

# State of Wisconsin



2013 Senate Bill 373

Date of enactment: April 8, 2014  
Date of publication\*: April 9, 2014

## 2013 WISCONSIN ACT 214

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

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

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

29.921 (5) **ADDITIONAL ARREST POWERS.** In addition to the arrest powers under sub. (1), a warden who has completed a program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (b) (a) 1. and has complied with any applicable requirements under s. 165.85 (4) (b) 1. (a) 7. while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. ~~165.83 (1) (b)~~ 165.85 (2) (bv) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person

who has committed a crime in the presence of the warden. If the warden makes an arrest without the presence of another law enforcement agency, the warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The warden shall be available as a witness for the state. A warden may not conduct investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924 (1) and 41.41 (12). A warden acting under the authority of this subsection is considered an employee of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

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

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

61.28 (1) The village marshal shall execute and file an official bond. The marshal shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. The marshal shall obey all lawful written orders of the village board; ~~and arrest with or without process every person found in the village engaged in any disturbance of the peace or violating any law of the state or ordinance of the village. The marshal may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance the person shall forfeit not exceeding \$10.~~ The marshal is entitled to the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 (1) (c); for other service rendered the village, compensation as the board fixes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

165.76 (4) (c) Allow a biological specimen, or data obtained from analysis of a biological specimen, obtained under this section ~~or, under~~ s. 51.20 (13) (cr), ~~165.84 (7),~~ 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or 980.063, or, if the specimen is required to be analyzed under s. 165.84 (7) (am) 1m., under s. 165.84 (7) (ah), to be submitted for inclusion in an index established under 42 USC 14132 (a) or in another national index system.

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

165.77 (3) If the laboratories receive a human biological specimen under s. 51.20 (13) (cr), ~~165.76, 165.84 (7) (am),~~ 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8),

971.17 (1m) (a), 973.047, or 980.063, the laboratories shall analyze the deoxyribonucleic acid in the specimen. If the laboratories receive a human biological specimen under s. 165.84 (7) (ah), the laboratories shall analyze the deoxyribonucleic acid in the specimen as provided under s. 165.84 (7) (am) 1m. The laboratories shall maintain a data bank based on data obtained from deoxyribonucleic acid analysis of those specimens. The laboratories may compare the data obtained from one specimen with the data obtained from other specimens. The laboratories may make data obtained from any analysis and comparison available to law enforcement agencies in connection with criminal or delinquency investigations and, upon request, to any prosecutor, defense attorney or subject of the data. The data may be used in criminal and delinquency actions and proceedings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A felony violation of s. 940.01, 940.05, 940.21, 940.225 (1), (2), or (3), 940.235, 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e), or (2m), 940.43, 940.45, 941.20, 941.21, 941.327, 943.02, 943.06, 943.10, 943.23 (1g) or (2), 943.32, 948.02 (1) or (2),

948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, 948.095, or 948.30 (2).

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

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

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

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

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

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

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

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

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

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

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

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

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

165.84 (7) (am) 2m. ~~Unless par. (am) 1. applies to the individual, if~~ If, one year after the date the biological sample was ~~obtained~~ submitted under par. (a) ~~(ah)~~, the

court has not notified the crime laboratories under subd. 1. ~~the law enforcement or tribal law enforcement agency par. (bm) that par. (am) 2., 3., or 4. subd. 1m. a., b., c., or d. applies to the individual, the law enforcement or tribal law enforcement agency shall destroy the biological sample.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or juvenile detention officers who terminate employment or are terminated, who violate or



fail to comply with a rule, policy, or order of the board relating to curriculum or training, who falsify information to obtain or maintain certified status, who are certified as the result of an administrative error, who are convicted of a felony or of any offense that, if committed in Wisconsin, could be punished as a felony, who are convicted of a misdemeanor crime of domestic violence, or who fail to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse, or who fail to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings. The board shall establish procedures for decertification in compliance with ch. 227, except that decertification for failure to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or for failure to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings shall be done as provided under sub. (3m) (a).

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

165.85 (3) (d) (intro.) Establish minimum curriculum requirements for preparatory courses and programs, and recommend minimum curriculum requirements for recertification and advanced courses and programs, in schools approved by the board and operated by or for this state or any political subdivision of the state for the specific purpose of training law enforcement recruits, law enforcement officers, tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits, jail officers, juvenile detention officer recruits, or juvenile detention officers in areas of knowledge and ability necessary to the attainment of effective performance as an officer, and ranging from subjects such as first aid, patrolling, statutory authority, techniques of arrest, protocols for official action by off-duty officers, firearms, domestic violence investigations, and recording custodial interrogations to subjects designed to provide a better understanding of ever-increasing complex problems in law enforcement such as human relations, civil rights, constitutional law, and supervision, control, and maintenance of a jail or juvenile detention facility. The board shall appoint a 13-member advisory curriculum advisory committee consisting to advise the board in the establishment of the curriculum requirements. The curriculum advisory committee shall consist of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis of not more than one chief of police and one sheriff from any one of the 8 state administrative districts together with, the director of training of the Wisconsin state patrol. This

~~committee shall advise the board in the establishment of the curriculum requirements, and, if applicable, one or more representatives of colleges or universities as follows:~~

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

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

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

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

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

165.85 (4) REQUIRED STANDARDS. (a) *Law enforcement and tribal law enforcement officers.* 1. The board shall establish a preparatory program of law enforcement and tribal law enforcement officer training, which shall include not less than 600 hours of training. The board shall establish criteria for the general program outcomes for the preparatory program. Specifics of the training curriculum, competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject shall be established by written policy of the board. In establishing the preparatory training program, the board shall give due consideration to recommendations made by the curriculum advisory committee. The board may amend the criteria and policies governing the preparatory training program as needed to respond to technological changes affecting law enforcement, additional recommendations made by the curriculum advisory committee, or other conditions affecting the public interest in maintaining training standards of a proper professional character. Notwithstanding s. 227.10 (1), the criteria and policies established under this paragraph need not be promulgated as rules under ch. 227.

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

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

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

3m. Except as provided in sub. (3m) (a), and in addition to certification procedures under this paragraph, the board may certify any person as being a tribal law enforcement officer on the basis of the person's completion of the training requirements for law enforcement officer certification prior to May 6, 1994. The officer must also meet the agreement requirements under sub. (3) (c) prior to certification as a tribal law enforcement officer.

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

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

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

7. a. Except as provided in subd. 8., no person may continue as a certified law enforcement or tribal law enforcement officer unless that person maintains law enforcement or tribal law enforcement employment and completes annual recertification training. Any officer who is subject to this subdivision shall complete at least 24 hours of recertification training each fiscal year beginning in the fiscal year following the fiscal year in which he or she is certified as a law enforcement or tribal law enforcement officer by the board.

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

this subd. 7. b. shall count toward the hours of training required under subd. 7. a.

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

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

(b) *Jail officers.* 1. The board shall establish a preparatory program of jail officer training, which shall include not less than 160 hours of training. The board shall establish criteria for the general program outcomes for the preparatory program. Specifics of the training curriculum competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject shall be established by written policy of the board. In establishing the preparatory training program, the board shall give due consideration to recommendations made by the curriculum advisory committee. The board may amend the criteria and policies governing the preparatory training program as needed to respond to technological changes affecting jail administration, additional recommendations made by the curriculum advisory committee, or other conditions affecting the public interest in maintaining training standards of a proper professional character. The board may provide that any part of the training program under this subdivision and the training program under par. (c) 1. are identical and count toward either training requirement under this paragraph or par. (c). Notwithstanding s. 227.10 (1), the criteria and policies established under this paragraph need not be promulgated as rules under ch. 227.

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

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

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

4g. Preservice students taking part in the preparatory program of jail officer training established by the board under subd. 1. shall be fingerprinted on 2 fingerprint

cards, each bearing a complete set of the student's fingerprints, or by other technologies approved by the department of justice. The fingerprints shall be submitted to the department of justice for verification of the identity of the person fingerprinted and to obtain records of his or her criminal arrests and convictions in Wisconsin. The department of justice shall provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purpose of verifying the person fingerprinted and obtaining records of his or her criminal arrests and convictions on file with the federal bureau of investigation.

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

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

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

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

(c) Juvenile detention officers. 1. The board shall establish a preparatory program of juvenile detention officer training, which shall include not less than 160 hours of training. The board shall establish criteria for the general program outcomes for the preparatory program. Specifics of the training curriculum, competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject shall be established by written policy of the board. In establishing the preparatory training program, the board shall give due consideration to recommendations made by the curriculum advisory committee. The board may amend the criteria and policies governing the preparatory training program as needed to respond to technological changes affecting juvenile detention administration, additional recommendations made by the curriculum advisory committee, or other conditions affecting the public interest in maintaining training standards of a proper professional character. The board may provide that any part of the training program under this

subdivision and the training program under par. (b) 1. are identical and count toward either training requirement under this paragraph or par. (b). Notwithstanding s. 227.10 (1), the criteria and policies established under this paragraph need not be promulgated as rules under ch. 227.

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

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

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

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

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

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

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



he or she is certified as a juvenile detention officer by the board.

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

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

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

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

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

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

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

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

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

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

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

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

165.85 (5) (a) All training programs and training schools for law enforcement, tribal law enforcement, jail, and juvenile detention officers and law enforcement instructors must be authorized and approved by the board

as meeting standards established by the board. The board may authorize and approve a training program or training school only if it is operated by an agency of the state or of a political subdivision of the state. The authority granted in this paragraph does not authorize the board to select a site for a state police, jail, or juvenile detention officer academy or to expend funds thereon.

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

165.85 (5) (b) The board shall authorize the reimbursement to each political subdivision of approved expenses incurred by ~~officers~~ recruits who satisfactorily complete training at schools certified by the board. Reimbursement of these expenses for law enforcement officer, jail officer and juvenile detention officer preparatory training shall be for board approved tuition, living, and travel expenses ~~for the first 400 hours of law enforcement preparatory training and for the first 120 hours of jail or juvenile detention officer preparatory training.~~ Reimbursement of approved expenses for completion of annual recertification training under sub. (4) ~~(bn)~~ shall include at least \$160 per officer thereafter. Funds may also be distributed for attendance at other training programs and courses or for training services on a priority basis to be decided by the department of justice.

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

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

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

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

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

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

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

895.46 (1) (b) 1. Satisfactorily completed or are currently enrolled in the preparatory program of law enforcement training under s. 165.85 (4) ~~(b) (a) 1.~~ and, if applicable, the recertification programs under s. 165.85 (4) ~~(bn) 1. (a) 7.~~, or have provided evidence of equivalent



law enforcement training and experience as determined by the law enforcement standards board; or

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

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

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

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

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

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

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

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

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

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

**SECTION 28v. Initial applicability.**

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

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

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