



2013 ASSEMBLY BILL 768

February 14, 2014 – Introduced by Representatives KOOYENGA, YOUNG, GOYKE and ZEPNICK, cosponsored by Senators DARLING, HARRIS, FARROW, GROTHMAN, LAZICH, VUKMIR and L. TAYLOR. Referred to Committee on State Affairs and Government Operations.

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

This bill authorizes Marquette University to enter into an agreement with the state and the city of Milwaukee to establish a university police department and employ university police officers. Under this bill, except as provided otherwise in the agreement, Marquette University police officers have the same powers as Milwaukee law enforcement officers to maintain order, detect and prevent crime, enforce laws and ordinances, and make arrests for violations of laws and ordinances and Marquette may assign additional duties to the Marquette University police officers. This bill requires that a Marquette University police officer meet training and certification standards provided by the Law Enforcement Standards Board, that Marquette University have written policies on arrests and rendering aid, and that Marquette University maintain liability insurance. Finally, under this bill, a Marquette University police officer is a peace officer for purposes of the Criminal Code and the Marquette University police department is subject to certain public records laws.

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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.** 19.32 (1) of the statutes is amended to read:

2 19.32 (1) “Authority” means any of the following having custody of a record: a
3 state or local office, elected official, agency, board, commission, committee, council,
4 department or public body corporate and politic created by constitution, law,
5 ordinance, rule or order; a governmental or quasi-governmental corporation except
6 for the Bradley center sports and entertainment corporation; a local exposition
7 district under subch. II of ch. 229; a long-term care district under s. 46.2895; any
8 court of law; the assembly or senate; a nonprofit corporation which receives more
9 than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and
10 which provides services related to public health or safety to the county or
11 municipality; a university police department under s. 175.42; or a formally
12 constituted subunit of any of the foregoing.

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

14 **175.42 Marquette University police department.** (1) In this section:

15 (a) “University” means Marquette University.

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

20 (2) (a) The university may enter into an agreement with the attorney general
21 and the city of Milwaukee to establish a university police department and employ

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1 university police officers for the purposes of maintaining public order, detecting and
2 preventing crime, and enforcing state laws and local ordinances on the grounds of
3 the university and in adjacent areas, as provided for in the agreement. The
4 agreement entered into with the city of Milwaukee shall provide methods for
5 ensuring the accountability of the university police department and the university
6 police officers.

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

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

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

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

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

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

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

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

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

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

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

11 **(4)** (a) Except as otherwise provided in an agreement under sub. (2) (a), the
12 university is liable for all acts and omissions of a university police officer while acting
13 under this section, and neither the state nor any political subdivision of the state may
14 be held liable for any action of a university police officer taken under the authority
15 of this section. For purposes of civil and criminal liability, a university police officer
16 acting under this section is considered to be acting in an official capacity.

17 (b) If, notwithstanding par. (a), a court finds the state or a political subdivision
18 of the state liable for any acts or omissions of a university police officer acting under
19 this section, the university shall indemnify the state or political subdivision against
20 that liability and against all reasonable attorney fees and expenses incurred in
21 defending the action.

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

23 939.22 **(22)** “Peace officer” means any person vested by law with a duty to
24 maintain public order or to make arrests for crime, whether that duty extends to all

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1 crimes or is limited to specific crimes. “Peace officer” includes a commission warden
2 and a university police officer, as defined in s. 175.42 (1) (b).

3 (END)