdemeanor or felony, he or
7 she shall be suspended by the chief of police and deprived of compensation pending
8 the disposition of the misdemeanor or felony. If the charges are dismissed or the
9 officer is found not guilty of the charges, the officer shall be reinstated and entitled
10 to pay in compensation as though in continuous service.

11 **SECTION 3.** 62.13 (5) (bm) of the statutes is created to read:

12 62.13 (5) (bm) If a police chief recommends in writing to the board that an
13 officer be suspended or removed under this subsection for cause, and if the board does
14 not take any action on the recommendation, on the 181st day following the board's
15 receipt of the recommendation, the chief's recommendation shall be considered
16 charges filed against a subordinate under par. (b) and the chief shall suspend the
17 officer. The officer shall be deprived of compensation at the time of his or her
18 suspension, pending the disposition of the charges, while the officer waits for the
19 board to determine, under par. (e), whether the charges are sustained.

20 **SECTION 4.** 62.13 (5) (h) of the statutes is repealed.

21 **SECTION 5.** 62.50 (11) of the statutes is amended to read:

22 62.50 (11) DISCHARGE OR SUSPENSION. No member of the police force or fire
23 department may be discharged or suspended for a term exceeding 30 days by the
24 chief of either of the departments except for cause and after trial under this section.
25 A member of the police force who is charged with a misdemeanor or felony shall be

1 suspended by the chief, and may be discharged by the chief, under this subsection.
2 A police officer who is awaiting trial under this section, with regard to the officer's
3 suspension or discharge, may not receive any pay or benefits after his or her
4 suspension or discharge, while he or she is awaiting trial under this section, subject
5 to the disposition of the charges. If the charges described in this subsection or in sub.
6 (13) are dismissed, or if the officer is found not guilty of the charges, the officer shall
7 be reinstated and entitled to pay as described in sub. (22).

8 **SECTION 6.** 62.50 (13) of the statutes is amended to read:

9 62.50 (13) DISCHARGE OR SUSPENSION; APPEAL. The chief discharging or
10 suspending for a period exceeding 5 days any member of the force shall give written
11 notice of the discharge or suspension to the member and immediately report the
12 same to the secretary of the board of fire and police commissioners together with a
13 complaint setting forth the reasons for the discharge or suspension and the name of
14 the complainant if other than the chief. A member of the police force who is
15 suspended or discharged by the chief under this subsection as a result of being
16 charged with a misdemeanor or felony, who is awaiting trial under this section with
17 regard to his or her suspension or discharge, may not receive any pay or benefits after
18 his or her suspension or discharge while he or she is awaiting trial under this section,
19 subject to the disposition of the charges that led to the officer's discharge. Within 10
20 days after the date of service of the notice of a discharge or suspension order the
21 members so discharged or suspended may appeal from the order of discharge or
22 suspension or discipline to the board of fire and police commissioners, by filing with
23 the board a notice of appeal in the following or similar form:

24 To the honorable board of fire and police commissioners:

1 Please take notice that I appeal from the order or decision of the chief of the ...
2 department, discharging (or suspending) me from service, which order of discharge
3 (or suspension) was made on the day of, (year).

4 **SECTION 7.** 62.50 (14) of the statutes is amended to read:

5 **62.50 (14) COMPLAINT.** The board, after receiving the notice of appeal shall,
6 within 5 days, serve the appellant with a copy of the complaint and a notice fixing
7 the time and place of trial, which time of trial may not be less than 5 90 days nor more
8 than 15 120 days after service of the notice and a copy of the complaint.

9 **SECTION 8.** 62.50 (16) of the statutes is amended to read:

10 **62.50 (16) TRIAL; ADJOURNMENT.** The board may grant the accused and or the
11 chief ~~shall have the right to~~ an adjournment of the trial or investigation of the
12 charges, for cause, not to exceed 15 days. In the course of any trial or investigation
13 under this section each member of the fire and police commission may administer
14 oaths, secure by its subpoenas both the attendance of witnesses and the production
15 of records relevant to the trial and investigation, and compel witnesses to answer and
16 may punish for contempt in the same manner provided by law in trials before
17 municipal judges for failure to answer or to produce records necessary for the trial.
18 The trial shall be public and all witnesses shall be under oath. The accused shall
19 have full opportunity to be heard in defense and shall be entitled to secure the
20 attendance of all witnesses necessary for the defense at the expense of the city. The
21 accused may appear in person and by attorney. The city in which the department is
22 located may be represented by the city attorney. All evidence shall be taken by a
23 stenographic reporter who first shall be sworn to perform the duties of a stenographic
24 reporter in taking evidence in the matter fully and fairly to the best of his or her
25 ability.

