



## 2013 SENATE BILL 373

1     **AN ACT** *to repeal* 165.85 (4m); *to renumber* 62.09 (15); *to renumber and*  
2     *amend* 61.28, 165.84 (7) (am) 1., 2., 3. and 4., 165.84 (7) (bm) 1., 165.84 (7) (bm)  
3     2. and 165.85 (3) (d); *to consolidate, renumber and amend* 165.84 (7) (a) and  
4     (b); *to amend* 29.921 (5), 40.02 (48) (b) 4., 60.22 (4), 110.07 (1) (a) (intro.), 110.07  
5     (6), 165.76 (1) (gm), 165.76 (4) (c), 165.77 (3), 165.77 (4) (am) 2. a., 165.77 (4)  
6     (am) 2. b., 165.77 (4) (am) 2. c., 165.77 (4) (am) 2. d., 165.77 (4) (am) 3. a., 165.77  
7     (4) (am) 3. b., 165.77 (4) (am) 3. c., 165.77 (4) (am) 3. d., 165.84 (7) (am) (intro.),  
8     165.84 (7) (c) 1., 165.85 (2) (d), 165.85 (3) (cm), 165.85 (5) (title), 165.85 (5) (b),  
9     165.86 (1) (c), 165.92 (2) (a), 175.41 (3) (c), 895.46 (1) (b) 1., 938.21 (1m), 938.30  
10     (2m), 939.22 (37) and 970.02 (8); *to repeal and recreate* 165.85 (4) and 165.85  
11     (5) (a); *to create* 61.28 (2), 61.29 (3), 62.09 (15) (a), 165.77 (4) (ag), 165.84 (7)  
12     (ab), 165.85 (2) (bv), 165.85 (2) (bx), 165.85 (2) (cm), 165.85 (2) (e), 165.85 (2) (f)  
13     and 165.85 (3) (d) 1. to 3. of the statutes; and *to affect* 2013 Wisconsin Act 20,  
14     section 9326 (1) (h); **relating to:** law enforcement standards, deoxyribonucleic

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1 acid submission and testing and the deoxyribonucleic acid analysis surcharge,  
2 collection of deoxyribonucleic acid at arrest, and requiring the exercise of  
3 rule-making authority.

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*Analysis by the Legislative Reference Bureau*

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

4 **SECTION 1.** 29.921 (5) of the statutes is amended to read:

5 29.921 (5) ADDITIONAL ARREST POWERS. In addition to the arrest powers under  
6 sub. (1), a warden who has completed a program of law enforcement training  
7 approved by the law enforcement standards board, has been certified as qualified to  
8 be a law enforcement officer under s. 165.85 (4) ~~(b)~~ (a) 1. and has complied with any  
9 applicable requirements under s. 165.85 (4) ~~(b)~~ (a) 7. while on duty and in uniform  
10 or on duty and upon display of proper credentials may assist another law  
11 enforcement agency as defined under s. ~~165.83 (1) (b)~~ 165.85 (2) (bv) including  
12 making an arrest at the request of the agency, may arrest a person pursuant to an  
13 arrest warrant concerning the commission of a felony or may arrest a person who has  
14 committed a crime in the presence of the warden. If the warden makes an arrest  
15 without the presence of another law enforcement agency, the warden shall cause the  
16 person arrested to be delivered to the chief of police or sheriff in the jurisdiction  
17 where the arrest is made, along with the documents and reports pertaining to the  
18 arrest. The warden shall be available as a witness for the state. A warden may not  
19 conduct investigations for violations of state law except as authorized in ss. 23.11 (4),  
20 29.924 (1) and 41.41 (12). A warden acting under the authority of this subsection is  
21 considered an employee of the department and is subject to its direction, benefits and

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1 legal protection. The authority granted in this section does not apply to county  
2 conservation wardens or special conservation wardens.

3 **SECTION 2.** 40.02 (48) (b) 4. of the statutes is amended to read:

4 40.02 (48) (b) 4. A “member of the state traffic patrol” includes one division  
5 administrator in the department of transportation who is counted under s. 230.08  
6 (2) (e) 12. and whose duties include supervising the state traffic patrol, if the division  
7 administrator is certified by the law enforcement standards board under s. 165.85  
8 (4) (b) (a) 1. as being qualified to be a law enforcement officer.

9 **SECTION 3.** 60.22 (4) of the statutes is amended to read:

10 60.22 (4) JURISDICTION OF CONSTABLE. Shall determine the jurisdiction and  
11 duties of the town constable. ~~The town board may also require the town constable~~  
12 ~~to complete training under s. 165.85 (4m)~~ A town constable who is given law  
13 enforcement duties by the town board, and who meets the definition of a law  
14 enforcement officer under s. 165.85 (2) (c), shall comply with the minimum  
15 employment standards for law enforcement officers established by the law  
16 enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

17 **SECTION 4.** 61.28 of the statutes is renumbered 61.28 (1) and amended to read:

18 61.28 (1) The village marshal shall execute and file an official bond. The  
19 marshal shall possess the powers, enjoy the privileges and be subject to the liabilities  
20 conferred and imposed by law upon constables, and be taken as included in all writs  
21 and papers addressed to constables. The marshal shall obey all lawful written orders  
22 of the village board; ~~and arrest with or without process every person found in the~~  
23 ~~village engaged in any disturbance of the peace or violating any law of the state or~~  
24 ~~ordinance of the village. The marshal may command all persons present in that case~~  
25 ~~to assist, and if any person, being so commanded, refuses or neglects to render~~

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1 ~~assistance the person shall forfeit not exceeding \$10.~~ The marshal is entitled to the  
2 same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee  
3 is applicable under s. 814.705 (1) (c); for other service rendered the village,  
4 compensation as the board fixes.

5 **SECTION 5.** 61.28 (2) of the statutes is created to read:

6 61.28 (2) A village marshal who is given law enforcement duties by the village  
7 board, and who meets the definition of a law enforcement officer under s. 165.85 (2)  
8 (c), shall comply with the minimum employment standards for law enforcement  
9 officers established by the law enforcement standards board and shall complete  
10 training under s. 165.85 (4) (a) 1.

11 **SECTION 6.** 61.29 (3) of the statutes is created to read:

12 61.29 (3) A village constable who is given law enforcement duties by the village  
13 board, and who meets the definition of a law enforcement officer under s. 165.85 (2)  
14 (c), shall comply with the minimum employment standards for law enforcement  
15 officers established by the law enforcement standards board and shall complete  
16 training under s. 165.85 (4) (a) 1.

17 **SECTION 7.** 62.09 (15) of the statutes is renumbered 62.09 (15) (b).

18 **SECTION 8.** 62.09 (15) (a) of the statutes is created to read:

19 62.09 (15) (a) A constable who is given law enforcement duties by the common  
20 council, and who meets the definition of a law enforcement officer under s. 165.85 (2)  
21 (c), shall comply with the minimum employment standards for law enforcement  
22 officers established by the law enforcement standards board and shall complete  
23 training under s. 165.85 (4) (a) 1.

24 **SECTION 9.** 110.07 (1) (a) (intro.) of the statutes is amended to read:

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1           110.07 (1) (a) (intro.) The secretary shall employ not more than 399 traffic  
2 officers. The state traffic patrol consists of the traffic officers, the person designated  
3 to head them whose position shall be in the classified service and, if certified under  
4 s. 165.85 (4) (b) (a) 1. as qualified to be a law enforcement officer, the division  
5 administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include  
6 supervising the state traffic patrol. The division administrator may not be counted  
7 under this paragraph. Members of the state traffic patrol shall:

8           **SECTION 10.** 110.07 (6) of the statutes is amended to read:

9           110.07 (6) The division administrator who is counted under s. 230.08 (2) (e) 12.  
10 and whose duties include supervising the state traffic patrol shall be designated  
11 superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4)  
12 (b) (a) 1. as qualified to be a law enforcement officer.

13           **SECTION 10rb.** 165.76 (1) (gm) of the statutes, as created by 2013 Wisconsin Act  
14 20, is amended to read:

15           165.76 (1) (gm) Is arrested for a felony violent crime, as defined in s. 165.84 (7)  
16 (ab), or is taken into custody for a juvenile offense that would be a felony violent  
17 crime, as defined in s. 165.84 (7) (ab), if committed by an adult in this state, ~~and s.~~  
18 ~~165.84 (7) (am) 1., 2., 3., or 4. applies to the person.~~

19           **SECTION 10rc.** 165.76 (4) (c) of the statutes, as created by 2013 Wisconsin Act  
20 20, is amended to read:

21           165.76 (4) (c) Allow a biological specimen, or data obtained from analysis of a  
22 biological specimen, obtained under this section ~~or, under~~ s. 51.20 (13) (cr), 165.84  
23 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or  
24 980.063, or, if the specimen is required to be analyzed under s. 165.84 (7) (am) 1m.,

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1 under s. 165.84 (7) (ah), to be submitted for inclusion in an index established under  
2 42 USC 14132 (a) or in another national index system.

3 **SECTION 10rd.** 165.77 (3) of the statutes, as affected by 2013 Wisconsin Act 20,  
4 is amended to read:

5 165.77 (3) If the laboratories receive a human biological specimen under s.  
6 51.20 (13) (cr), 165.76, ~~165.84 (7) (am)~~, 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02  
7 (8), 971.17 (1m) (a), 973.047, or 980.063, the laboratories shall analyze the  
8 deoxyribonucleic acid in the specimen. If the laboratories receive a human biological  
9 specimen under s. 165.84 (7) (ah), the laboratories shall analyze the deoxyribonucleic  
10 acid in the specimen as provided under s. 165.84 (7) (am) 1m. The laboratories shall  
11 maintain a data bank based on data obtained from deoxyribonucleic acid analysis of  
12 those specimens. The laboratories may compare the data obtained from one  
13 specimen with the data obtained from other specimens. The laboratories may make  
14 data obtained from any analysis and comparison available to law enforcement  
15 agencies in connection with criminal or delinquency investigations and, upon  
16 request, to any prosecutor, defense attorney or subject of the data. The data may be  
17 used in criminal and delinquency actions and proceedings.

18 **SECTION 10re.** 165.77 (4) (ag) of the statutes is created to read:

19 165.77 (4) (ag) In this subsection, “violent crime” has the meaning given in s.  
20 165.84 (7) (ab).

21 **SECTION 10rf.** 165.77 (4) (am) 2. a. of the statutes, as created by 2013 Wisconsin  
22 Act 20, is amended to read:

23 165.77 (4) (am) 2. a. All charges ~~filed in connection with the arrest and all~~  
24 ~~charges~~ for which the person was required to provide a biological specimen under s.  
25 165.84 (7) or 970.02 (8) have been dismissed.

**SENATE BILL 373****SECTION 10rg**

1           **SECTION 10rg.** 165.77 (4) (am) 2. b. of the statutes, as created by 2013  
2       Wisconsin Act 20, is amended to read:

3           165.77 (4) (am) 2. b. The trial court reached final disposition for all charges in  
4       ~~connection with the arrest and for any charges~~ for which the person was required to  
5       provide a biological specimen under s. 165.84 (7) or 970.02 (8), and the person was  
6       not adjudged guilty of a violent crime in connection with ~~the arrest or any such~~  
7       ~~charge for which the person was required to provide a biological specimen under s.~~  
8       970.02 (8).

9           **SECTION 10rh.** 165.77 (4) (am) 2. c. of the statutes, as created by 2013 Wisconsin  
10      Act 20, is amended to read:

11          165.77 (4) (am) 2. c. At least one year has passed since the arrest and the person  
12      has not been charged with a violent crime in connection with the arrest.

13          **SECTION 10ri.** 165.77 (4) (am) 2. d. of the statutes, as created by 2013 Wisconsin  
14      Act 20, is amended to read:

15          165.77 (4) (am) 2. d. The person was adjudged guilty of a violent crime in  
16      connection with ~~either the arrest or any charge~~ for which the person was required  
17      to provide a biological specimen under s. 165.84 (7) or 970.02 (8), and all such  
18      convictions for a violent crime have been reversed, set aside, or vacated.

19          **SECTION 10rk.** 165.77 (4) (am) 3. a. of the statutes, as created by 2013  
20      Wisconsin Act 20, is amended to read:

21          165.77 (4) (am) 3. a. All criminal complaints or delinquency petitions that  
22      allege that the person committed a violation that would be a ~~felony~~ violent crime if  
23      committed by an adult in this state and that are in connection with the taking into  
24      custody have been dismissed.

**SENATE BILL 373****SECTION 10rm**

1           **SECTION 10rm.** 165.77 (4) (am) 3. b. of the statutes, as created by 2013  
2 Wisconsin Act 20, is amended to read:

3           165.77 (4) (am) 3. b. The trial court reached final disposition for all allegations  
4 that the person committed a violation that would be a ~~felony~~ violent crime if  
5 committed by an adult in this state that are in connection with the taking into  
6 custody, and the person was not convicted or adjudged delinquent for ~~an offense a~~  
7 violation that would be a ~~felony~~ violent crime if committed by an adult in this state  
8 that is in connection with the taking into custody.

9           **SECTION 10ro.** 165.77 (4) (am) 3. c. of the statutes, as created by 2013 Wisconsin  
10 Act 20, is amended to read:

11           165.77 (4) (am) 3. c. At least one year has passed since the person was taken  
12 into custody and no criminal complaint or delinquency petition alleging that the  
13 person committed a violation that would be a ~~felony~~ violent crime if committed by an  
14 adult in this state has been filed against the person in connection with the taking into  
15 custody.

16           **SECTION 10rr.** 165.77 (4) (am) 3. d. of the statutes, as created by 2013 Wisconsin  
17 Act 20, is amended to read:

18           165.77 (4) (am) 3. d. The person was convicted or adjudged delinquent for a  
19 violation that would be a ~~felony~~ violent crime if committed by an adult in this state  
20 and that is in connection with the taking into custody, and the conviction or  
21 delinquency adjudication has been reversed, set aside, or vacated.

22           **SECTION 10rs.** 165.84 (7) (a) and (b) of the statutes, as created by 2013  
23 Wisconsin Act 20, are consolidated, renumbered 165.84 (7) (ah) and amended to read:

24           165.84 (7) (ah) Subject to rules promulgated by the department of justice under  
25 s. 165.76 (4), all persons in charge of law enforcement and tribal law enforcement



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1 agencies shall obtain, when the individual's fingerprints or other identifying data  
2 are obtained, a biological specimen for deoxyribonucleic acid analysis from each  
3 individual arrested for a felony violent crime and each individual taken into custody  
4 for a juvenile offense that would be a felony violent crime if committed by an adult  
5 in this state. ~~(b) Biological samples required under par. (a) shall be obtained and,~~  
6 ~~if par. (am) requires, submitted as~~ The law enforcement agency shall submit the  
7 biological specimen to the crime laboratories in a manner specified in the rules  
8 promulgated by the department of justice under s. 165.76 (4).

9 **SECTION 10rt.** 165.84 (7) (ab) of the statutes is created to read:

10 165.84 (7) (ab) In this subsection, "violent crime" means any of the following:

11 1. A felony violation of s. 940.01, 940.05, 940.21, 940.225 (1), (2), or (3), 940.235,  
12 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e), or (2m), 940.43, 940.45, 941.20,  
13 941.21, 941.327, 943.02, 943.06, 943.10, 943.23 (1g) or (2), 943.32, 948.02 (1) or (2),  
14 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085,  
15 948.095, or 948.30 (2).

16 2. A felony violation of s. 940.02, 940.03, 940.06, 940.07, 940.08, 940.09 (1c),  
17 940.10, 940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.20, 940.201 (2),  
18 940.203 (2), 940.205 (2), 940.207 (2), 940.208, 940.23, 941.30, or 948.03 (3).

19 3. A felony if a penalty enhancer specified in s. 939.621 could be imposed.

20 4. The solicitation, conspiracy, or attempt, under s. 939.30, 939.31, or 939.32,  
21 to commit a violation under subd. 1.

22 **SECTION 10ru.** 165.84 (7) (am) (intro.) of the statutes, as created by 2013  
23 Wisconsin Act 20, is amended to read:

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1           165.84 (7) (am) (intro.) ~~The person in charge of the law enforcement or tribal~~  
2 ~~law enforcement agency shall submit the~~ After receiving an individual's specimen to  
3 submitted under par. (ah), the crime laboratories for shall do one of the following:

4           1m. If, within the time limit under subd. 2m., the court notifies the crime  
5 laboratories under par. (bm) that any of the following applies, analyze the  
6 deoxyribonucleic acid analysis in the specimen and inclusion of include the  
7 individual's deoxyribonucleic acid profile in the data bank under s. 165.77 (3) only  
8 if any of the following applies:

9           **SECTION 10rv.** 165.84 (7) (am) 1., 2., 3. and 4. of the statutes, as created by 2013  
10 Wisconsin Act 20, are renumbered 165.84 (7) (am) 1m. a., b., c. and d., and 165.84 (7)  
11 (am) 1m. b., c. and d., as renumbered, are amended to read:

12           165.84 (7) (am) 1m. b. The court has made a finding that there is probable cause  
13 that the individual committed a felony violent crime or that the juvenile committed  
14 an offense that would be a felony violent crime if committed by an adult in this state.

15           c. The individual fails failed to appear at the initial appearance or preliminary  
16 examination or the person waives waived the preliminary examination.

17           d. The individual fails failed to appear for a delinquency proceeding under ch.  
18 938.

19           **SECTION 10rx.** 165.84 (7) (bm) 1. of the statutes, as created by 2013 Wisconsin  
20 Act 20, is renumbered 165.84 (7) (bm) and amended to read:

21           165.84 (7) (bm) ~~Unless par. (am) 1. applies to the individual, the~~ The court shall  
22 notify the agency crime laboratories if par. (am) 2., 3., or 4. 1m. a., b., c., or d. applies  
23 to an individual the law enforcement or tribal law enforcement agency who has been  
24 arrested.

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1           **SECTION 10ry.** 165.84 (7) (bm) 2. of the statutes, as created by 2013 Wisconsin  
2 Act 20, is renumbered 165.84 (7) (am) 2m. and amended to read:

3           165.84 (7) (am) 2m. ~~Unless par. (am) 1. applies to the individual, if If, one year~~  
4 after the date the biological sample was ~~obtained~~ submitted under par. (a) (ah), the  
5 court has not notified the crime laboratories under ~~subd. 1. the law enforcement or~~  
6 ~~tribal law enforcement agency~~ par. (bm) that ~~par. (am) 2., 3., or 4. subd. 1m. a., b., c.,~~  
7 ~~or d.~~ applies to the individual, ~~the law enforcement or tribal law enforcement agency~~  
8 shall destroy the biological sample.

9           **SECTION 10rz.** 165.84 (7) (c) 1. of the statutes, as created by 2013 Wisconsin Act  
10 20, is amended to read:

11           165.84 (7) (c) 1. No biological specimen obtained under par. (a) (ah) may be  
12 subject to analysis except by the crime laboratories as provided under s. 165.77.

13           **SECTION 11.** 165.85 (2) (bv) of the statutes is created to read:

14           165.85 (2) (bv) “Law enforcement agency” means a governmental unit of this  
15 state or a political subdivision of this state that employs one or more law enforcement  
16 officers.

17           **SECTION 12.** 165.85 (2) (bx) of the statutes is created to read:

18           165.85 (2) (bx) “Law enforcement instructor” means a person who is certified  
19 by the board to deliver board-approved program outcomes, course competencies,  
20 performance standards, and learning objectives in training programs and training  
21 schools for law enforcement officers, tribal law enforcement officers, jail officers, and  
22 juvenile detention officers.

23           **SECTION 13.** 165.85 (2) (cm) of the statutes is created to read:

24           165.85 (2) (cm) “Police pursuit” has the meaning given in s. 85.07 (8) (a).

25           **SECTION 14.** 165.85 (2) (d) of the statutes is amended to read:

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1           165.85 (2) (d) “Political subdivision” means counties, cities, villages, towns,  
2 town sanitary districts ~~and~~, public inland lake protection and rehabilitation  
3 districts, and technical college districts.

4           **SECTION 15.** 165.85 (2) (e) of the statutes is created to read:

5           165.85 (2) (e) “Preservice student” means any person who meets the minimum  
6 recruitment qualifications set by the board and who enrolls in preparatory training  
7 under sub. (4) (a) 1. (b) 1., or (c) 1. prior to employment as a law enforcement officer,  
8 tribal law enforcement officer, jail officer, or juvenile detention officer.

9           **SECTION 16.** 165.85 (2) (f) of the statutes is created to read:

10           165.85 (2) (f) “Recruit” means a law enforcement officer, tribal law enforcement  
11 officer, jail officer, or juvenile detention officer employed on a probationary or  
12 temporary basis, in compliance with the minimum recruitment qualifications set by  
13 the board.

14           **SECTION 17.** 165.85 (3) (cm) of the statutes is amended to read:

15           165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or  
16 juvenile detention officers who terminate employment or are terminated, who  
17 violate or fail to comply with a rule, policy, or order of the board relating to curriculum  
18 or training, who falsify information to obtain or maintain certified status, who are  
19 certified as the result of an administrative error, who are convicted of a felony or of  
20 any offense that, if committed in Wisconsin, could be punished as a felony, who are  
21 convicted of a misdemeanor crime of domestic violence, or who fail to pay  
22 court-ordered payments of child or family support, maintenance, birth expenses,  
23 medical expenses, or other expenses related to the support of a child or former  
24 spouse, or who fail to comply, after appropriate notice, with a subpoena or warrant  
25 issued by the department of children and families or a county child support agency

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1 under s. 59.53 (5) and related to paternity or child support proceedings. The board  
2 shall establish procedures for decertification in compliance with ch. 227, except that  
3 decertification for failure to pay court-ordered payments of child or family support,  
4 maintenance, birth expenses, medical expenses, or other expenses related to the  
5 support of a child or former spouse or for failure to comply, after appropriate notice,  
6 with a subpoena or warrant issued by the department of children and families or a  
7 county child support agency under s. 59.53 (5) and related to paternity or child  
8 support proceedings shall be done as provided under sub. (3m) (a).

9 **SECTION 18.** 165.85 (3) (d) of the statutes is renumbered 165.85 (3) (d) (intro.)  
10 and amended to read:

11 165.85 (3) (d) (intro.) Establish minimum curriculum requirements for  
12 preparatory courses and programs, and recommend minimum curriculum  
13 requirements for recertification and advanced courses and programs, in schools  
14 approved by the board and operated by or for this state or any political subdivision  
15 of the state for the specific purpose of training law enforcement recruits, law  
16 enforcement officers, tribal law enforcement recruits, tribal law enforcement  
17 officers, jail officer recruits, jail officers, juvenile detention officer recruits, or  
18 juvenile detention officers in areas of knowledge and ability necessary to the  
19 attainment of effective performance as an officer, and ranging from subjects such as  
20 first aid, patrolling, statutory authority, techniques of arrest, protocols for official  
21 action by off-duty officers, firearms, domestic violence investigations, and recording  
22 custodial interrogations to subjects designed to provide a better understanding of  
23 ever-increasing complex problems in law enforcement such as human relations, civil  
24 rights, constitutional law, and supervision, control, and maintenance of a jail or  
25 juvenile detention facility. The board shall appoint a ~~13-member advisory~~

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1 curriculum advisory committee consisting to advise the board in the establishment  
2 of the curriculum requirements. The curriculum advisory committee shall consist  
3 of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis of not more  
4 than one chief of police and one sheriff from any one of the 8 state administrative  
5 districts together with, the director of training of the Wisconsin state patrol. This  
6 committee shall advise the board in the establishment of the curriculum  
7 requirements, and, if applicable, one or more representatives of colleges or  
8 universities as follows:

9 **SECTION 18m.** 165.85 (3) (d) 1. to 3. of the statutes are created to read:

10 165.85 (3) (d) 1. If any technical college in the state provides a course or  
11 program described in this paragraph, the board shall appoint to the curriculum  
12 advisory committee one person to represent technical colleges.

13 2. If any 2-year college in the state provides a course or program described in  
14 this paragraph, the board shall appoint to the curriculum advisory committee one  
15 person to represent 2-year colleges.

16 3. If any 4-year college or university in the state provides a course or program  
17 described in this paragraph, the board shall appoint to the curriculum advisory  
18 committee one person to represent 4-year colleges and universities.

19 **SECTION 19.** 165.85 (4) of the statutes is repealed and recreated to read:

20 165.85 (4) REQUIRED STANDARDS. (a) *Law enforcement and tribal law*  
21 *enforcement officers.* 1. The board shall establish a preparatory program of law  
22 enforcement and tribal law enforcement officer training, which shall include not less  
23 than 600 hours of training. The board shall establish criteria for the general program  
24 outcomes for the preparatory program. Specifics of the training curriculum,  
25 competencies, student learning and performance objectives, particular subjects, and

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1 the minimum number of hours for each subject shall be established by written policy  
2 of the board. In establishing the preparatory training program, the board shall give  
3 due consideration to recommendations made by the curriculum advisory committee.  
4 The board may amend the criteria and policies governing the preparatory training  
5 program as needed to respond to technological changes affecting law enforcement,  
6 additional recommendations made by the curriculum advisory committee, or other  
7 conditions affecting the public interest in maintaining training standards of a proper  
8 professional character. Notwithstanding s. 227.10 (1), the criteria and policies  
9 established under this paragraph need not be promulgated as rules under ch. 227.

10 2. Except as provided in subd. 3. or 8., no person may be employed as a law  
11 enforcement or tribal law enforcement officer, except on a temporary or probationary  
12 basis, unless the person has satisfactorily completed the preparatory training  
13 program established under subd. 1. and has been certified by the board as being  
14 qualified to be a law enforcement or tribal law enforcement officer.

15 3. A recruit may exercise law enforcement powers during an original period of  
16 temporary or probationary employment that, except as provided in subd. 6. or as  
17 otherwise authorized by law, may not exceed 12 months from the recruit's first date  
18 of employment.

19 3h. A person may be certified by the board under subd. 2. only if the person has  
20 successfully completed the preparatory program established under subd. 1. within  
21 the person's original period of temporary or probationary employment established  
22 in subd. 3.

23 3m. Except as provided in sub. (3m) (a), and in addition to certification  
24 procedures under this paragraph, the board may certify any person as being a tribal  
25 law enforcement officer on the basis of the person's completion of the training

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1 requirements for law enforcement officer certification prior to May 6, 1994. The  
2 officer must also meet the agreement requirements under sub. (3) (c) prior to  
3 certification as a tribal law enforcement officer.

4 4. Preservice students taking part in the preparatory program of law  
5 enforcement or tribal law enforcement officer training established by the board  
6 under subd. 1. shall be fingerprinted on 2 fingerprint cards, each bearing a complete  
7 set of the student's fingerprints, or by other technologies approved by the department  
8 of justice. The fingerprints shall be submitted to the department of justice for  
9 verification of the identify of the person fingerprinted and to obtain records of his or  
10 her criminal arrests and convictions in Wisconsin. The department of justice shall  
11 provide for the submission of the fingerprint cards or fingerprints by other  
12 technologies to the federal bureau of investigation for the purpose of verifying the  
13 person fingerprinted and obtaining records of his or her criminal arrests and  
14 convictions on file with the federal bureau of investigation.

15 5. No person who has been convicted of any federal felony, any crime of domestic  
16 violence, or of any offense that, if committed in Wisconsin, could be punished as a  
17 felony may take part in the preparatory training program established under subd.  
18 1. unless he or she has been granted an absolute and unconditional pardon for the  
19 crime.

20 6. Upon a showing of good cause by a recruit or a recruit's employer, the board  
21 may extend the recruit's original period of temporary or probationary employment  
22 for a period of time it deems appropriate.

23 7. a. Except as provided in subd. 8., no person may continue as a certified law  
24 enforcement or tribal law enforcement officer unless that person maintains law  
25 enforcement or tribal law enforcement employment and completes annual



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1 recertification training. Any officer who is subject to this subdivision shall complete  
2 at least 24 hours of recertification training each fiscal year beginning in the fiscal  
3 year following the fiscal year in which he or she is certified as a law enforcement or  
4 tribal law enforcement officer by the board.

5 b. Each officer who is subject to this subdivision shall biennially complete at  
6 least 4 hours of training from curricula based upon model standards promulgated by  
7 the board under par. (d). Hours of training completed under this subd. 7. b. shall  
8 count toward the hours of training required under subd. 7. a.

9 c. Each officer who is subject to this subdivision shall annually complete a  
10 handgun qualification course from curricula based upon model standards  
11 established by the board under par. (e). Hours of training completed under this subd.  
12 7. c. shall count toward the hours of training required under subd. 7. a.

13 8. Sheriffs are not required to satisfy the requirements under subd. 2., 3., or  
14 7. as a condition of tenure or continued employment.

15 (b) *Jail officers.* 1. The board shall establish a preparatory program of jail  
16 officer training, which shall include not less than 160 hours of training. The board  
17 shall establish criteria for the general program outcomes for the preparatory  
18 program. Specifics of the training curriculum competencies, student learning and  
19 performance objectives, particular subjects, and the minimum number of hours for  
20 each subject shall be established by written policy of the board. In establishing the  
21 preparatory training program, the board shall give due consideration to  
22 recommendations made by the curriculum advisory committee. The board may  
23 amend the criteria and policies governing the preparatory training program as  
24 needed to respond to technological changes affecting jail administration, additional  
25 recommendations made by the curriculum advisory committee, or other conditions

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1 affecting the public interest in maintaining training standards of a proper  
2 professional character. The board may provide that any part of the training program  
3 under this subdivision and the training program under par. (c) 1. are identical and  
4 count toward either training requirement under this paragraph or par. (c).  
5 Notwithstanding s. 227.10 (1), the criteria and policies established under this  
6 paragraph need not be promulgated as rules under ch. 227.

7 2. Except as provided in subd. 7., no person may be employed as a jail officer,  
8 except on a temporary or probationary basis, unless the person has satisfactorily  
9 completed the preparatory training program established under subd. 1. and has been  
10 certified by the board as being qualified to be a jail officer.

11 3. A recruit may exercise jail officer powers only during an original period of  
12 temporary or probationary employment that, except as provided in subd. 5. or as  
13 otherwise authorized by law, may not exceed 12 months from the recruit's first date  
14 of employment.

15 4. A person may be certified by the board under subd. 2. only if the person has  
16 successfully completed the preparatory program established under subd. 1. within  
17 the person's original period of temporary or probationary employment established  
18 in subd. 3.

19 4g. Preservice students taking part in the preparatory program of jail officer  
20 training established by the board under subd. 1. shall be fingerprinted on 2  
21 fingerprint cards, each bearing a complete set of the student's fingerprints, or by  
22 other technologies approved by the department of justice. The fingerprints shall be  
23 submitted to the department of justice for verification of the identity of the person  
24 fingerprinted and to obtain records of his or her criminal arrests and convictions in  
25 Wisconsin. The department of justice shall provide for the submission of the

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1 fingerprint cards or fingerprints by other technologies to the federal bureau of  
2 investigation for the purpose of verifying the person fingerprinted and obtaining  
3 records of his or her criminal arrests and convictions on file with the federal bureau  
4 of investigation.

5 4r. No person who has been convicted of any federal felony or of any offense  
6 that, if committed in Wisconsin, could be punished as a felony may take part in the  
7 preparatory training program established under subd. 1. unless he or she has been  
8 granted an absolute and unconditional pardon for the crime.

9 5. Upon a showing of good cause by a recruit or a recruit's employer, the board  
10 may extend the recruit's original period of temporary or probationary employment  
11 for a period of time it deems appropriate.

12 6. No person may continue as a certified jail officer, unless that person  
13 maintains employment with a jail and completes annual recertification training.  
14 The officer shall complete at least 24 hours of recertification training each fiscal year  
15 beginning in the fiscal year following the fiscal year in which he or she is certified  
16 as a jail officer by the board.

17 7. Subdivision 2. does not apply to a jail officer serving under permanent  
18 appointment prior to July 2, 1983. The failure of any such officer to fulfill those  
19 requirements does not make that officer ineligible for any promotional examination  
20 for which he or she is otherwise eligible. Any such officer may voluntarily participate  
21 in programs to fulfill those requirements.

22 (c) *Juvenile detention officers.* 1. The board shall establish a preparatory  
23 program of juvenile detention officer training, which shall include not less than 160  
24 hours of training. The board shall establish criteria for the general program  
25 outcomes for the preparatory program. Specifics of the training curriculum,

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1 competencies, student learning and performance objectives, particular subjects, and  
2 the minimum number of hours for each subject shall be established by written policy  
3 of the board. In establishing the preparatory training program, the board shall give  
4 due consideration to recommendations made by the curriculum advisory committee.  
5 The board may amend the criteria and policies governing the preparatory training  
6 program as needed to respond to technological changes affecting juvenile detention  
7 administration, additional recommendations made by the curriculum advisory  
8 committee, or other conditions affecting the public interest in maintaining training  
9 standards of a proper professional character. The board may provide that any part  
10 of the training program under this subdivision and the training program under par.  
11 (b) 1. are identical and count toward either training requirement under this  
12 paragraph or par. (b). Notwithstanding s. 227.10 (1), the criteria and policies  
13 established under this paragraph need not be promulgated as rules under ch. 227.

14 2. No person may be employed as a juvenile detention officer, except on a  
15 temporary or probationary basis, unless the person has satisfactorily completed the  
16 program established under subd. 1. and has been certified by the board as being  
17 qualified to be a juvenile detention officer.

18 3. A recruit may exercise juvenile detention officer powers only during an  
19 original period of temporary or probationary employment that, except as provided  
20 in subd. 5. or as otherwise authorized by law, may not exceed 12 months from the  
21 recruit's first date of employment.

22 4. A person may be certified by the board under subd. 2. only if the person has  
23 successfully completed the preparatory program established under subd. 1. within  
24 the person's original period of temporary or probationary employment established  
25 in subd. 3.

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1           4g. Preservice students taking part in the preparatory program of juvenile  
2 detention officer training established by the board under subd. 1. shall be  
3 fingerprinted on 2 fingerprint cards, each bearing a complete set of the student's  
4 fingerprints, or by other technologies approved by the department of justice. The  
5 fingerprints shall be submitted to the department of justice for verification of the  
6 identity of the person fingerprinted and to obtain records of his or her criminal  
7 arrests and convictions in Wisconsin. The department of justice shall provide for the  
8 submission of the fingerprint cards or fingerprints by other technologies to the  
9 federal bureau of investigation for the purpose of verifying the person fingerprinted  
10 and obtaining records of his or her criminal arrests and convictions on file with the  
11 federal bureau of investigation.

12           4r. No person who has been convicted of any federal felony or of any offense  
13 that, if committed in Wisconsin, could be punished as a felony may take part in the  
14 preparatory training program established under subd. 1. unless he or she has been  
15 granted an absolute and unconditional pardon for the crime.

16           5. Upon a showing of good cause by a recruit or a recruit's employer, the board  
17 may extend the recruit's original period of temporary or probationary employment  
18 for a period of time it deems appropriate.

19           6. No person may continue as a certified juvenile detention officer, except on  
20 a temporary or probationary basis, unless that person maintains employment with  
21 a juvenile detention facility and completes annual recertification training. The  
22 officer shall complete at least 24 hours of recertification training each fiscal year  
23 beginning in the fiscal year following the fiscal year in which he or she is certified  
24 as a juvenile detention officer by the board.

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1           7. Any person employed and certified as a jail officer on July 1, 1994, is certified  
2 as a juvenile detention officer and remains certified as a juvenile detention officer  
3 subject to annual recertification requirements under subd. 6. and the board's  
4 decertification authority under sub. (3) (cm).

5           (d) *Police pursuit.* The board shall promulgate rules that do all of the following:

6           1. Establish model standards that could be used by any law enforcement agency  
7 to determine whether to initiate or continue police pursuit, to establish police pursuit  
8 driving techniques employed by that agency, and to inform its officers of its written  
9 guidelines provided under s. 346.03 (6). The board shall review and, if considered  
10 appropriate by the board, revise the model standards established under this  
11 subdivision not later than June 30 of each odd-numbered year thereafter. The rules  
12 promulgated under this subdivision are advisory only, are not required to be included  
13 as a law enforcement training standard under this subsection, and are inadmissible  
14 as evidence, except to show compliance with this subdivision.

15           2. Establish the preparatory program and biennial recertification training  
16 curricula required under par. (a) relating to police pursuit standards, guidelines, and  
17 driving techniques.

18           (e) *Firearms.* The board shall establish criteria for firearm training.  
19 Notwithstanding s. 227.10 (1), the criteria need not be promulgated as rules under  
20 ch. 227 and shall do all of the following:

21           1. Establish model standards that could be used by any law enforcement agency  
22 to show handgun proficiency.

23           2. Establish the preparatory program and annual recertification training  
24 curricula required under par. (a) relating to an officer's ability to operate and fire a  
25 handgun.

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1           (f) *Local or agency standards.* Nothing in this subsection shall preclude any  
2 law enforcement or tribal law enforcement agency or sheriff from setting recruit  
3 training, employment, and recertification training standards that are higher than  
4 the minimum standards set by the board.

5           **SECTION 20.** 165.85 (4m) of the statutes is repealed.

6           **SECTION 21.** 165.85 (5) (title) of the statutes is amended to read:

7           165.85 (5) (title) SCHOOLS AND PROGRAMS; GRANTS TRAINING REIMBURSEMENTS.

8           **SECTION 22.** 165.85 (5) (a) of the statutes is repealed and recreated to read:

9           165.85 (5) (a) All training programs and training schools for law enforcement,  
10 tribal law enforcement, jail, and juvenile detention officers and law enforcement  
11 instructors must be authorized and approved by the board as meeting standards  
12 established by the board. The board may authorize and approve a training program  
13 or training school only if it is operated by an agency of the state or of a political  
14 subdivision of the state. The authority granted in this paragraph does not authorize  
15 the board to select a site for a state police, jail, or juvenile detention officer academy  
16 or to expend funds thereon.

17           **SECTION 23.** 165.85 (5) (b) of the statutes is amended to read:

18           165.85 (5) (b) The board shall authorize the reimbursement to each political  
19 subdivision of approved expenses incurred by ~~officers~~ recruits who satisfactorily  
20 complete training at schools certified by the board. Reimbursement of these  
21 expenses for law enforcement officer, jail officer and juvenile detention officer  
22 preparatory training shall be for board approved tuition, living, and travel expenses  
23 ~~for the first 400 hours of law enforcement preparatory training and for the first 120~~  
24 ~~hours of jail or juvenile detention officer preparatory training.~~ Reimbursement of  
25 approved expenses for completion of annual recertification training under sub. (4)

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1 ~~(bn)~~ shall include at least \$160 per officer thereafter. Funds may also be distributed  
2 for attendance at other training programs and courses or for training services on a  
3 priority basis to be decided by the department of justice.

4 **SECTION 24.** 165.86 (1) (c) of the statutes is amended to read:

5 165.86 (1) (c) Identify state agencies and political subdivisions that employ law  
6 enforcement officers in the state and notify the appropriate officials of the model law  
7 enforcement pursuit standards established by the board under s. 165.85 (4) ~~(em)~~ 2.  
8 a. (d).

9 **SECTION 25.** 165.92 (2) (a) of the statutes is amended to read:

10 165.92 (2) (a) A tribal law enforcement officer who meets the requirements of  
11 s. 165.85 (4) ~~(b) 1., (bn) 1.~~ and (a) 1., 2., and 7. shall have the same powers to enforce  
12 the laws of the state and to make arrests for violations of such laws that sheriffs have,  
13 including powers granted to sheriffs under ss. 59.27 and 59.28 and under the  
14 common law, and shall perform the duties accepted under s. 165.85 (3) (c).

15 **SECTION 26.** 175.41 (3) (c) of the statutes is amended to read:

16 175.41 (3) (c) The commission warden meets the requirements of s. 165.85 (4)  
17 ~~(b) 1., (bn) 1., and (e) (a) 1., 2., and 7.~~ and has agreed to accept the duties of a law  
18 enforcement officer under the laws of this state.

19 **SECTION 27.** 895.46 (1) (b) 1. of the statutes is amended to read:

20 895.46 (1) (b) 1. Satisfactorily completed or are currently enrolled in the  
21 preparatory program of law enforcement training under s. 165.85 (4) ~~(b)~~ (a) 1. and,  
22 if applicable, the recertification programs under s. 165.85 (4) ~~(bn) 1.~~ (a) 7., or have  
23 provided evidence of equivalent law enforcement training and experience as  
24 determined by the law enforcement standards board; or



**SENATE BILL 373****SECTION 27rb**

1           **SECTION 27rb.** 938.21 (1m) of the statutes, as created by 2013 Wisconsin Act  
2           20, is amended to read:

3           938.21 (1m) BIOLOGICAL SPECIMEN. If the juvenile has been taken into custody  
4           on the basis of a violation that would be a ~~felony~~ violent crime, as defined in s. 165.84  
5           (7) (ab), if committed by an adult in this state, the court shall determine if a biological  
6           specimen has been obtained from the juvenile under s. 165.84 (7), and if not, the court  
7           shall direct that a law enforcement agency or tribal law enforcement agency obtain  
8           a biological specimen from the juvenile and submit it to the state crime laboratories  
9           as specified in rules promulgated by the department of justice under s. 165.76 (4).  
10          If the court requires the juvenile to provide a specimen under this subsection or if a  
11          biological specimen has already been obtained from the juvenile, the court shall  
12          inform the juvenile that he or she may request expungement under s. 165.77 (4).

13          **SECTION 27rg.** 938.30 (2m) of the statutes, as created by 2013 Wisconsin Act  
14          20, is amended to read:

15          938.30 (2m) BIOLOGICAL SPECIMEN. If the juvenile is before the court on the basis  
16          of a violation that would be a ~~felony~~ violent crime, as defined in s. 165.84 (7) (ab), if  
17          committed by an adult in this state, the court shall determine if a biological specimen  
18          has been obtained from the juvenile under s. 165.84 (7), and if not, the court shall  
19          direct that a law enforcement agency or tribal law enforcement agency obtain a  
20          biological specimen from the juvenile and submit it to the state crime laboratories  
21          as specified in rules promulgated by the department of justice under s. 165.76 (4).  
22          If the court requires the juvenile to provide a specimen under this subsection or if a  
23          biological specimen has already been obtained from the juvenile, the court shall  
24          inform the juvenile that he or she may request expungement under s. 165.77 (4).

25          **SECTION 28.** 939.22 (37) of the statutes is amended to read:

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1           939.22 (37) “State-certified commission warden” means a commission warden  
2 who meets the requirements of s. 165.85 (4) (b) 1., (bn) 1., and (e) (a) 1., 2., and 7. and  
3 has agreed to accept the duties of a law enforcement officer under the laws of this  
4 state.

5           **SECTION 28rg.** 970.02 (8) of the statutes, as created by 2013 Wisconsin Act 20,  
6 is amended to read:

7           970.02 (8) If the offense charged is a ~~felony~~ violent crime, as defined in s. 165.84  
8 (7) (ab), the judge shall determine if a biological specimen has been obtained from the  
9 defendant under s. 165.84 (7), and, if not, the judge shall direct that a law  
10 enforcement agency or tribal law enforcement agency obtain a biological specimen  
11 from the defendant and submit it to the state crime laboratories as specified in rules  
12 promulgated by the department of justice under s. 165.76 (4). If the judge requires  
13 the defendant to provide a specimen under this subsection or if a biological specimen  
14 has already been obtained from the defendant, the judge shall inform the defendant  
15 that he or she may request expungement under s. 165.77 (4).

16           **SECTION 28t.** 2013 Wisconsin Act 20, section 9326 (1) (h) is amended to read:

17           [2013 Wisconsin Act 20] Section 9326 (1) (h) The treatment of section 973.047  
18 (1f) of the statutes first applies to ~~sentences imposed or probations placements made~~  
19 offenses committed on the effective date of this paragraph.

20           **SECTION 28v. Initial applicability.**

21           (1v) DNA COLLECTION. The treatment of sections 165.76 (1) (gm) and (4) (c),  
22 165.77 (3) and (4) (ag) and (am) 2. a., b., c., and d. and 3. a., b., c., and d., 165.84 (7)  
23 (a), (ab), (am) (intro.), 1., 2., 3., and 4., (b), (bm) 1. and 2., and (c) 1., 938.21 (1m),  
24 938.30 (2m), and 970.02 (8) of the statutes first applies to individuals arrested or  
25 taken into custody on the effective date of this subsection.

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1           **SECTION 28w. Effective dates.** This act takes effect on the day after  
2 publication, except as follows:

3           (1v) DNA COLLECTION. The treatment of sections 165.76 (1) (gm) and (4) (c),  
4 165.77 (3) and (4) (ag) and (am) 2. a., b., c., and d. and 3. a., b., c., and d., 165.84 (7)  
5 (a), (ab), (am) (intro.), 1., 2., 3., and 4., (b), (bm) 1. and 2., and (c) 1., 938.21 (1m),  
6 938.30 (2m), and 970.02 (8) of the statutes and SECTION 28v (1v) of this act take effect  
7 on April 1, 2015, or on the day after publication, whichever is later.

8   (END)