

2017 DRAFTING REQUEST

Bill

For: Frederick Kessler (608) 266-5813 Drafter: mshovers  
 By: Ritch Secondary Drafters:  
 Date: 12/2/2016 May Contact:

Same as LRB:

Submit via email: YES  
 Requester's email: Rep.Kessler@legis.wisconsin.gov  
 Carbon copy (CC) to: marc.shovers@legis.wisconsin.gov  
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 cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Limit authority of law enforcement to arrest someone for sleeping in a county park

Instructions:

See attached. Redraft 2015 AB 29, LRB -1376/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 12/2/2016	jdye 12/5/2016			
/1			rmilford 12/5/2016	rmilford 12/6/2016	State S&L

FE Sent For:

<END>

At Intro.

## Shovers, Marc

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**From:** Williams, Ritch  
**Sent:** Friday, December 02, 2016 11:03 AM  
**To:** Shovers, Marc  
**Subject:** Redraft of 2015 AB 29  
**Attachments:** ab29.pdf

Marc –

Representative Kessler would like to have 2015 AB 29 (LRB 1376/1), a copy of which is attached, redrafted for introduction in the upcoming session. As you are aware, the bill would limit the authority of a law enforcement officer to arrest someone for sleeping or camping in a county park and limit the authority of local ordinances that prohibit a person from doing so.

Thank you in advance for getting this bill drafted as soon as possible. We really appreciate the work the LRB has done for us already and look forward to working with you on future legislation and amendments.

Ritch Williams  
Office of Rep. Kessler



State of Wisconsin  
2015-2016 LEGISLATURE

- 0972/1  
LRB-1376/1  
MES: ~~hrs~~

jd  
RMR

2017

2015 ASSEMBLY BILL 29

MON

February 10, 2015 - Introduced by Representatives KESSLER, BARNES, BOWEN, BROSTOFF, JOHNSON, YOUNG, C. TAYLOR, MASON, ZAMARRIPA and SUBECK, cosponsored by Senators L. TAYLOR, C. LARSON and HARRIS DODD. Referred to Committee on Criminal Justice and Public Safety.

✓

gen

1 AN ACT *to create* 66.0414 of the statutes; **relating to:** limiting the authority of  
2 a law enforcement officer to arrest someone for sleeping or camping in a county  
3 park, authorizing local ordinances to prohibit overnight sleeping or camping in  
4 a county park, and providing a penalty. ✓

***Analysis by the Legislative Reference Bureau***

Under this bill, and subject to a number of exceptions, no state or local law enforcement officer may arrest a person, without a warrant, who is suspected of sleeping in an area of a county park in which the county has prohibited overnight sleeping or overnight camping. ✓ The exceptions include situations where the law enforcement officer knows the person is wanted for arrest on charges unrelated to sleeping or camping in a county park or the officer reasonably believes the person is a threat to public health or safety for reasons unrelated to sleeping or camping in a county park.

The bill authorizes a <sup>city, village, town, or county</sup> political subdivision ✓ to enact and enforce an ordinance prohibiting a person from sleeping in a county park in an area designated by the political subdivision ✓ as an area in which overnight sleeping or camping is prohibited, but the ordinance must specify that the penalty for violating such an ordinance is a forfeiture of not less than \$10 nor more than \$200, ✓ plus costs. The ordinance must also specify that a person who is convicted of violating such an ordinance and does not pay the forfeiture may be sentenced to a term of not more than ✓ 90 days in the county jail or county house of corrections.

**ASSEMBLY BILL 29**

If a political subdivision has in effect on the effective date an ordinance that is inconsistent with the provisions contained in the bill, the ordinance does not apply and may not be enforced.✓

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

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

1           **SECTION 1.** 66.0414 of the statutes is created to read:

2           **66.0414 Law enforcement in county parks.** (1) In this section.✓

3           (a) "Law enforcement officer" means any person employed by the state or any  
4 political subdivision for the purpose of detecting and preventing crime and enforcing  
5 laws or ordinances and who is authorized to make arrests for violations of the laws  
6 or ordinances the person is employed to enforce, whether that enforcement authority  
7 extends to all laws or ordinances or is limited to specific laws or ordinances.✓

8           (b) "Political subdivision" means any city, village, town, or county.

9           (2) Except as provided in sub. (3), and subject to subs. (4) and (5), no law  
10 enforcement officer may, without a warrant, arrest any person who is suspected of  
11 sleeping in a county park in an area that the county has designated as an area in  
12 which overnight sleeping or overnight camping is prohibited.✓

13           (3) The limitation on arrest in sub. (2) does not apply if any of the following  
14 apply to the person suspected of sleeping in a county park:✓

15           (a) The law enforcement officer knows that the person is wanted for arrest on  
16 other charges unrelated to overnight sleeping or camping in a county park.✓

17           (b) The law enforcement officer reasonably believes that the person poses a  
18 threat to public health or safety that is unrelated to sleeping or camping in a county  
19 park.✓

**ASSEMBLY BILL 29**

1           (4) (a) Subject to par. (b),<sup>✓</sup> a political subdivision may enact and enforce an  
2 ordinance prohibiting a person from sleeping in a county park in an area designated  
3 by the political subdivision as an area in which overnight sleeping or overnight  
4 camping is prohibited.

5           (b) The ordinance described in par. (a)<sup>✓</sup> shall specify the penalty for violating the  
6 ordinance is a forfeiture of not less than \$10<sup>✓</sup> nor more than \$200<sup>✓</sup> plus costs. The  
7 ordinance shall also specify that,<sup>✓</sup> if a person convicted of such an ordinance does not  
8 pay the forfeiture, the person may be sentenced to serve a term in the county jail or  
9 county house of corrections for a period not to exceed 90<sup>✓</sup> days.

10           (5) If a political subdivision has in effect on the effective date of this<sup>✓</sup> subsection  
11 .... [LRB inserts date], an ordinance that is inconsistent with the provisions of sub.  
12 (2) or (4),<sup>✓</sup> the ordinance does not apply and may not be enforced.

13           **SECTION 2. Initial applicability.**

14           (1) This act first applies to a person who is found sleeping in a county park by  
15 a law enforcement officer on the effective date of this subsection.<sup>✓</sup>

16

(END)

**Kohn, Hanna**

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**From:** Williams, Ritch  
**Sent:** Tuesday, December 06, 2016 8:38 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0972/1

Please Jacket LRB -0972/1 for the ASSEMBLY.

## Milford, Renae

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**From:** Williams, Ritch  
**Sent:** Tuesday, December 06, 2016 3:55 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0972/1

Please Jacket LRB -0972/1 for the ASSEMBLY.