



2021 ASSEMBLY BILL 318

May 7, 2021 - Introduced by Representatives ANDERSON, BALDEH, BOWEN, BROSTOFF, CABRERA, DRAKE, GOYKE, HEBL, NEUBAUER, SHANKLAND, SHELTON, SINICKI, SNODGRASS, HESSELBEIN, STUBBS, SUBECK, VRUWINK, EMERSON and SPREITZER, cosponsored by Senators JOHNSON, AGARD, BEWLEY, CARPENTER, LARSON, ROYS, WIRCH and RINGHAND. Referred to Committee on State Affairs.

1 **AN ACT** *to create* 165.502 of the statutes; **relating to:** attorney general
2 enforcement authority for civil rights violations and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates a mechanism whereby the attorney general may bring a civil action in the name of the state when there is cause to believe that certain civil rights violations have occurred. Under the bill, the attorney general has authority to investigate potential violations and may bring a civil action when there is reasonable cause to believe that either: 1) A person has engaged in a pattern or practice of conduct that violates any of the rights secured by the United States Constitution or by the Wisconsin Constitution, or any right secured by the laws of Wisconsin relating to housing, employment, education, or public accommodations; or 2) A person has been denied a right secured by the United States Constitution or by the Wisconsin Constitution, or a right secured by the laws of Wisconsin relating to housing, employment, education, or public accommodations, and that denial raises an issue of general public importance.

Under the bill, in such an action, a court may award injunctive relief and other appropriate relief, including court costs, reasonable attorney fees, and damages, and, to vindicate the public interest, assess a civil forfeiture against the defendant of up to \$50,000 for a first violation and up to \$100,000 for each subsequent violation committed within a 7-year period.

ASSEMBLY BILL 318

For further information see the state 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:

1 **SECTION 1.** 165.502 of the statutes is created to read:

2 **165.502 Civil rights violations.** (1) The attorney general or his or her
3 designee may bring a civil action in the name of the state whenever he or she has
4 reasonable cause to believe that any of the following applies:

5 (a) A person has engaged in a pattern or practice of conduct that violates any
6 of the rights secured by the United States Constitution or by the Wisconsin
7 Constitution, or any right secured by the laws of Wisconsin relating to housing,
8 employment, education, or public accommodations.

9 (b) A person has been denied a right secured by the United States Constitution
10 or by the Wisconsin Constitution, or a right secured by the laws of Wisconsin relating
11 to housing, employment, education, or public accommodations, and that denial
12 raises an issue of general public importance.

13 **(2)** Prior to initiating a civil action under sub. (1), the attorney general or his
14 or her designee may conduct an investigation to determine whether there is
15 reasonable cause to believe that a violation described in sub. (1) has occurred. In the
16 course of an investigation under this subsection, the attorney general or his or her
17 designee may do any of the following:

18 (a) Require any person to file a statement or report in writing under oath or
19 otherwise, as to all information the attorney general or his or her designee may
20 consider necessary to the investigation.

ASSEMBLY BILL 318

1 (b) Access and copy any document, or any part thereof, that is in the possession
2 or under the control of any person, if such document, or such part thereof, is relevant
3 to an investigation under this subsection.

4 (c) Examine under oath any person who is alleged to have participated in or to
5 have knowledge of the alleged violation.

6 (d) Issue and cause to be served a subpoena, in substantially the form
7 authorized under s. 885.02, upon any person to aid in the investigation.

8 (e) File a petition in circuit court for enforcement of a demand or subpoena
9 under pars. (a) to (d).

10 **(3)** In an action under sub. (1), a court may take any of the following actions:

11 (a) Award injunctive relief, including a temporary restraining order and
12 preliminary and permanent injunctive relief, declaratory relief, a writ of mandamus
13 or prohibition, or other such legal or equitable relief as may be appropriate to compel
14 compliance with the law.

15 (b) Award other appropriate relief, including court costs, reasonable and
16 necessary costs of investigation, reasonable and necessary costs of prosecution,
17 including attorney fees, and an award of damages as may be proved to persons who
18 suffered a harm caused by a violation described in sub. (1).

19 (c) To vindicate the public interest, assess a civil forfeiture against the
20 defendant as follows:

21 1. For a first violation, an amount not to exceed \$50,000.

22 2. For each subsequent violation committed within a 7-year period, an amount
23 not to exceed \$100,000.

24 **(4)** A civil action under sub. (1) shall be commenced within 5 years after the
25 occurrence or termination of the alleged violation or be barred.

