

**2011 DRAFTING REQUEST**

**Bill**

Received: 12/16/2010

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Tricia Sieg**

May Contact:

Drafter: **agary**

Subject: **Transportation - other  
Transportation - traffic laws**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Repeal of Traffic Stop Data Collection Requirements from Act 28

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**Instructions:**

Repeal all traffic stop data collection provisions from Act 28

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**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>
/?	agary 12/17/2010	kfollett 12/17/2010		_____			S&L
/1			rschluet 12/21/2010	_____	cduerst 12/21/2010	lparisi 01/28/2011	

FE Sent For:

<END>

At Intro.

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1?	agary	11/5/11 12/1/11		<del>km</del> JF	12/20		

FE Sent For:

<END>



State of Wisconsin  
2011 - 2012 LEGISLATURE

in  
12/17



LRB-08861-0745/1  
ARG:kjf:jk

RMNR

2011 BILL

D-Note

Regen

1 AN ACT *to repeal* 16.964 (16), 20.505 (6) (kq) and (kr), 165.85 (4) (b) 1d. f. and  
2 349.027; and *to amend* 20.505 (6) (kp) of the statutes; **relating to:** collection  
3 and analysis of motor vehicle traffic stop information and law enforcement  
4 training standards.

***Analysis by the Legislative Reference Bureau***

Under current law, as created in 2009 Wisconsin Act 28 (the biennial budget act), law enforcement officers must collect, at each motor vehicle traffic stop made after December 31, 2010, all information specified by rule promulgated by the Office of Justice Assistance (OJA) in the Department of Administration (DOA). This information must then be submitted by the law enforcement agency to OJA. OJA must analyze this information to determine whether the number of motor vehicle stops and searches involving racial minorities is disproportionate compared to nonminorities. OJA was required to submit its proposed rules to the Legislative Council staff by February 1, 2010. The biennial budget act also required DOA to submit a report to the Joint Committee on Finance (JCF) that includes certain information related to the development of a traffic stop information collection system. System development cannot begin until JCF approves the report.

Current law, as created in the biennial budget act, also requires law enforcement training programs to provide training designed to prevent racial profiling or race-based discrimination as a basis for detaining, searching, or arresting a person.

Move  
down  
new  
next  
page

The bill also repeals this training requirement.

**BILL**

*the statutory*

*relating to the collection and analysis of traffic stop information*

\* This bill repeals ~~all of these~~ provisions of the biennial budget act and requires that, if the development of a traffic stop information system has already commenced, this system development must terminate on the effective date of the bill.

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

*move to here*

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

1 SECTION 1. 16.964 (16) of the statutes is repealed.

2 SECTION 2. 20.505 (6) (kp) of the statutes is amended to read:

3 20.505 (6) (kp) *Data gathering and analysis.* The amounts in the schedule for  
4 gathering and analyzing statistics on the justice system, including racial disparity,  
5 uniform crime reporting, and incident-based reporting. Of each \$21.50 received  
6 under s. 814.86 (1), \$1.50 shall be credited to this appropriation account ~~and the~~  
7 ~~amounts in the schedule under pars. (kq) and (kr) shall be transferred to those~~  
8 ~~appropriation accounts.~~

9 SECTION 3. 20.505 (6) (kq) and (kr) of the statutes are repealed.

10 SECTION 4. 165.85 (4) (b) 1d. f. of the statutes is repealed.

11 SECTION 5. 349.027 of the statutes is repealed.

12 SECTION 6. **Nonstatutory provisions.**

13 (1) Any system development commenced under authority of 2009 Wisconsin  
14 Act 28, section 9101 (12x), prior to the effective date of this subsection shall  
15 terminate on the effective date of this subsection.

16 (END)

*D-Note*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

December 15, 2010 *Date*

- 0745/1dn  
LRB-0007/1dn  
ARG:kjt.md

ARG: *kjt*

ATTN:  *Tricia Sieg*

Section 165.85 (4) (b) 1d. f. of the statutes, requiring law enforcement training related to racial profiling, was part of the provisions enacted in 2009 Wisconsin Act 28 requiring traffic stop data collection. Because this training requirement was a piece of the relevant budget draft, I have assumed that you would also like this training requirement repealed. Please let me know if I am mistaken in this assumption.

Act 28 required OJA to submit proposed rules to the Legislative Council staff by February 1, 2010, and required DOA to submit a report to JCF related to the development of a traffic stop information collection system. It is my understanding that JCF has already approved this report. Because these events have already transpired, I believe it would not be appropriate to repeal these nonstatutory provisions of Act 28. Because this draft repeals the OJA program and rule-making authority, no additional language is needed to override rules previously promulgated by OJA. However, this draft does include a nonstatutory provision requiring that all work on the data collection system be halted.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0745/1dn  
ARG:kjf:rs

December 21, 2010

ATTN: Tricia Sieg

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E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)

**Barman, Mike**

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**From:** Sen.Lazich

**Sent:** Friday, January 28, 2011 9:21 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-0745/1 Topic: Repeal of Traffic Stop Data Collection Requirements from Act 28

Please Jacket LRB 11-0745/1 for the SENATE.

1/28/2011