
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: June 3, 2021

Contact: Amber Otis, Staff Attorney

2021 Assembly Bill 109

**Assembly Substitute
Amendment 1**

CURRENT LAW

Current law requires the Department of Justice (DOJ) to collect, and law enforcement agencies to supply, information concerning the number and nature of offenses committed in this state, along with other information that may be useful in the study of crime and the administration of justice. The information must include data requested by the Federal Bureau of Investigation (FBI) under its system of uniform crime reports (UCR). In addition, current law allows DOJ to determine any other information to collect regarding crime and justice system statistics.

2021 ASSEMBLY BILL 109

Assembly Bill 109 specifies that DOJ must collect data requested by the FBI under the FBI's system of incident-based reporting, rather than the FBI's UCR system. In addition, the bill requires law enforcement agencies to report, and DOJ to collect, specified information about the people involved in, and the circumstances surrounding, the following types of incidents:

- The shooting of a civilian by a law enforcement officer or the shooting of a law enforcement officer by a civilian.
- The discharge of a firearm by a law enforcement officer at, or in the direction of, a civilian or the discharge of a firearm by a civilian at, or in the direction of, a law enforcement officer.
- An action taken by a law enforcement officer, as a response to an act of resistance, that results in serious bodily harm or death, or an act of resistance taken by a civilian against a law enforcement officer that results in serious bodily harm or death.

Specifically, for each of these types of incidents, the bill requires DOJ to collect the following data:

- The gender, race, ethnicity, and age of each person who was shot at, injured, or killed.
- The date, time, and location of the incident.
- Whether any civilian involved in the incident was armed and, if armed, the type of weapon had.
- The type of resistance used against the law enforcement officer by the civilian, the type of action taken in response by the officer, and if applicable, the types of weapons used.
- The number of law enforcement officers involved in the incident.
- The number of civilians involved in the incident.
- A brief description regarding the circumstances surrounding the incident, including perceptions on behavior or mental disorders.

The bill further requires DOJ to publish an annual report that includes, at a minimum, all of the information that DOJ must collect from law enforcement agencies regarding the types of use-of-force incidents previously described.

ASSEMBLY SUBSTITUTE AMENDMENT 1

The substitute amendment generally maintains the bill's provisions, but makes the following changes:

- Maintains current law requiring that DOJ collect data requested under the FBI's UCR system.
- Clarifies that DOJ must furnish all reporting officials with a simple format in which to submit the information, and that such format must, to the greatest extent feasible, minimize the time required by each law enforcement officer to submit the required information.
- Replaces references to "serious bodily harm" with "great bodily harm," a term with a similar statutory definition.
- Eliminates the requirement that DOJ collect information on incidents involving the shooting of a civilian by a law enforcement officer or the shooting of a law enforcement by a civilian, but maintains the requirement that DOJ collect information on the other types of use-of-force incidents specified under the bill.
- Requires DOJ to collect the following additional information for each qualifying use-of-force incident: (1) the reason for the law enforcement officer's initial contact with the civilian; (2) a brief description regarding any acts of resistance that precipitated the incident; and (3) any other information required to comply with the FBI's National Use-of-Force Data Collection system.

BILL HISTORY

Representative Spiros offered Assembly Substitute Amendment 1 on June 1, 2021. On June 2, 2021, the Assembly Committee on Government Accountability and Oversight recommended adoption of the substitute amendment, and passage of the bill, as amended, on votes of Ayes, 8; Noes, 0.

AO:jal