

Appendix A

STATE OF WISCONSIN
LEGISLATIVE REFERENCE BUREAU
DRAFTING HISTORY RESEARCH APPENDIX

☞ The drafting file for 2019 LRB-6338/2 (For: Senator Wanggaard)
has been transferred to the drafting file for
2021 LRB-0183 (For: Senator Wanggaard)



RESEARCH APPENDIX -

PLEASE KEEP WITH THE DRAFTING FILE

☞ Request Made By: EAW

☞ Date: 09/24/2020

2019 DRAFTING REQUEST**Bill**

For: **Van Wanggaard (608) 266-1832** Drafter: **ewheeler**
 By: **Scott Kelly** Secondary Drafters:
 Date: **7/7/2020** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Wanggaard@legis.wisconsin.gov**
 Carbon copy (CC) to: **melinda.johns@legis.wisconsin.gov**
eric.mueller@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Prohibition on chokeholds and strangleholds by law enforcement except in self-defense

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 7/8/2020				
/P1	ewheeler 8/3/2020	ccarmich 7/8/2020	mbarman 7/8/2020		Local
/1	ewheeler 8/20/2020		mbarman 8/3/2020		Local
/2		ccarmich 8/21/2020	lparisi 8/21/2020		Local

FE Sent For:

<END>

Barman, Mike

From: Kelly, Scott
Sent: Tuesday, July 07, 2020 10:34 AM
To: Wheeler, Elizabeth
Subject: lrb 6276

Hi Elizabeth -

Can I get a redraft of LRB 6276 (Gov bill prohibiting use of chokeholds).

But I want to add that chokeholds can be used in self-defense and life threatening situations. My (poor) drafting attempt at this would be adding after "officers" on page 2, line 9, "except in life-threatening situations, or in self-defense"

Thanks

Scott

Scott Kelly
Chief of Staff
Senator Van Wanggaard
608-266-1832
scott.kelly@legis.wi.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6338/P1
EAW:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 66.0511 (1); *to amend* 66.0511 (2); and *to*
2 *create* 66.0511 (1) (a) of the statutes; **relating to:** prohibiting use of choke
3 holds by law enforcement officers in use of force policies.

Analysis by the Legislative Reference Bureau

Current law requires law enforcement agencies to develop policies on the use of force by law enforcement officers in the performance of their duties. This bill requires these policies to prohibit the use of choke holds by law enforcement officers, except in life threatening situations or in self-defense.

For further information see the *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:

4 **SECTION 1.** 66.0511 (1) of the statutes is renumbered 66.0511 (1) (intro.) and
5 amended to read:
6 66.0511 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, "law;
7 (b) "Law enforcement agency" has the meaning given under s. 165.83 (1) (b).



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6338/1
EAW:cdc

2019 BILL

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Parisi, Lori

From: Kelly, Scott
Sent: Thursday, August 20, 2020 3:20 PM
To: Wheeler, Elizabeth
Subject: RE: LRB 6338

Yes. I think you have a typo/repeated phrase in what you said, but yes. I believe so.

From: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Sent: Thursday, August 20, 2020 3:18 PM
To: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Subject: RE: LRB 6338

So, you want this to be still within the use of force policy? Like, "A law enforcement agency may not authorize may not authorize the use of choke holds by law enforcement officers, except in life threatening situations or in self-defense in a policy or standard under this subsection."?

Elizabeth Wheeler
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
Direct: 608-504-5880
Elizabeth.wheeler@legis.wisconsin.gov

From: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Sent: Thursday, August 20, 2020 10:46 AM
To: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: RE: LRB 6338

Hi Liz –

Here's what we came up with.

No law enforcement agency may authorize the use of chokeholds, except in cases of self-defense or life threatening situations.

Basically, we're taking the prohibition on chokeholds, and making it a prohibition on authorizing chokeholds.

Thanks

Scott

From: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Sent: Monday, August 17, 2020 3:44 PM

To: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Subject: RE: LRB 6338

OK, thanks. Let me know if you want any other background or information on it. It might be worth reaching out to LESB if you want to know more specifically about what training on use of force/chokeholds would be.

Elizabeth Wheeler
Legislative Attorney
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Elizabeth.wheeler@legis.wisconsin.gov

From: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Sent: Monday, August 17, 2020 3:31 PM
To: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: RE: LRB 6338

Ugh. I get it. Let me think on it overnight and talk to Van.

From: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Sent: Monday, August 17, 2020 3:29 PM
To: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Subject: RE: LRB 6338

Hi Scott,

Under current statute, each local law enforcement agency is required to develop a use of force policy, so agencies across the state may have varying standards (and localized training on the standards) for use of force. Statewide training standards for law enforcement are set by the Law Enforcement Standards Board, and the statutes require LESB to establish and write a policy on the specifics of the training curriculum, competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject. However, the statutes do not require LESB to take any particular stance or require any particular type of training on use of force. I would guess that the local law enforcement agency is responsible for ensuring that its LEOs are familiar with the local use of force policy.

So – for this draft, do you want me to require LESB to come up with a statewide training requirement on use of force, then prohibit training on chokeholds within that curriculum? How do you want to deal with/reconcile the local policies that may allow use of chokeholds? I'm thinking if we just say LESB's training standards may not train on chokeholds, but the local agency's use of force policies allow them, there may be some ambiguity or conflict there.

I'm happy to talk on the phone if that would be more convenient for you – just let me know your thoughts.

Thanks,

Elizabeth Wheeler
Legislative Attorney
Wisconsin Legislative Reference Bureau
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Madison, WI 53701-2037
Direct: 608-504-5880
Elizabeth.wheeler@legis.wisconsin.gov

From: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Sent: Monday, August 17, 2020 8:56 AM
To: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: RE: LRB 6338

Replace what was there. Yes, that would also eliminate the self-defense part.

From: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Sent: Monday, August 17, 2020 8:55 AM
To: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Subject: RE: LRB 6338

Good morning, Scott.

I was out last week but yes, I can redraft -6338. To clarify, do you want to replace what is currently there with ONLY the prohibition on training, or do you want to add a prohibition on training the use of chokeholds to the existing draft? Also, if you want to prohibit the training of chokeholds, that would seem to mean also removing the exception for self defense, correct?

Elizabeth Wheeler
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From: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Sent: Thursday, August 13, 2020 1:00 PM
To: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: LRB 6338

Hi Liz –

Can I get lrb 6338 redrafted to prohibit the training of chokeholds?

Thanks

Scott

Scott Kelly
Chief of Staff
Senator Van Wanggaard
608-266-1832
scott.kelly@legis.wi.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6338/2
EAW:cde

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3 holds by law enforcement officers in use of force policies.

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Current law requires law enforcement agencies to develop policies on the use of force by law enforcement officers in the performance of their duties. This bill provides that a law enforcement agency may not authorize in its use of force policy the use of choke holds by law enforcement officers, except in life threatening situations or in self-defense.

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