2021 ASSEMBLY BILL 523

September 2, 2021 - Introduced by Representatives MOORE OMOKUNDE, BROSTOFF, ANDERSON, BOWEN, CABRERA, CONLEY, HAYWOOD, L. MYERS, SHELTON, SINICKI, SNODGRASS and SUBECK, cosponsored by Senators LARSON, JOHNSON, ROYS and L. TAYLOR. Referred to Committee on Corrections.

AN ACT to renumber and amend 165.85 (3) (cm); to amend 165.85 (4) (c) 7.; and to create 165.85 (3m) (c) 2., 3. and 10. of the statutes; relating to: decertification of law enforcement, tribal law enforcement, jail, or juvenile detention officers.

Analysis by the Legislative Reference Bureau
Under current law, the Law Enforcement Standards Board may decertify law enforcement, tribal law enforcement, jail, or juvenile detention officers for a variety of reasons. This bill provides that the Law Enforcement Standards Board must decertify officers for those reasons, and adds the following to the list of reasons to decertify an officer: 1) violating a use of force policy to which the officer is subject, and 2) terminating employment while under investigation for committing an act of official misconduct. Officers decertified while under investigation for committing an act of official misconduct may not be recertified in the future unless the officer receives a waiver from the police commission or police and fire commission, if applicable, or the governing body, of the jurisdiction in which he or she seeks employment and corresponding recertification. The bill also requires that the board decertify officers within 30 days after the relevant event that is the cause for decertification.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
SECTION 1. 165.85 (3) (cm) of the statutes is renumbered 165.85 (3m) (c) (intro.) and amended to read:

165.85 (3m) (c) (intro.) Decertify Within 30 days after the relevant event, decertify law enforcement, tribal law enforcement, jail, or juvenile detention officers who terminate do one of the following:

1. Terminate employment or are terminated, who violate.

4. Violate or fail to comply with a rule, policy, or order of the board relating to curriculum or training, who falsify or recruitment.

5. Falsify information to obtain or maintain certified status, who are.

6. Are certified as the result of an administrative error, who are.

7. Are convicted of a felony or of any offense that, if committed in Wisconsin, could be punished as a felony, who are.

8. Are convicted of a misdemeanor crime of domestic violence, or who fail as defined in 18 USC 921 (a) (33), or are convicted of domestic abuse, as defined in s. 968.075 (1) (a), or the conviction is subject to the imposition of the domestic abuse surcharge under s. 973.055 (1), regardless of whether any part of the surcharge is waived by the court under s. 973.055 (4).

9. Fail to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse, or who fail to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings. The board shall establish

(d) Establish procedures for decertification under par. (c) in compliance with ch. 227, except that decertification for failure to pay court-ordered payments of child
or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or for failure to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings an action described under par. (c) 9. shall be done as provided under sub. (3m) par. (a).

**SECTION 2.** 165.85 (3m) (c) 2., 3. and 10. of the statutes are created to read:

165.85 (3m) (c) 2. Violate a use-of-force policy to which he or she is subject.

3. Terminate employment while under investigation for an alleged act of official misconduct. Officers decertified under this subdivision may not be certified in the future unless the officer is granted a waiver by the police commission or police and fire commission, if applicable, of the jurisdiction in which the officer seeks employment and corresponding recertification, or by the governing body, as defined in s. 66.0309 (1) (a), of the city, village, town, or county of the jurisdiction in which the officer seeks employment and corresponding recertification.

10. For any crime listed in subd. 7. or 8., enter into any of the following if the board determines that certification is not in the best interest of the public:

a. A deferred judgment and sentencing agreement or deferred sentencing agreement, whether pending or successfully completed.

b. A deferred prosecution agreement, whether pending or successfully completed.

c. A pretrial diversion agreement, whether pending or successfully completed.

**SECTION 3.** 165.85 (4) (c) 7. of the statutes is amended to read:

165.85 (4) (c) 7. Any person employed and certified as a jail officer on July 1, 1994, is certified as a juvenile detention officer and remains certified as a juvenile
detention officer subject to annual recertification requirements under subd. 6. and
the board’s decertification authority under sub. 3m (c).