

2013 Senate Bill 373 (LRB -3440)

An Act to repeal 165.85 (4m); to renumber 62.09 (15); to renumber and amend 61.28; to amend 29.921 (5), 40.02 (48) (b) 4., 60.22 (4), 110.07 (1) (a) (intro.), 110.07 (6), 165.85 (2) (d), 165.85 (3) (cm), 165.85 (3) (d), 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. and 939.22 (37); to repeal and recreate 165.85 (4) and 165.85 (5) (a); and to create 61.28 (2), 61.29 (3), 62.09 (15) (a), 165.85 (2) (bv), 165.85 (2) (bx), 165.85 (2) (cm), 165.85 (2) (e) and 165.85 (2) (f) of the statutes; relating to: law enforcement standards and requiring the exercise of rule-making authority. (FE)

2013

10-29.	S.	Introduced by Senators Petrowski, L. Taylor and Lehman ; cosponsored by Representatives Bies, Ballweg, T. Larson, A. Ott, Richards and Thiesfeldt	445
10-29.	S.	Read first time and referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs	445
11-14.	S.	Fiscal estimate received	
11-19.	S.	Fiscal estimate received	
12-12.	S.	Senate Amendment 1 offered by Senator Petrowski (LRB a1300)	525

2014

01-31.	S.	Senate Amendment 2 offered by Senator Petrowski (LRB a1515)	622
02-12.	S.	Public hearing held	
02-20.	S.	Executive action taken	
02-21.	S.	Report adoption of Senate Amendment 1 recommended by Committee on Transportation, Public Safety, and Veterans and Military Affairs, Ayes 5, Noes 0	706
02-21.	S.	Report adoption of Senate Amendment 2 recommended by Committee on Transportation, Public Safety, and Veterans and Military Affairs, Ayes 5, Noes 0	706
02-21.	S.	Report passage as amended recommended by Committee on Transportation, Public Safety, and Veterans and Military Affairs, Ayes 5, Noes 0	706
02-21.	S.	Available for scheduling	
03-06.	S.	Senate Amendment 3 offered by Senator Petrowski (LRB a2026)	738
03-07.	S.	Placed on calendar 3-11-2014 pursuant to Senate Rule 18(1)	743
03-11.	S.	Senate Amendment 4 offered by Senators Harsdorf and Petrowski (LRB a2041)	751
03-11.	S.	Read a second time	754
03-11.	S.	Senate Amendment 1 adopted	754
03-11.	S.	Senate Amendment 2 adopted	754
03-11.	S.	Senate Amendment 3 adopted	754
03-11.	S.	Senate Amendment 4 adopted	754
03-11.	S.	Ordered to a third reading	754
03-11.	S.	Rules suspended	754
03-11.	S.	Read a third time and passed	754
03-11.	S.	Ordered immediately messaged	754
03-12.	A.	Received from Senate	737
03-18.	A.	Read first time and referred to committee on Rules	750
03-18.	A.	Made a special order of business at 10:33 AM on 3-20-2014 pursuant to Assembly Resolution 28	767
03-19.	A.	Fiscal estimate received	
03-20.	A.	Read a second time	801
03-20.	A.	Assembly Amendment 1 offered by Representative Knudson (LRB a2199)	801
03-20.	A.	Assembly Amendment 1 withdrawn and returned to author	801
03-20.	A.	Assembly Amendment 2 offered by Representatives Knudson, Bies and Craig (LRB a2248)	801
03-20.	A.	Assembly Amendment 2 adopted	801
03-20.	A.	Ordered to a third reading	801
03-20.	A.	Rules suspended	801
03-20.	A.	Read a third time and concurred in as amended	801
03-20.	A.	Ordered immediately messaged	801
03-21.	S.	Received from Assembly amended and concurred in as amended, Assembly Amendment 2 adopted	805
03-21.	S.	Available for scheduling	
03-31.	S.	Placed on calendar 4-1-2014 pursuant to Senate Rule 18(1)	822
04-01.	S.	Assembly Amendment 2 concurred in	
04-01.	S.	Action ordered immediately messaged	

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ENROLLED BILL

13en S B-373

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

13-34401 ¹

Amendments to above (if none, write "NONE"):

AA 2 — a 2248/2
SA 1 — a 1300/1 SA 2 — a 1515/2
SA 3 — a 2026/1 SA 4 — a 2041/1

Corrections - show date (if none, write "NONE"):

NONE

Topic

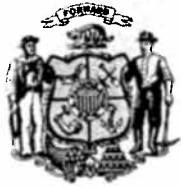
Rel as amended

4-2-14

Date

JR Miller

Enrolling Drafter



2013 SENATE BILL 373

October 29, 2013 - Introduced by Senators PETROWSKI, L. TAYLOR and LEHMAN, cosponsored by Representatives BIES, BALLWEG, T. LARSON, A. OTT, RICHARDS and THIESFELDT. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT to repeal** 165.85 (4m); **to renumber** 62.09 (15); **to renumber and**
 2 **amend** 61.28; **to amend** 29.921 (5), 40.02 (48) (b) 4., 60.22 (4), 110.07 (1) (a)
 3 (intro.), 110.07 (6), 165.85 (2) (d), 165.85 (3) (cm), 165.85 (3) (d), 165.85 (5) (title),
 4 165.85 (5) (b), 165.86 (1) (c), 165.92 (2) (a), 175.41 (3) (c), 895.46 (1) (b) 1. and
 5 939.22 (37); **to repeal and recreate** 165.85 (4) and 165.85 (5) (a); and **to create**
 6 61.28 (2), 61.29 (3), 62.09 (15) (a), 165.85 (2) (bv), 165.85 (2) (bx), 165.85 (2) (cm),
 7 165.85 (2) (e) and 165.85 (2) (f) of the statutes; **relating to:** law enforcement
 8 standards and requiring the exercise of rule-making authority.

INS. SA 4-1

INS. AA 2-1

Analysis by the Legislative Reference Bureau

Under current law, the Law Enforcement Standards Board (board) is attached to the Department of Justice. There are 15 members on the board who serve four-year terms and, among other duties, establish minimum educational and training standards for law enforcement officers, tribal law enforcement officers, jail officers, juvenile detention officers, and constables.

This bill separates the training standards into three distinct categories: 1) the standards for law enforcement officers and tribal law enforcement officers; 2) the standards for jail officers; and 3) the standards for juvenile detention officers. Under the bill, constables and marshals who are given law enforcement duties are subject

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to the same training standards as law enforcement officers and tribal law enforcement officers.

The bill makes several changes to the training and education standards, including setting forth a training and education protocol for law enforcement students, recruits, and temporary or probationary employees. Under the bill, law enforcement officer students and tribal law enforcement officer students are required to submit fingerprints and undergo a criminal background check. Any person who has been convicted of a felony or of a misdemeanor related to domestic violence may not participate in a student training program for becoming a law enforcement officer or a tribal law enforcement officer. Under the bill, under most circumstances a recruit or a temporary or probationary employee must complete his or her training program within the original period of his or her temporary or probationary employment, not to exceed 12 months, except that the board may extend that period if the recruit or employer shows good cause for the board to do so.

The bill eliminates specific hour requirements for training and education and allows the board to determine the specific outcome criteria and training curricula, including the required subjects, number of hours, objectives, and measures of performance for the training and education protocol for each category of officer. The bill requires the board to develop model standards for use by law enforcement agencies to show handgun proficiency and to include handgun proficiency in the preparatory program and recertification training. The bill allows the board more flexibility than exists under current law for determining how law enforcement agencies are reimbursed for expenses related to training and educating officers.

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

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

1 **SECTION 1.** 29.921 (5) of the statutes is amended to read:
2 29.921 (5) **ADDITIONAL ARREST POWERS.** In addition to the arrest powers under
3 sub. (1), a warden who has completed a program of law enforcement training
4 approved by the law enforcement standards board, has been certified as qualified to
5 be a law enforcement officer under s. 165.85 (4) ~~(b)~~ (a) 1. and has complied with any
6 applicable requirements under s. 165.85 (4) ~~(bn)~~ (a) 7. while on duty and in uniform
7 or on duty and upon display of proper credentials may assist another law
8 enforcement agency as defined under s. ~~165.83 (1) (b)~~ 165.85 (2) (bv) including

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1 making an arrest at the request of the agency, may arrest a person pursuant to an
2 arrest warrant concerning the commission of a felony or may arrest a person who has
3 committed a crime in the presence of the warden. If the warden makes an arrest
4 without the presence of another law enforcement agency, the warden shall cause the
5 person arrested to be delivered to the chief of police or sheriff in the jurisdiction
6 where the arrest is made, along with the documents and reports pertaining to the
7 arrest. The warden shall be available as a witness for the state. A warden may not
8 conduct investigations for violations of state law except as authorized in ss. 23.11 (4),
9 29.924 (1) and 41.41 (12). A warden acting under the authority of this subsection is
10 considered an employee of the department and is subject to its direction, benefits and
11 legal protection. The authority granted in this section does not apply to county
12 conservation wardens or special conservation wardens.

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

14 40.02 (48) (b) 4. A "member of the state traffic patrol" includes one division
15 administrator in the department of transportation who is counted under s. 230.08
16 (2) (e) 12. and whose duties include supervising the state traffic patrol, if the division
17 administrator is certified by the law enforcement standards board under s. 165.85
18 (4) (b) (a) 1. as being qualified to be a law enforcement officer.

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

20 60.22 (4) JURISDICTION OF CONSTABLE. Shall determine the jurisdiction and
21 duties of the town constable. ~~The town board may also require the town constable~~
22 ~~to complete training under s. 165.85 (4m)~~ A town constable who is given law
23 enforcement duties by the town board, and who meets the definition of a law
24 enforcement officer under s. 165.85 (2) (c), shall comply with the minimum

SENATE BILL 373**SECTION 3**

1 employment standards for law enforcement officers established by the law
2 enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

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

4 61.28 (1) The village marshal shall execute and file an official bond. The
5 marshal shall possess the powers, enjoy the privileges and be subject to the liabilities
6 conferred and imposed by law upon constables, and be taken as included in all writs
7 and papers addressed to constables. The marshal shall obey all lawful written orders
8 of the village board; ~~and arrest with or without process every person found in the~~
9 ~~village engaged in any disturbance of the peace or violating any law of the state or~~
10 ~~ordinance of the village. The marshal may command all persons present in that case~~
11 ~~to assist, and if any person, being so commanded, refuses or neglects to render~~
12 ~~assistance the person shall forfeit not exceeding \$10.~~ The marshal is entitled to the
13 same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee
14 is applicable under s. 814.705 (1) (c); for other service rendered the village,
15 compensation as the board fixes.

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

17 61.28 (2) A village marshal who is given law enforcement duties by the village
18 board, and who meets the definition of a law enforcement officer under s. 165.85 (2)
19 (c), shall comply with the minimum employment standards for law enforcement
20 officers established by the law enforcement standards board and shall complete
21 training under s. 165.85 (4) (a) 1.

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

23 61.29 (3) A village constable who is given law enforcement duties by the village
24 board, and who meets the definition of a law enforcement officer under s. 165.85 (2)
25 (c), shall comply with the minimum employment standards for law enforcement

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1 officers established by the law enforcement standards board and shall complete
2 training under s. 165.85 (4) (a) 1.

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

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

5 62.09 (15) (a) A constable who is given law enforcement duties by the common
6 council, and who meets the definition of a law enforcement officer under s. 165.85 (2)
7 (c), shall comply with the minimum employment standards for law enforcement
8 officers established by the law enforcement standards board and shall complete
9 training under s. 165.85 (4) (a) 1.

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

11 110.07 (1) (a) (intro.) The secretary shall employ not more than 399 traffic
12 officers. The state traffic patrol consists of the traffic officers, the person designated
13 to head them whose position shall be in the classified service and, if certified under
14 s. 165.85 (4) (b) (a) 1. as qualified to be a law enforcement officer, the division
15 administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include
16 supervising the state traffic patrol. The division administrator may not be counted
17 under this paragraph. Members of the state traffic patrol shall:

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

19 110.07 (6) The division administrator who is counted under s. 230.08 (2) (e) 12.
20 and whose duties include supervising the state traffic patrol shall be designated
21 superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4)
22 (b) (a) 1. as qualified to be a law enforcement officer.

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

AA 2-2

SENATE BILL 373**SECTION 11**

1 165.85 (2) (bv) "Law enforcement agency" means a governmental unit of this
2 state or a political subdivision of this state that employs one or more law enforcement
3 officers.

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

5 165.85 (2) (bx) "Law enforcement instructor" means a person who is certified
6 by the board to deliver board-approved program outcomes, course competencies,
7 performance standards, and learning objectives in training programs and training
8 schools for law enforcement officers, tribal law enforcement officers, jail officers, and
9 juvenile detention officers.

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

11 165.85 (2) (cm) "Police pursuit" has the meaning given in s. 85.07 (8) (a).

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

13 165.85 (2) (d) "Political subdivision" means counties, cities, villages, towns,
14 town sanitary districts ~~and~~, public inland lake protection and rehabilitation
15 districts, and technical college districts.

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

17 165.85 (2) (e) "Preservice student" means any person who meets the minimum
18 recruitment qualifications set by the board and who enrolls in preparatory training
19 under sub. (4) (a) 1. (b) 1., or (c) 1. prior to employment as a law enforcement officer,
20 tribal law enforcement officer, jail officer, or juvenile detention officer.

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

22 165.85 (2) (f) "Recruit" means a law enforcement officer, tribal law enforcement
23 officer, jail officer, or juvenile detention officer employed on a probationary or
24 temporary basis, in compliance with the minimum recruitment qualifications set by
25 the board.

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

2 165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or
3 juvenile detention officers who terminate employment or are terminated, who
4 violate or fail to comply with a rule, policy, or order of the board relating to curriculum
5 or training, who falsify information to obtain or maintain certified status, who are
6 certified as the result of an administrative error, who are convicted of a felony or of
7 any offense that, if committed in Wisconsin, could be punished as a felony, who are
8 convicted of a misdemeanor crime of domestic violence, or who fail to pay
9 court-ordered payments of child or family support, maintenance, birth expenses,
10 medical expenses, or other expenses related to the support of a child or former
11 spouse, or who fail to comply, after appropriate notice, with a subpoena or warrant
12 issued by the department of children and families or a county child support agency
13 under s. 59.53 (5) and related to paternity or child support proceedings. The board
14 shall establish procedures for decertification in compliance with ch. 227, except that
15 decertification for failure to pay court-ordered payments of child or family support,
16 maintenance, birth expenses, medical expenses, or other expenses related to the
17 support of a child or former spouse or for failure to comply, after appropriate notice,
18 with a subpoena or warrant issued by the department of children and families or a
19 county child support agency under s. 59.53 (5) and related to paternity or child
20 support proceedings shall be done as provided under sub. (3m) (a). INS. SA 2-1

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

22 165.85 (3) (d) INS. SA 2-2 Establish minimum curriculum requirements for preparatory
23 courses and programs, and recommend minimum curriculum requirements for
24 recertification and advanced courses and programs, in schools approved by the board
25 and operated by or for this state or any political subdivision of the state for the

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SECTION 18

1 specific purpose of training law enforcement recruits, law enforcement officers,
 2 tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits,
 3 jail officers, juvenile detention officer recruits, or juvenile detention officers in areas
 4 of knowledge and ability necessary to the attainment of effective performance as an
 5 officer, and ranging from subjects such as first aid, patrolling, statutory authority,
 6 techniques of arrest, protocols for official action by off-duty officers, firearms, and
 7 recording custodial interrogations to subjects designed to provide a better
 8 understanding of ever-increasing complex problems in law enforcement such as
 9 human relations, civil rights, constitutional law, and supervision, control, and
 10 maintenance of a jail or juvenile detention facility. The board shall appoint a

INS.
SA2-3

11 13-member advisory curriculum advisory committee consisting of 6 chiefs of police
 12 and 6 sheriffs to be appointed on a geographic basis of not more than one chief of
 13 police and one sheriff from any one of the 8 state administrative districts together
 14 with the director of training of the Wisconsin state patrol. This committee shall
 15 advise the board in the establishment of the curriculum requirements.

INS. SA2-4

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

17 165.85 (4) REQUIRED STANDARDS. (a) *Law enforcement and tribal law*
 18 *enforcement officers.* 1. The board shall establish program outcomes for a
 19 preparatory program of law enforcement and tribal law enforcement officer training,
 20 which shall include not less than 600 hours of training. The board shall establish
 21 criteria for the general program outcomes for the preparatory program. Specifics of
 22 the training curriculum, competencies, student learning and performance
 23 objectives, particular subjects, and the minimum number of hours for each subject
 24 shall be established by written policy of the board. In establishing the preparatory
 25 training program, the board shall give due consideration to recommendations made

SA3 18

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

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

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

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

21 3m. Except as provided in sub. (3m) (a), and in addition to certification
22 procedures under this paragraph, the board may certify any person as being a tribal
23 law enforcement officer on the basis of the person's completion of the training
24 requirements for law enforcement officer certification prior to May 6, 1994. The

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

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

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

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

22 7. a. Except as provided in subd. 8., no person may continue as a certified law
23 enforcement or tribal law enforcement officer unless that person maintains law
24 enforcement or tribal law enforcement employment and completes annual
25 recertification training. Any officer who is subject to this subdivision shall complete

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1 at least 24 hours of recertification training each fiscal year beginning in the fiscal
2 year following the fiscal year in which he or she is certified as a law enforcement or
3 tribal law enforcement officer by the board.

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

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

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

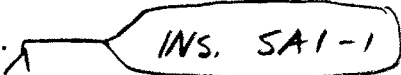
14 (b) *Jail officers.* 1. The board shall establish a preparatory program of jail
15 officer training, which shall include not less than 160 hours of training. The board
16 shall establish criteria for the general program outcomes for the preparatory
17 program. Specifics of the training curriculum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

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

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

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

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

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

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

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

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

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

23 2. No person may be employed as a juvenile detention officer, except on a
24 temporary or probationary basis, unless the person has satisfactorily completed the

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1 program established under subd. 1. and has been certified by the board as being
2 qualified to be a juvenile detention officer.

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

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

(INS. SA 1-2)

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

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

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

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

SENATE BILL 373

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

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

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

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

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

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

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

SENATE BILL 373**SECTION 21**

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

2 165.85 (5) (title) ~~SCHOOLS AND PROGRAMS; GRANTS~~ TRAINING REIMBURSEMENTS.

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

4 165.85 (5) (a) All training programs and training schools for law enforcement,
5 tribal law enforcement, jail, and juvenile detention officers and law enforcement
6 instructors must be authorized and approved by the board as meeting standards
7 established by the board. The board may authorize and approve a training program
8 or training school only if it is operated by an agency of the state or of a political
9 subdivision of the state. The authority granted in this paragraph does not authorize
10 the board to select a site for a state police, jail, or juvenile detention officer academy
11 or to expend funds thereon.

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

13 165.85 (5) (b) The board shall authorize the reimbursement to each political
14 subdivision of approved expenses incurred by ~~officers~~ recruits who satisfactorily
15 complete training at schools certified by the board. Reimbursement of these
16 expenses for law enforcement officer, jail officer and juvenile detention officer
17 preparatory training shall be for board approved tuition, living, and travel expenses
18 ~~for the first 400 hours of law enforcement preparatory training and for the first 120~~
19 ~~hours of jail or juvenile detention officer preparatory training.~~ Reimbursement of
20 approved expenses for completion of annual recertification training under sub. (4)
21 ~~(bn)~~ shall include at least \$160 per officer thereafter. Funds may also be distributed
22 for attendance at other training programs and courses or for training services on a
23 priority basis to be decided by the department of justice.

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

SENATE BILL 373

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

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

6 165.92 (2) (a) A tribal law enforcement officer who meets the requirements of
7 s. 165.85 (4) ~~(b) 1., (bn) 1., and (e) (a) 1., 2., and 7.~~ shall have the same powers to enforce
8 the laws of the state and to make arrests for violations of such laws that sheriffs have,
9 including powers granted to sheriffs under ss. 59.27 and 59.28 and under the
10 common law, and shall perform the duties accepted under s. 165.85 (3) (c).

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

12 175.41 (3) (c) The commission warden meets the requirements of s. 165.85 (4)
13 ~~(b) 1., (bn) 1., and (e) (a) 1., 2., and 7.~~ and has agreed to accept the duties of a law
14 enforcement officer under the laws of this state.

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

16 895.46 (1) (b) 1. Satisfactorily completed or are currently enrolled in the
17 preparatory program of law enforcement training under s. 165.85 (4) ~~(b) (a) 1.~~ and,
18 if applicable, the recertification programs under s. 165.85 (4) ~~(bn) 1.~~ (a) 7., or have
19 provided evidence of equivalent law enforcement training and experience as
20 determined by the law enforcement standards board; or

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

22 939.22 (37) "State-certified commission warden" means a commission warden
23 who meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1., and (e) (a) 1., 2., and 7.~~ and

INS. AA2-3

SENATE BILL 373

SECTION 28

1 has agreed to accept the duties of a law enforcement officer under the laws of this
2 state.

3

(END)

A handwritten note enclosed in a hand-drawn rectangular box with rounded corners. The text inside the box is "INS. AA 2-4". A line from the number "3" on the left margin points to the top-left corner of the box.

INS. AA 2-4



**SENATE AMENDMENT 1,
TO SENATE BILL 373**

December 12, 2013 - Offered by Senator PETROWSKI.

1 At the locations indicated, amend the bill as follows:

2 1. Page 12, line 17: after that line insert:

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

SAI-1

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

SA 1-2

5 2. Page 14, line 10: after that line insert:

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

17 4r. No person who has been convicted of any federal felony or of any offense
 18 that, if committed in Wisconsin, could be punished as a felony may take part in the
 19 preparatory training program established under subd. 1. unless he or she has been
 20 granted an absolute and unconditional pardon for the crime.”.

21 (END)



**SENATE AMENDMENT 2,
TO SENATE BILL 373**

January 31, 2014 – Offered by Senator PETROWSKI.

1 At the locations indicated, amend the bill as follows:

SA2-1

2 1. Page 7, line 21: after “is” insert “renumbered 165.85 (3) (d) (intro.) and”.

3 2. Page 7, line 22: after “(d)” insert “(intro.)”.

SA2-2

SA2-3

4 3. Page 8, line 6: after “firearms,” insert “domestic violence investigations”.

5 4. Page 8, line 11: delete lines 11 to 15 and substitute “13 member advisory

SA2-4

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

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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.”.

(END)




State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa2026/1
PJH:wlj:rs

SENATE AMENDMENT 3,
TO SENATE BILL 373

March 6, 2014 - Offered by Senator PETROWSKI.

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 8, line 18: delete "program outcomes for".
- 3 
(END)



**SENATE AMENDMENT 4,
TO SENATE BILL 373**

March 11, 2014 - Offered by Senators HARSDORF and PETROWSKI.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: after "standards" insert "deoxyribonucleic acid submission
3 and testing and the deoxyribonucleic acid analysis surcharge,"

SA 4-1

4 **2.** Page 5, line 22: after that line insert:

~~SA 4-2~~

5 ~~SECTION 10c.~~ 165.76 (1) (gm) of the statutes, as created by 2013 Wisconsin Act
6 20, is amended to read:

NOT GIVEN EFFECT

7 165.76 (1) (gm) Is arrested for a felony, or is taken into custody for a juvenile
8 offense that would be a felony if committed by an adult in this state, and s. 165.84

9 (7) (am) 1., 2., 3., or 4. applies to the person.

SEE AA 2-2

10 ~~SECTION 10e.~~ 165.76 (4) (c) of the statutes, as created by 2013 Wisconsin Act
11 20, is amended to read:

12 165.76 (4) (c) Allow a biological specimen, or data obtained from analysis of a
13 biological specimen, obtained under this section or, under s. 51.20 (13) (cr), 165.84

1 (~~7~~), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or
2 980.063, or, if the specimen is required to be analyzed under s. 165.84 (7) (am) 1m.,
3 under s. 165.84 (7) (a), to be submitted for inclusion in an index established under
4 42 USC 14132 (a) or in another national index system.

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

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

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

22 165.84 (7) (a) Subject to rules promulgated by the department of justice under
23 s. 165.76 (4), all persons in charge of law enforcement and tribal law enforcement
24 agencies shall obtain, when the individual's fingerprints or other identifying data
25 are obtained, a biological specimen for deoxyribonucleic acid analysis from each

1 individual arrested for a felony and each individual taken into custody for a juvenile
2 offense that would be a felony if committed by an adult in this state. ~~(b) Biological~~
3 ~~samples required under par. (a) shall be obtained and, if par. (am) requires,~~
4 ~~submitted as~~ The law enforcement agency shall submit the biological specimen to the
5 crime laboratories in a manner specified in the rules promulgated by the department
6 of justice under s. 165.76 (4).

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

9 165.84 (7) (am) (intro.) ~~The person in charge of the law enforcement or tribal~~
10 ~~law enforcement agency shall submit the~~ After receiving an individual's specimen to
11 submitted under par. (a), the crime laboratories for shall do one of the following:

12 1m. If, within the time limit under subd. 2m., the court notifies the crime
13 laboratories under par. (bm) that any of the following applies, analyze the
14 deoxyribonucleic acid analysis in the specimen and inclusion of include the
15 individual's deoxyribonucleic acid profile in the data bank under s. 165.77 (3) only
16 if any of the following applies:

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

20 165.84 (7) (am) 1m. c. The individual ~~fails~~ failed to appear at the initial
21 appearance or preliminary examination or the person ~~waives~~ waived the
22 preliminary examination.

23 d. The individual ~~fails~~ failed to appear for a delinquency proceeding under ch.
24 938.

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

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

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

9 165.84 (7) (am) 2m. ~~Unless par. (am) 1. applies to the individual, if~~ If, one year
10 after the date the biological sample was ~~obtained~~ submitted under par. (a), the court
11 has not notified the crime laboratories under ~~subd. 1. the law enforcement or tribal~~
12 ~~law enforcement agency~~ par. (bm) that ~~par. (am) 2., 3., or 4. subd. 1m. a., b., c., or d.~~
13 applies to the individual, ~~the law enforcement or tribal law enforcement agency shall~~
14 destroy the biological sample".

15 **3.** Page 18, line 2: after that line insert:

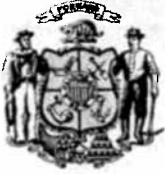
16 "SECTION 29c. 2013 Wisconsin Act 20, section 9326 (1) (h) is amended to read:
17 [2013 Wisconsin Act 20] Section 9326 (1) (h) The treatment of section 973.047
18 (1f) of the statutes first applies to ~~sentences imposed or probations placements made~~
19 offenses committed on the effective date of this paragraph.

20 **SECTION 30c. Effective dates.** This bill takes effect on the day after
21 publication, except as follows: **NOT GIVEN EFFECT. SEE AA2-4**

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(1) The treatment of sections 165.76 (1) (gm) and (4) (c), 165.77 (3), and 165.84 (7) (a), (am) (intro.), 1., 2., 3., and 4., (b), and (bm) 1. and 2. of the statutes takes effect on April 1, 2015.”

(END)



**ASSEMBLY AMENDMENT 2,
TO SENATE BILL 373**

March 20, 2014 – Offered by Representatives KNUDSON, BIES and CRAIG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: after the material inserted by senate amendment 4, insert
3 collection of deoxyribonucleic acid at arrest. AA2-1

4 **2.** Page 5, line 22: after that line, delete the material inserted by senate
5 amendment 4 and substitute: AA2-2

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

8 165.76 (1) (gm) Is arrested for a felony violent crime, as defined in s. 165.84 (7)
9 (ab), or is taken into custody for a juvenile offense that would be a felony violent
10 crime, as defined in s. 165.84 (7) (ab), if committed by an adult in this state, ~~and s.~~
11 ~~165.84 (7) (am) 1., 2., 3., or 4. applies to the person.~~

12 **SECTION 10rc.** 165.76 (4) (c) of the statutes, as created by 2013 Wisconsin Act
13 20, is amended to read:

1 165.76 (4) (c) Allow a biological specimen, or data obtained from analysis of a
2 biological specimen, obtained under this section ~~or, under~~ s. 51.20 (13) (cr), ~~165.84~~
3 ~~(7)~~, 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or
4 980.063, or, if the specimen is required to be analyzed under s. 165.84 (7) (am) 1m.,
5 under s. 165.84 (7) (ah), to be submitted for inclusion in an index established under
6 42 USC 14132 (a) or in another national index system.

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

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

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

23 165.77 (4) (ag) In this subsection, "violent crime" has the meaning given in s.
24 165.84 (7) (ab).

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

3 165.77 (4) (am) 2. a. All charges ~~filed in connection with the arrest and all~~
4 charges for which the person was required to provide a biological specimen under s.
5 165.84 (7) or 970.02 (8) have been dismissed.

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

8 165.77 (4) (am) 2. b. The trial court reached final disposition for all charges ~~in~~
9 ~~connection with the arrest and for any charges~~ for which the person was required to
10 provide a biological specimen under s. 165.84 (7) or 970.02 (8), and the person was
11 not adjudged guilty of a violent crime in connection with ~~the arrest or any such~~
12 charge ~~for which the person was required to provide a biological specimen under s.~~
13 970.02 (8).

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

16 165.77 (4) (am) 2. c. At least one year has passed since the arrest and the person
17 has not been charged with a violent crime in connection with the arrest.

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

20 165.77 (4) (am) 2. d. The person was adjudged guilty of a violent crime in
21 connection with ~~either the arrest or any charge~~ for which the person was required
22 to provide a biological specimen under s. 165.84 (7) or 970.02 (8), and all such
23 convictions for a violent crime have been reversed, set aside, or vacated.

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

1 165.77 (4) (am) 3. a. All criminal complaints or delinquency petitions that
2 allege that the person committed a violation that would be a felony violent crime if
3 committed by an adult in this state and that are in connection with the taking into
4 custody have been dismissed.

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

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

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

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

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

22 165.77 (4) (am) 3. d. The person was convicted or adjudged delinquent for a
23 violation that would be a felony violent crime if committed by an adult in this state
24 and that is in connection with the taking into custody, and the conviction or
25 delinquency adjudication has been reversed, set aside, or vacated.

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

3 165.84 (7) (ah) Subject to rules promulgated by the department of justice under
4 s. 165.76 (4), all persons in charge of law enforcement and tribal law enforcement
5 agencies shall obtain, when the individual's fingerprints or other identifying data
6 are obtained, a biological specimen for deoxyribonucleic acid analysis from each
7 individual arrested for a felony violent crime and each individual taken into custody
8 for a juvenile offense that would be a felony violent crime if committed by an adult
9 in this state. ~~(b) Biological samples required under par. (a) shall be obtained and,~~
10 ~~if par. (am) requires, submitted as~~ The law enforcement agency shall submit the
11 biological specimen to the crime laboratories in a manner specified in the rules
12 ~~promulgated by the department of justice~~ under s. 165.76 (4).

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

14 165.84 (7) (ab) In this subsection, "violent crime" means any of the following:

- 15 1. A felony violation of s. 940.01, 940.05, 940.21, 940.225 (1), (2), or (3), 940.235,
16 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e), or (2m), 940.43, 940.45, 941.20,
17 941.21, 941.327, 943.02, 943.06, 943.10, 943.23 (1g) or (2), 943.32, 948.02 (1) or (2),
18 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085,
19 948.095, or 948.30 (2).
- 20 2. A felony violation of s. 940.02, 940.03, 940.06, 940.07, 940.08, 940.09 (1c),
21 940.10, 940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.20, 940.201 (2),
22 940.203 (2), 940.205 (2), 940.207 (2), 940.208, 940.23, 941.30, or 948.03 (3).
- 23 3. A felony if a penalty enhancer specified in s. 939.621 could be imposed.
- 24 4. The solicitation, conspiracy, or attempt, under s. 939.30, 939.31, or 939.32,
25 to commit a violation under subd. 1.

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

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

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

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

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

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

19 d. The individual ~~fails~~ failed to appear for a delinquency proceeding under ch.
20 938.

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

23 165.84 (7) (bm) ~~Unless par. (am) 1. applies to the individual, the~~ The court shall
24 notify the agency crime laboratories if par. (am) ~~2., 3., or 4.~~ 1m. a., b., c., or d. applies

1 to an individual ~~the law enforcement or tribal law enforcement agency who has been~~
2 arrested.

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

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

11 **SECTION 10rz.** 165.84 (7) (c) 1. of the statutes, as created by 2013 Wisconsin Act
12 20, is amended to read:

13 165.84 (7) (c) 1. No biological specimen obtained under par. (a) ~~(ah)~~ may be
14 subject to analysis except by the crime laboratories as provided under s. 165.77”.

15 **3.** Page 17, line 20: after that line insert:

AA2-3

16 **SECTION 27rb.** 938.21 (1m) of the statutes, as created by 2013 Wisconsin Act
17 20, is amended to read:

18 938.21 (1m) BIOLOGICAL SPECIMEN. If the juvenile has been taken into custody
19 on the basis of a violation that would be a felony violent crime, as defined in s. 165.84
20 (7) (ab), if committed by an adult in this state, the court shall determine if a biological
21 specimen has been obtained from the juvenile under s. 165.84 (7), and if not, the court
22 shall direct that a law enforcement agency or tribal law enforcement agency obtain
23 a biological specimen from the juvenile and submit it to the state crime laboratories
24 as specified in rules promulgated by the department of justice under s. 165.76 (4).

1 If the court requires the juvenile to provide a specimen under this subsection or if a
2 biological specimen has already been obtained from the juvenile, the court shall
3 inform the juvenile that he or she may request expungement under s. 165.77 (4).

4 **SECTION 27rg.** 938.30 (2m) of the statutes, as created by 2013 Wisconsin Act
5 20, is amended to read:

6 938.30 (2m) BIOLOGICAL SPECIMEN. If the juvenile is before the court on the basis
7 of a violation that would be a felony violent crime, as defined in s. 165.84 (7) (ab), if
8 committed by an adult in this state, the court shall determine if a biological specimen
9 has been obtained from the juvenile under s. 165.84 (7), and if not, the court shall
10 direct that a law enforcement agency or tribal law enforcement agency obtain a
11 biological specimen from the juvenile and submit it to the state crime laboratories
12 as specified in rules promulgated by the department of justice under s. 165.76 (4).
13 If the court requires the juvenile to provide a specimen under this subsection or if a
14 biological specimen has already been obtained from the juvenile, the court shall
15 inform the juvenile that he or she may request expungement under s. 165.77 (4)."

16 **4.** Page 18, line 2: after that line, delete the material inserted by senate
17 amendment 4 and substitute:

AA2-4

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

20 970.02 (8) If the offense charged is a felony violent crime, as defined in s. 165.84
21 (7) (ab), the judge shall determine if a biological specimen has been obtained from the
22 defendant under s. 165.84 (7), and, if not, the judge shall direct that a law
23 enforcement agency or tribal law enforcement agency obtain a biological specimen
24 from the defendant and submit it to the state crime laboratories as specified in rules

*

1 promulgated by the department of justice under s. 165.76 (4). If the judge requires
2 the defendant to provide a specimen under this subsection or if a biological specimen
3 has already been obtained from the defendant, the judge shall inform the defendant
4 that he or she may request expungement under s. 165.77 (4).

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

6 [2013 Wisconsin Act 20] Section 9326 (1) (h) The treatment of section 973.047
7 (1f) of the statutes first applies to ~~sentences imposed or probations placements made~~
8 offenses committed on the effective date of this paragraph.

9 **SECTION 28v. Initial applicability.**

10 (1v) DNA COLLECTION. The treatment of sections 165.76 (1) (gm) and (4) (c),
11 165.77 (3) and (4) (ag) and (am) 2. a., b., c., and d. and 3. a., b., c., and d., 165.84 (7)
12 (a), (ab), (am) (intro.), 1., 2., 3., and 4., (b), (bm) 1. and 2., and (c) 1., 938.21 (1m),
13 938.30 (2m), and 970.02 (8) of the statutes first applies to individuals arrested or
14 taken into custody on the effective date of this subsection.

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

17 (1v) DNA COLLECTION. The treatment of sections 165.76 (1) (gm) and (4) (c),
18 165.77 (3) and (4) (ag) and (am) 2. a., b., c., and d. and 3. a., b., c., and d., 165.84 (7)
19 (a), (ab), (am) (intro.), 1., 2., 3., and 4., (b), (bm) 1. and 2., and (c) 1., 938.21 (1m),
20 938.30 (2m), and 970.02 (8) of the statutes and SECTION 28v (1v) of this act take effect
21 on April 1, 2015, or on the day after publication, whichever is later.”

22 (END)