
Wisconsin Legislative Council

AMENDMENT MEMO



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Contact: Amber Otis, Senior Staff Attorney

2021 Assembly Bill 334

Assembly Amendment 1

2021 ASSEMBLY BILL 334

Assembly Bill 334 requires state and local law enforcement agencies to adopt a written policy regarding drug and alcohol testing following an officer-involved critical incident. The bill defines an “officer-involved critical incident” as an incident that occurs in the performance of a law enforcement officer’s official duties and in which either: (1) the actions of the officer result in death or great bodily harm to a person; or (2) the officer discharges a firearm at a person.

Under the bill, the written policy must require that each law enforcement officer who is involved in an officer-involved critical incident submit to drug and alcohol testing, with such testing to be completed as soon as practicable after the incident. The written policy must also require that the drug and alcohol testing include testing for the presence and concentration of at least the following substances: alcohol; amphetamines; cannabis or cannabinoids; opiates; cocaine; phencyclidine (PCP); and anabolic steroids.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 clarifies the scope of law enforcement officers who must be required to submit to drug and alcohol testing under a law enforcement agency’s written policy. Specifically, under the amendment, an agency’s written policy must require that each law enforcement officer whose actions caused death or great bodily harm or who discharged a firearm at a person in an officer-involved critical incident must submit to drug and alcohol testing, rather than each officer who is involved in an officer-involved critical incident, as provided under the bill.

The amendment also delays the effective date of the bill for six months.

BILL HISTORY

Representatives Steineke and Stubbs offered Assembly Amendment 1 on June 1, 2021. On June 3, 2021, the Assembly Committee on Criminal Justice and Public Safety recommended adoption of the amendment, and passage of the bill, as amended, on votes of Ayes, 15; Noes, 0.

AO:jal