



2013 ASSEMBLY BILL 768

1 **AN ACT** *to amend* 19.32 (1) and 939.22 (22); and *to create* 175.42 of the statutes;
2 **relating to:** authorizing Marquette University to create a police department
3 and employ university police officers.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 19.32 (1) of the statutes is amended to read:
5 19.32 (1) “Authority” means any of the following having custody of a record: a
6 state or local office, elected official, agency, board, commission, committee, council,
7 department or public body corporate and politic created by constitution, law,
8 ordinance, rule or order; a governmental or quasi-governmental corporation except
9 for the Bradley center sports and entertainment corporation; a local exposition
10 district under subch. II of ch. 229; a long-term care district under s. 46.2895; any

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1 court of law; the assembly or senate; a nonprofit corporation which receives more
2 than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and
3 which provides services related to public health or safety to the county or
4 municipality; a university police department under s. 175.42; or a formally
5 constituted subunit of any of the foregoing.

6 **SECTION 2.** 175.42 of the statutes is created to read:

7 **175.42 Marquette University police department.** (1) In this section:

8 (a) “University” means Marquette University.

9 (b) “University police officer” means an officer who is employed by the
10 university police department, who has met the requirements of s. 165.85 (4) (b) 1.,
11 (bn) 1., and (c), and who has agreed to accept the duties of a law enforcement officer
12 under the laws of this state.

13 (2) (a) The university may enter into an agreement with the attorney general
14 or with the city of Milwaukee police department to establish a university police
15 department and employ university police officers for the purposes of maintaining
16 public order, detecting and preventing crime, and enforcing state laws and local
17 ordinances on the grounds of the university and in adjacent areas, as provided for
18 in the agreement. The agreement establishing the university police department is
19 subject to review under s. 62.50 (1m) by the board of fire and police commissioners.

20 (b) 1. Subject to the terms of the agreement under par. (a), university police
21 officers have the same powers as law enforcement officers employed by the city of
22 Milwaukee to maintain public order, to detect and prevent crime, to enforce state
23 laws and local ordinances, and to make arrests for violations of state laws and local
24 ordinances.

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1 2. The law enforcement powers under subd. 1. of university police officers shall
2 be concurrent with other law enforcement officers.

3 3. Subject to the terms of the agreement under par. (a), the university may
4 assign additional duties to the university police department, including the
5 enforcement of university regulations.

6 (c) The university police department shall do all of the following:

7 1. Ensure that each university police officer meets the requirements of s. 165.85
8 (4) (b) 1., (bn) 1., and (c) and has agreed to accept the duties of a law enforcement
9 officer under the laws of this state.

10 2. Adopt and implement written policies regarding law enforcement activities
11 and rendering aid or assistance under this section, including a policy on notification
12 to and cooperation with a law enforcement agency in the jurisdiction in which arrests
13 are made.

14 3. Maintain liability insurance, and present evidence of the insurance to the
15 department of justice, that does all of the following:

16 a. Covers the university and university police officers for acts and omissions
17 under sub. (4).

18 b. Has a limit of coverage not less than \$2,000,000 for any occurrence.

19 c. Provides that the insurer, in defending a claim against the policy, may not
20 raise the defense of sovereign immunity of the insured up to the limits of the policy.

21 **(3)** For purposes of civil and criminal liability, a university police officer may,
22 when in fresh pursuit, follow anywhere in the state and arrest any person for
23 violation of the laws of this state, if the conditions of sub. (2) (c) are met.

24 **(4)** (a) Except as otherwise provided in an agreement under sub. (2) (a), the
25 university is liable for all acts and omissions of a university police officer while acting

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1 under this section, and neither the state nor any political subdivision of the state may
2 be held liable for any action of a university police officer taken under the authority
3 of this section. For purposes of civil and criminal liability, a university police officer
4 acting under this section is considered to be acting in an official capacity.

5 (b) The university shall pay in full any judgment in which the university and
6 the state or a political subdivision of the state are found jointly and severally liable
7 for any act of a university police officer taken under this section and shall reimburse
8 the state or political subdivision for all reasonable attorneys fees and expenses
9 incurred in defending the action.

10 **SECTION 3.** 939.22 (22) of the statutes is amended to read:

11 939.22 (22) “Peace officer” means any person vested by law with a duty to
12 maintain public order or to make arrests for crime, whether that duty extends to all
13 crimes or is limited to specific crimes. “Peace officer” includes a commission warden
14 and a university police officer, as defined in s. 175.42 (1) (b).

15 (END)