



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2724/1
EVM:amn

2021 ASSEMBLY BILL 334

May 18, 2021 - Introduced by Representatives STEINEKE, STUBBS, ARMSTRONG, BALDEH, CABRAL-GUEVARA, CABRERA, EDMING, GOYKE, GUNDRUM, KITCHENS, KRUG, KURTZ, LOUDENBECK, MACCO, MILROY, MOSES, MURSAU, NOVAK, PETRYK, SCHRAA, SPIROS, STEFFEN, WITKE and ZIMMERMAN, cosponsored by Senators WANGGAARD, L. TAYLOR, BALLWEG and COWLES. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to renumber and amend** 66.0511 (1); **to amend** 66.0511 (title); and **to**
2 **create** 66.0511 (1) (b) and 66.0511 (4) of the statutes; **relating to:** drug testing
3 of law enforcement officers involved in certain critical incidents while on duty.

Analysis by the Legislative Reference Bureau

This bill requires law enforcement agencies to adopt a written policy regarding drug and alcohol testing following an officer-involved critical incident. An “officer-involved critical incident” is 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. The written policy must require that a law enforcement officer who is involved in an officer-involved critical incident submit to drug and alcohol testing following the incident and that the testing be completed as soon as practicable. The bill also requires that the drugs to be tested for include, at least, alcohol, amphetamines, cannabis or cannabinoids, opiates, cocaine, phencyclidine (PCP), and anabolic steroids.

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:

ASSEMBLY BILL 334**SECTION 1**

1 **SECTION 1.** 66.0511 (title) of the statutes is amended to read:

2 **66.0511** (title) **Law enforcement agency policies on use of force and**
3 **citizen complaint procedures agencies.**

4 **SECTION 2.** 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 (a) “Law enforcement agency” has the meaning given under s. 165.83 (1) (b).

8 **SECTION 3.** 66.0511 (1) (b) of the statutes is created to read:

9 66.0511 (1) (b) “Officer-involved critical incident” means an incident that
10 occurs in the performance of a law enforcement officer’s official duties and in which
11 any of the following occurs:

12 1. The actions of the law enforcement officer result in death or great bodily
13 harm, as defined in s. 939.22 (14), to a person.

14 2. The law enforcement officer discharges a firearm at a person.

15 **SECTION 4.** 66.0511 (4) of the statutes is created to read:

16 66.0511 (4) **DRUG AND ALCOHOL TESTING.** Each person in charge of a law
17 enforcement agency shall adopt a written policy regarding drug and alcohol testing
18 following an officer-involved critical incident. The written policy under this
19 subsection shall require all of the following:

20 (a) That each law enforcement officer who is involved in an officer-involved
21 critical incident submit to drug and alcohol testing following the incident.

22 (b) That the drug and alcohol testing under par. (a) be completed as soon as
23 practicable after the officer-involved critical incident.

24 (c) That the drug and alcohol testing under par. (a) include testing for the
25 presence and concentration of at least all of the following substances:

