

2017 DRAFTING REQUEST

**Bill**

For: **Justice** Drafter: **chanaman**  
 By: **Lane** Secondary Drafters:  
 Date: **8/9/2017** May Contact:  
 Same as LRB: **-4119**

Submit via email: **YES**  
 Requester's email: **ruhhandle@doj.state.wi.us**  
 Carbon copy (CC) to: **Melinda.Johns@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Law enforcement standards

**Instructions:**

See attached

*For A  
 + sent to  
 REP OTT  
 per cmh*

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 8/9/2017	aernstr 8/9/2017			
/P1	chanaman 8/9/2017	aernstr 8/9/2017	dwalker 8/9/2017		
/P2	chanaman 8/9/2017	aernstr 8/9/2017	dwalker 8/9/2017		
/P3			mbarman 8/9/2017		
/1				lparisi	

Vers.

Drafted

Reviewed

Submitted

Jacketed  
8/11/2017

Required

FE Sent For:

2  
Not  
Needed

<END>

## Hanaman, Cathlene

---

**From:** Ruhland, Lane E - DOJ  
**Sent:** Wednesday, August 09, 2017 9:25 AM  
**To:** Hanaman, Cathlene  
**Subject:** FW: Drafting request  
**Attachments:** 17-3684\_P1.pdf

Hi Cathlene!

I am forwarding this to you per Melinda's away message. Thank you!

Lane

---

**From:** Ruhland, Lane E.  
**Sent:** Wednesday, August 09, 2017 9:23 AM  
**To:** 'Johns, Melinda L - LEGIS' <Melinda.Johns@legis.wisconsin.gov>  
**Subject:** Drafting request

Melinda,

I am hoping to get a clean draft of the attached bill draft which includes the changes below. Let me know if you need anything else or have any questions, or if I need to go about this differently...

Thank you!!

Section 1 (2)

Page 2, Line 1 take out "grievances filed"  
Page 2, Line 3 add "substantiated" prior to complaints  
Page 2, Line 3 take out "early warnings"



State of Wisconsin  
2017 - 2018 LEGISLATURE

4109/P1  
LRB-3684/P1  
MLJ:ahc

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

today  
~~by name~~  
by name  
(11)

5a ✓

1     **AN ACT** *to renumber and amend* 165.85 (3) (cm); *to amend* 165.85 (2) (bv),  
2           165.85 (2) (c), 165.85 (3) (a) and 165.85 (3) (b); and *to create* 165.85 (2) (ap),  
3           165.85 (2) (be), 165.85 (2) (fm), 165.85 (3) (am), 165.85 (3) (cm) 6. and 165.85 (4)  
4           (em) of the statutes; **relating to:** the responsibilities of the Law Enforcement  
5           Standards Board.

---

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

This bill makes certain changes to the responsibilities of the Law Enforcement Standards Board. Under current law, the Law Enforcement Standards Board regulates the training of law enforcement officers. This bill requires the Law Enforcement Standards Board to also regulate jail and juvenile detention officer training standards, and to regulate recruitment standards for the recruiting of new law enforcement, jail, and juvenile detention officers.

---

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

6           **SECTION 1.** 165.85 (2) (ap) of the statutes is created to read:  
7           165.85 (2) (ap) "Employment file" means all files relating to a person's  
8           employment, including performance reviews, files related to job performance,

1 internal affairs investigative files, administrative files, grievances filed, previous  
2 personnel applications, personnel-related claims, disciplinary actions, and all  
3 <sup>substantiated</sup> complaints, early warnings, and commendations, but does not include pay or benefit  
4 information, similar administrative data or information that does not relate to  
5 performance or conduct, or medical files unless the medical file relates to mental  
6 competency issues bearing on the person's suitability for a law enforcement, tribal  
7 law enforcement, jail, or juvenile detention officer position.

8 **SECTION 2.** 165.85 (2) (be) of the statutes is created to read:

9 165.85 (2) (be) "Government agency" means any department, agency, or court  
10 of this state, or of a city, village, town, or county in this state.

\*\*\*NOTE: This is similar, although not identical, to the definition provided in your model. I made this change to mirror an existing definition in s. 974.07 (1) (a) but modified it to leave out the federal government. Let me know if that is contrary to your intention.

11 **SECTION 3.** 165.85 (2) (bv) of the statutes is amended to read:

12 165.85 (2) (bv) "Law enforcement agency" means a governmental unit of this  
13 state or a political subdivision of this state that employs one or more law enforcement  
14 officers, and includes the Marquette University police department.

15 **SECTION 4.** 165.85 (2) (c) of the statutes is amended to read:

16 165.85 (2) (c) "Law enforcement officer" means any person employed by the  
17 state or any political subdivision of the state, for the purpose of detecting and  
18 preventing crime and enforcing laws or ordinances and who is authorized to make  
19 arrests for violations of the laws or ordinances that the person is employed and sworn  
20 to enforce. "Law enforcement officer" includes a university police officer, as defined  
21 in s. 175.42 (1) (b).

22 **SECTION 5.** 165.85 (2) (fm) of the statutes is created to read:

1           165.85 (2) (fm) "Tribal law enforcement agency" has the meaning given in s.  
2           165.83 (1) (e).

3           **SECTION 6.** 165.85 (3) (a) of the statutes is amended to read:

4           165.85 (3) (a) Promulgate rules for the administration of this section including  
5           the authority to require the submission of reports and information pertaining to the  
6           administration of this section by law enforcement ~~and agencies,~~ tribal law  
7           enforcement agencies, jails, juvenile detention facilities, and schools approved by the  
8           board and operated by or for this state or any political subdivision of the state for the  
9           specific purpose of training law enforcement recruits, law enforcement officers,  
10          tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits,  
11          jail officers, juvenile detention officer recruits, or juvenile detention officers in this  
12          state.

13          **SECTION 7.** 165.85 (3) (am) of the statutes is created to read:

14          165.85 (3) (am) Establish minimum qualification standards for admission to  
15          preparatory law enforcement or correctional officer training for preservice students  
16          and recruits.

17          **SECTION 8.** 165.85 (3) (b) of the statutes is amended to read:

18          165.85 (3) (b) Establish minimum educational ~~and,~~ training, and recruitment  
19          standards for admission to employment as a law enforcement ~~or,~~ tribal law  
20          enforcement, jail, or juvenile detention officer in permanent positions and in  
21          temporary, probationary or part-time status. Educational and training standards  
22          for tribal law enforcement officers under this paragraph shall be identical to  
23          standards for other law enforcement officers.

24          **SECTION 9.** 165.85 (3) (cm) of the statutes is renumbered 165.85 (3) (cm) (intro.)  
25          and amended to read:

1           165.85 (3) (cm) (intro.) Decertify law enforcement, tribal law enforcement, jail,  
2 or juvenile detention officers who ~~terminate employment or are terminated, who~~  
3 ~~violate~~ do one of the following:

4           1. Violate or fail to comply with a rule, policy, or order of the board relating to  
5 curriculum or training, ~~who falsify,~~

6           2. Falsify information to obtain or maintain certified status, ~~who are,~~

7           3. Are certified as the result of an administrative error, ~~who are,~~

8           4. Are convicted of a felony or of any offense that, if committed in Wisconsin,  
9 could be punished as a felony, ~~who are,~~

10          5. Are convicted of a misdemeanor crime of domestic violence, ~~or who fail~~ as  
11 defined in 18 USC 921 (a) (33), or are convicted of domestic abuse as defined in s.  
12 968.075 (1) (a), or the conviction is subject to the imposition of the domestic abuse  
13 surchage under s. 973.055 (1), regardless of whether any part of the surcharge is  
14 waived by the court under s. 973.055 (4).

15          7. Fail to pay court-ordered payments of child or family support, maintenance,  
16 birth expenses, medical expenses, or other expenses related to the support of a child  
17 or former spouse, or who fail to comply, after appropriate notice, with a subpoena or  
18 warrant issued by the department of children and families or a county child support  
19 agency under s. 59.53 (5) and related to paternity or child support proceedings.

20          ~~(cp)~~ The board shall establish procedures for decertification under par. (cm) in  
21 compliance with ch. 227, except that decertification for ~~failure to pay court-ordered~~  
22 ~~payments of child or family support, maintenance, birth expenses, medical expenses,~~  
23 ~~or other expenses related to the support of a child or former spouse or for failure to~~  
24 ~~comply, after appropriate notice, with a subpoena or warrant issued by the~~  
25 ~~department of children and families or a county child support agency under s. 59.53~~

1 ~~(5) and related to paternity or child support proceedings~~ an action described under  
2 par. (cm) 7. shall be done as provided under sub. (3m) (a).

3 **SECTION 10.** 165.85 (3) (cm) 6. of the statutes is created to read:

4 165.85 (3) (cm) 6. For any crime listed in subd. 4. or 5., enter into any of the  
5 following if the board determines that certification is not in the best interest of the  
6 public:

7 a. A deferred judgment and sentencing agreement or deferred sentencing  
8 agreement, whether pending or successfully completed.

9 b. A deferred prosecution agreement, whether pending or successfully  
10 completed.

11 c. A pretrial diversion agreement, whether pending or successfully completed.

12 **SECTION 11.** 165.85 (4) (em) of the statutes is created to read:

13 165.85 (4) (em) *Officer recruitment.* 1. When a law enforcement agency, tribal  
14 law enforcement agency, jail, or juvenile detention facility recruits for new officers,  
15 the interviewing agency shall require each candidate that it interviews for a law  
16 enforcement, tribal law enforcement, jail, or juvenile detention position, who has  
17 been employed by another law enforcement agency, tribal law enforcement agency,  
18 jail, juvenile detention facility, or government agency to execute a written waiver  
19 that explicitly authorizes each law enforcement agency, tribal law enforcement  
20 agency, jail, juvenile detention facility, or other government agency to disclose the  
21 candidate's employment files to the interviewing agency, and releases the  
22 interviewing agency and each law enforcement agency, tribal law enforcement  
23 agency, jail, juvenile detention facility, or government agency that employed the  
24 candidate from any liability related to the use and disclosure of the candidate's  
25 employment files.



1           2. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
2 detention facility, or government agency may disclose a candidate's employment files  
3 by either providing copies to the interviewing agency or allowing the interviewing  
4 agency to review the files at the offices of the law enforcement agency, tribal law  
5 enforcement agency, jail, juvenile detention facility, or government agency that  
6 employed the candidate.

7           3. A candidate who refuses to execute the waiver shall not be considered for  
8 employment by the interviewing agency or considered for certification by the board.

9           4. The interviewing agency shall, at least 30 days prior to making its hiring  
10 decision, submit the waiver to each law enforcement agency, tribal law enforcement  
11 agency, jail, juvenile detention facility, or government agency that has employed the  
12 candidate. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
13 detention facility, or government agency that receives a waiver shall provide the  
14 requested employment files to the interviewing agency not more than 21 days after  
15 receiving the waiver.

16           5. The interviewing agency may also conduct an official oral interview of  
17 individuals from the law enforcement agency, tribal law enforcement agency, jail,  
18 juvenile detention facility, or government agency that employed the candidate.

19           6. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
20 detention facility, or government agency is not required to provide the candidate's  
21 employment records if the agency or facility is prohibited from providing the  
22 employment records pursuant to a binding nondisclosure agreement to which the  
23 law enforcement agency, tribal law enforcement agency, jail, juvenile detention  
24 facility, or government agency is a party if the agreement was executed before the  
25 effective date of this subdivision .... [LRB inserts date].

1           7. No law enforcement agency, tribal law enforcement agency, jail, juvenile  
2 detention facility, or government agency, may enter into a nondisclosure agreement  
3 preventing an interviewing law enforcement agency, tribal law enforcement agency,  
4 jail, or juvenile detention facility from viewing employment files after the effective  
5 date of this subdivision .... [LRB inserts date].

6           8. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
7 detention facility, or government agency is not liable for complying with the  
8 provisions of this paragraph or participating in an official oral interview with an  
9 investigator from the interviewing agency, regarding the candidate.

10

**(END)**



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4109/P1  
MLJ:ahc

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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2 applications, personnel-related claims, disciplinary actions, and all substantiated  
3 complaints<sup>21</sup> and commendations, but does not include pay or benefit information,  
4 similar administrative data or information that does not relate to performance or  
5 conduct, or medical files unless the medical file relates to mental competency issues  
6 bearing on the person's suitability for a law enforcement, tribal law enforcement, jail,  
7 or juvenile detention officer position.

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7           enforcement agencies, jails, juvenile detention facilities, and schools approved by the  
8           board and operated by or for this state or any political subdivision of the state for the  
9           specific purpose of training law enforcement recruits, law enforcement officers,  
10          tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits,  
11          jail officers, juvenile detention officer recruits, or juvenile detention officers in this  
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6           2. Falsify information to obtain or maintain certified status, ~~who are.~~

7           3. Are certified as the result of an administrative error, ~~who are.~~

8           4. Are convicted of a felony or of any offense that, if committed in Wisconsin,  
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14 waived by the court under s. 973.055 (4).

15          7. Fail to pay court-ordered payments of child or family support, maintenance,  
16 birth expenses, medical expenses, or other expenses related to the support of a child  
17 or former spouse, or who fail to comply, after appropriate notice, with a subpoena or  
18 warrant issued by the department of children and families or a county child support  
19 agency under s. 59.53 (5) and related to paternity or child support proceedings.

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21 compliance with ch. 227, except that decertification for ~~failure to pay court-ordered~~  
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7             a. A deferred judgment and sentencing agreement or deferred sentencing  
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13            165.85 (4) (em) *Officer recruitment.* 1. When a law enforcement agency, tribal  
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16    enforcement, tribal law enforcement, jail, or juvenile detention position, who has  
17    been employed by another law enforcement agency, tribal law enforcement agency,  
18    jail, juvenile detention facility, or government agency to execute a written waiver  
19    that explicitly authorizes each law enforcement agency, tribal law enforcement  
20    agency, jail, juvenile detention facility, or other government agency to disclose the  
21    candidate's employment files to the interviewing agency, and releases the  
22    interviewing agency and each law enforcement agency, tribal law enforcement  
23    agency, jail, juvenile detention facility, or government agency that employed the  
24    candidate from any liability related to the use and disclosure of the candidate's  
25    employment files.

1           2. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
2 detention facility, or government agency may disclose a candidate's employment files  
3 by either providing copies to the interviewing agency or allowing the interviewing  
4 agency to review the files at the offices of the law enforcement agency, tribal law  
5 enforcement agency, jail, juvenile detention facility, or government agency that  
6 employed the candidate.

7           3. A candidate who refuses to execute the waiver shall not be considered for  
8 employment by the interviewing agency or considered for certification by the board.

9           4. The interviewing agency shall, at least 30 days prior to making its hiring  
10 decision, submit the waiver to each law enforcement agency, tribal law enforcement  
11 agency, jail, juvenile detention facility, or government agency that has employed the  
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13 detention facility, or government agency that receives a waiver shall provide the  
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15 receiving the waiver.

16           5. The interviewing agency may also conduct an official oral interview of  
17 individuals from the law enforcement agency, tribal law enforcement agency, jail,  
18 juvenile detention facility, or government agency that employed the candidate.

19           6. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
20 detention facility, or government agency is not required to provide the candidate's  
21 employment records if the agency or facility is prohibited from providing the  
22 employment records pursuant to a binding nondisclosure agreement to which the  
23 law enforcement agency, tribal law enforcement agency, jail, juvenile detention  
24 facility, or government agency is a party if the agreement was executed before the  
25 effective date of this subdivision .... [LRB inserts date].



1           7. No law enforcement agency, tribal law enforcement agency, jail, juvenile  
2 detention facility, or government agency, may enter into a nondisclosure agreement  
3 preventing an interviewing law enforcement agency, tribal law enforcement agency,  
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5 date of this subdivision .... [LRB inserts date].

6           8. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
7 detention facility, or government agency is not liable for complying with the  
8 provisions of this paragraph or participating in an official oral interview with an  
9 investigator from the interviewing agency, regarding the candidate.

10

(END)

## Hanaman, Cathlene

---

**From:** Ruhland, Lane E - DOJ  
**Sent:** Wednesday, August 09, 2017 12:25 PM  
**To:** Hanaman, Cathlene  
**Subject:** RE: Drafting request

I've got one more tiny change:

In addition, in section 9(3)(cm) on page 4, Line 4, please change to read, "curriculum, training or recruitment"

That should be it! Thank you again!

Lane

---

**From:** Hanaman, Cathlene M - LEGIS [mailto:Cathlene.Hanaman@legis.wisconsin.gov]  
**Sent:** Wednesday, August 09, 2017 10:05 AM  
**To:** Ruhland, Lane E. <ruhhandle@doj.state.wi.us>  
**Subject:** RE: Drafting request

Can I delete the note under Section 2 or are you still considering Melinda's comment?

---

**From:** Ruhland, Lane E - DOJ  
**Sent:** Wednesday, August 09, 2017 10:00 AM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Subject:** RE: Drafting request

I agree with your assessment. Thank you!

---

**From:** Hanaman, Cathlene M - LEGIS [mailto:Cathlene.Hanaman@legis.wisconsin.gov]  
**Sent:** Wednesday, August 09, 2017 9:57 AM  
**To:** Ruhland, Lane E. <ruhhandle@doj.state.wi.us>  
**Subject:** RE: Drafting request

Look at page 2, line 3, do you want that comma after "complaints"? I marked it for deletion but the editor kept it. I think it should be deleted. If you want to keep it we should delete the "and" in the previous line.

Let me know and we'll get it right to you.

---

**From:** Ruhland, Lane E - DOJ  
**Sent:** Wednesday, August 09, 2017 9:55 AM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Subject:** RE: Drafting request

You rock.

---

**From:** Hanaman, Cathlene M - LEGIS [mailto:Cathlene.Hanaman@legis.wisconsin.gov]  
**Sent:** Wednesday, August 09, 2017 9:36 AM  
**To:** Ruhland, Lane E. <ruhhandle@doj.state.wi.us>  
**Subject:** RE: Drafting request

Yup

---

**From:** Ruhland, Lane E - DOJ  
**Sent:** Wednesday, August 09, 2017 9:33 AM  
**To:** Hanaman, Cathlene <[Cathlene.Hanaman@legis.wisconsin.gov](mailto:Cathlene.Hanaman@legis.wisconsin.gov)>  
**Subject:** RE: Drafting request

And if possible, could I get it rushed? Thank you!

---

**From:** Hanaman, Cathlene M - LEGIS [<mailto:Cathlene.Hanaman@legis.wisconsin.gov>]  
**Sent:** Wednesday, August 09, 2017 9:26 AM  
**To:** Ruhland, Lane E. <[ruhlandle@doj.state.wi.us](mailto:ruhlandle@doj.state.wi.us)>  
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Thank you!!

Section 1 (2)

Page 2, Line 1 take out "grievances filed"  
Page 2, Line 3 add "substantiated" prior to complaints  
Page 2, Line 3 take out "early warnings"



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4109/P2  
MLJ/ahc

P3  
a. crnk

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to renumber and amend* 165.85 (3) (cm); *to amend* 165.85 (2) (bv),  
2           165.85 (2) (c), 165.85 (3) (a) and 165.85 (3) (b); and *to create* 165.85 (2) (ap),  
3           165.85 (2) (be), 165.85 (2) (fm), 165.85 (3) (am), 165.85 (3) (cm) 6. and 165.85 (4)  
4           (em) of the statutes; **relating to:** the responsibilities of the Law Enforcement  
5           Standards Board.

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

This bill makes certain changes to the responsibilities of the Law Enforcement Standards Board. Under current law, the Law Enforcement Standards Board regulates the training of law enforcement officers. This bill requires the Law Enforcement Standards Board to also regulate jail and juvenile detention officer training standards, and to regulate recruitment standards for the recruiting of new law enforcement, jail, and juvenile detention officers.

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

6           **SECTION 1.** 165.85 (2) (ap) of the statutes is created to read:  
7           165.85 (2) (ap) “Employment file” means all files relating to a person’s  
8           employment, including performance reviews, files related to job performance,

1 internal affairs investigative files, administrative files, previous personnel  
2 applications, personnel-related claims, disciplinary actions, and all substantiated  
3 complaints and commendations, but does not include pay or benefit information,  
4 similar administrative data or information that does not relate to performance or  
5 conduct, or medical files unless the medical file relates to mental competency issues  
6 bearing on the person's suitability for a law enforcement, tribal law enforcement, jail,  
7 or juvenile detention officer position.

8 **SECTION 2.** 165.85 (2) (be) of the statutes is created to read:

9 165.85 (2) (be) "Government agency" means any department, agency, or court  
10 of this state, or of a city, village, town, or county in this state.

11 **SECTION 3.** 165.85 (2) (bv) of the statutes is amended to read:

12 165.85 (2) (bv) "Law enforcement agency" means a governmental unit of this  
13 state or a political subdivision of this state that employs one or more law enforcement  
14 officers, and includes the Marquette University police department.

15 **SECTION 4.** 165.85 (2) (c) of the statutes is amended to read:

16 165.85 (2) (c) "Law enforcement officer" means any person employed by the  
17 state or any political subdivision of the state, for the purpose of detecting and  
18 preventing crime and enforcing laws or ordinances and who is authorized to make  
19 arrests for violations of the laws or ordinances that the person is employed and sworn  
20 to enforce. "Law enforcement officer" includes a university police officer, as defined  
21 in s. 175.42 (1) (b).

22 **SECTION 5.** 165.85 (2) (fm) of the statutes is created to read:

23 165.85 (2) (fm) "Tribal law enforcement agency" has the meaning given in s.  
24 165.83 (1) (e).

25 **SECTION 6.** 165.85 (3) (a) of the statutes is amended to read:

1           165.85 (3) (a) Promulgate rules for the administration of this section including  
2 the authority to require the submission of reports and information pertaining to the  
3 administration of this section by law enforcement and agencies, tribal law  
4 enforcement agencies, jails, juvenile detention facilities, and schools approved by the  
5 board and operated by or for this state or any political subdivision of the state for the  
6 specific purpose of training law enforcement recruits, law enforcement officers,  
7 tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits,  
8 jail officers, juvenile detention officer recruits, or juvenile detention officers in this  
9 state.

10           **SECTION 7.** 165.85 (3) (am) of the statutes is created to read:

11           165.85 (3) (am) Establish minimum qualification standards for admission to  
12 preparatory law enforcement or correctional officer training for preservice students  
13 and recruits.

14           **SECTION 8.** 165.85 (3) (b) of the statutes is amended to read:

15           165.85 (3) (b) Establish minimum educational ~~and~~, training, and recruitment  
16 standards for admission to employment as a law enforcement ~~or~~, tribal law  
17 enforcement, jail, or juvenile detention officer in permanent positions and in  
18 temporary, probationary or part-time status. Educational and training standards  
19 for tribal law enforcement officers under this paragraph shall be identical to  
20 standards for other law enforcement officers.

21           **SECTION 9.** 165.85 (3) (cm) of the statutes is renumbered 165.85 (3) (cm) (intro.)  
22 and amended to read:

23           165.85 (3) (cm) (intro.) Decertify law enforcement, tribal law enforcement, jail,  
24 or juvenile detention officers who ~~terminate employment or are terminated, who~~  
25 violate do one of the following:

1           1. ~~Violate or fail to comply with a rule, policy, or order of the board relating to~~  
 2 curriculum ~~or~~ <sup>↓ 2</sup> ~~training, who falsify,~~ <sup>plan</sup> ~~or recruitment~~

3           2. Falsify information to obtain or maintain certified status, ~~who are.~~

4           3. Are certified as the result of an administrative error, ~~who are.~~

5           4. Are convicted of a felony or of any offense that, if committed in Wisconsin,  
 6 could be punished as a felony, ~~who are.~~

7           5. Are convicted of a misdemeanor crime of domestic violence, ~~or who fail as~~  
 8 defined in 18 USC 921 (a) (33), or are convicted of domestic abuse as defined in s.  
 9 968.075 (1) (a), or the conviction is subject to the imposition of the domestic abuse  
 10 surcharge under s. 973.055 (1), regardless of whether any part of the surcharge is  
 11 waived by the court under s. 973.055 (4).

12           7. Fail to pay court-ordered payments of child or family support, maintenance,  
 13 birth expenses, medical expenses, or other expenses related to the support of a child  
 14 or former spouse, or who fail to comply, after appropriate notice, with a subpoena or  
 15 warrant issued by the department of children and families or a county child support  
 16 agency under s. 59.53 (5) and related to paternity or child support proceedings.

17           ~~(cp)~~ The board shall establish procedures for decertification under par. (cm) in  
 18 compliance with ch. 227, except that decertification for failure to pay court-ordered  
 19 payments of child or family support, maintenance, birth expenses, medical expenses,  
 20 or other expenses related to the support of a child or former spouse or for failure to  
 21 comply, after appropriate notice, with a subpoena or warrant issued by the  
 22 department of children and families or a county child support agency under s. 59.53  
 23 (5) and related to paternity or child support proceedings an action described under  
 24 par. (cm) 7. shall be done as provided under sub. (3m) (a).

25           **SECTION 10.** 165.85 (3) (cm) 6. of the statutes is created to read:

1           165.85 (3) (cm) 6. For any crime listed in subd. 4. or 5., enter into any of the  
2 following if the board determines that certification is not in the best interest of the  
3 public:

4           a. A deferred judgment and sentencing agreement or deferred sentencing  
5 agreement, whether pending or successfully completed.

6           b. A deferred prosecution agreement, whether pending or successfully  
7 completed.

8           c. A pretrial diversion agreement, whether pending or successfully completed.

9           **SECTION 11.** 165.85 (4) (em) of the statutes is created to read:

10           165.85 (4) (em) *Officer recruitment.* 1. When a law enforcement agency, tribal  
11 law enforcement agency, jail, or juvenile detention facility recruits for new officers,  
12 the interviewing agency shall require each candidate that it interviews for a law  
13 enforcement, tribal law enforcement, jail, or juvenile detention position, who has  
14 been employed by another law enforcement agency, tribal law enforcement agency,  
15 jail, juvenile detention facility, or government agency to execute a written waiver  
16 that explicitly authorizes each law enforcement agency, tribal law enforcement  
17 agency, jail, juvenile detention facility, or other government agency to disclose the  
18 candidate's employment files to the interviewing agency, and releases the  
19 interviewing agency and each law enforcement agency, tribal law enforcement  
20 agency, jail, juvenile detention facility, or government agency that employed the  
21 candidate from any liability related to the use and disclosure of the candidate's  
22 employment files.

23           2. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
24 detention facility, or government agency may disclose a candidate's employment files  
25 by either providing copies to the interviewing agency or allowing the interviewing



1 agency to review the files at the offices of the law enforcement agency, tribal law  
2 enforcement agency, jail, juvenile detention facility, or government agency that  
3 employed the candidate.

4 3. A candidate who refuses to execute the waiver shall not be considered for  
5 employment by the interviewing agency or considered for certification by the board.

6 4. The interviewing agency shall, at least 30 days prior to making its hiring  
7 decision, submit the waiver to each law enforcement agency, tribal law enforcement  
8 agency, jail, juvenile detention facility, or government agency that has employed the  
9 candidate. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
10 detention facility, or government agency that receives a waiver shall provide the  
11 requested employment files to the interviewing agency not more than 21 days after  
12 receiving the waiver.

13 5. The interviewing agency may also conduct an official oral interview of  
14 individuals from the law enforcement agency, tribal law enforcement agency, jail,  
15 juvenile detention facility, or government agency that employed the candidate.

16 6. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
17 detention facility, or government agency is not required to provide the candidate's  
18 employment records if the agency or facility is prohibited from providing the  
19 employment records pursuant to a binding nondisclosure agreement to which the  
20 law enforcement agency, tribal law enforcement agency, jail, juvenile detention  
21 facility, or government agency is a party if the agreement was executed before the  
22 effective date of this subdivision ... [LRB inserts date].

23 7. No law enforcement agency, tribal law enforcement agency, jail, juvenile  
24 detention facility, or government agency, may enter into a nondisclosure agreement  
25 preventing an interviewing law enforcement agency, tribal law enforcement agency,

1 jail, or juvenile detention facility from viewing employment files after the effective  
2 date of this subdivision .... [LRB inserts date].

3 8. A law enforcement agency, tribal law enforcement agency, jail, juvenile  
4 detention facility, or government agency is not liable for complying with the  
5 provisions of this paragraph or participating in an official oral interview with an  
6 investigator from the interviewing agency, regarding the candidate.

7 (END)

## Hanaman, Cathlene

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**From:** Ruhland, Lane E - DOJ  
**Sent:** Friday, August 11, 2017 3:14 PM  
**To:** Hanaman, Cathlene  
**Cc:** Mueller, Virginia  
**Subject:** Fwd: Draft review: LRB -4109/P3  
**Attachments:** 17-4109\_P3.pdf; ATT00001.htm

Cathlene,

Can you please get a jacket to Rep. Ott on this draft?

Thank you! Again, I appreciate the quick turnaround on this drafting.

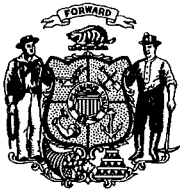
Lane

Sent from my iPhone

Begin forwarded message:

**From:** LRB.Legal <[lrblegal@legis.wisconsin.gov](mailto:lrblegal@legis.wisconsin.gov)>  
**Date:** August 9, 2017 at 2:20:19 PM CDT  
**To:** "Ruhland, Lane E." <[ruhlandle@doj.state.wi.us](mailto:ruhlandle@doj.state.wi.us)>  
**Subject:** Draft review: LRB -4109/P3

**Following is the PDF version of draft LRB -4109/P3.**



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LRB-4109/P3  
MLJ&CMH:ahc

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6 investigator from the interviewing agency, regarding the candidate.

7 (END)