



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1899/P1  
MLJ:amn

DOA:.....Potts, BB0585 - Collection of data from traffic stops

**FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT** ...; **relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**JUSTICE**

***Collection of data from traffic stops***

The bill requires a law enforcement agency to collect the following information concerning motor vehicle stops made on or after January 1, 2022: 1) the name, address, gender, and race of the operator of the motor vehicle, with the officer subjectively determining the person's race as being Caucasian, Black or African American, Hispanic, American Indian or Alaska Native, or Asian or Pacific Islander; 2) the reason for the motor vehicle stop; 3) the make and year of the motor vehicle; 4) the date, time, and location of the motor vehicle stop; 5) whether or not a law enforcement officer conducted a search of the motor vehicle, the operator, or any passenger and, if so, whether the search was with consent or by other means; 6) the name, address, gender, and race of any person searched; and 7) the name and badge number of the officer making the motor vehicle stop.

The information that is collected under the bill concerning motor vehicle stops is not subject to inspection or copying as a public record. The information, however, must be forwarded to DOJ, which must then compile and analyze it, along with any other relevant information, to determine, both for the state as a whole and for each law enforcement agency, whether the number of stops and searches involving motor vehicles operated or occupied by members of a racial minority are disproportionate compared to the number of stops and searches involving motor vehicles operated or occupied solely by persons who are not members of a racial minority.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 165.842 of the statutes is created to read:

**165.842 Motor vehicle stops; collection and analysis of information; annual report.** (1) DEFINITIONS. In this section:

(a) “Department” means the department of justice.

(b) “Law enforcement agency” has the meaning given in s. 165.85 (2) (bv).

(c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

(d) “Motor vehicle stop” means the stop or detention of a motor vehicle that is traveling in any public or private place, or the detention of an occupied motor vehicle that is already stopped in any public or private place, for the purpose of investigating any alleged or suspected violation of a state or federal law or city, village, town, or county ordinance.

(2) INFORMATION COLLECTION REQUIRED. All persons in charge of law enforcement and tribal law enforcement agencies shall obtain, or cause to be obtained, all of the following information with respect to each motor vehicle stop made on or after January 1, 2022, by a law enforcement officer employed by the law enforcement agency:

(a) The name, address, gender, and race of the operator of the motor vehicle.

The officer shall subjectively select the operator’s race from the following list:

1. Caucasian.
2. Black or African American.
3. Hispanic.

4. American Indian or Alaska Native.

5. Asian or Pacific Islander.

(b) The reason the officer stopped or detained the motor vehicle.

(c) The make and year of the motor vehicle.

(d) The date, time, and location of the motor vehicle stop.

(e) Whether or not a law enforcement officer conducted a search of the motor vehicle, the operator, or any passenger and, if so, whether the search was with consent or by other means.

(f) The name, address, gender, and race of any person searched, with the officer subjectively selecting the person's race from the list under par. (a).

(g) The name and badge number of the officer making the motor vehicle stop.

**(3) SUBMISSION OF INFORMATION COLLECTED.** All persons in charge of law enforcement agencies shall forward the information obtained under sub. (2) to the department using the format prescribed by the rules promulgated under sub. (5) and in accordance with the reporting schedule established under the rules promulgated under sub. (5).

**(4) ANALYSIS AND REPORT BY DEPARTMENT.** (a) The department shall compile the information submitted to it by law enforcement agencies under sub. (3) and shall analyze the information, along with any other relevant information, to determine, both for the state as a whole and for each law enforcement agency, all of the following:

1. Whether the number of motor vehicle stops and searches involving motor vehicles operated or occupied by members of a racial minority compared to the number of motor vehicle stops and searches involving motor vehicles operated or occupied solely by persons who are not members of a racial minority is disproportionate based on an estimate of the population and characteristics of all

persons traveling on state highways, on an estimate of the populations and characteristics of persons traveling on state highways who are violating a law or ordinance, or on some other relevant population estimate.

2. A determination as to whether any disproportion found under subd. 1. is the result of racial profiling, racial stereotyping, or other race-based discrimination or selective enforcement.

(b) For each year, the department shall prepare an annual report that summarizes the information submitted to it by law enforcement agencies concerning motor vehicle stops made during the year and that describes the methods and conclusions of its analysis of the information. On or before March 31, 2023, and on or before each March 31 thereafter, the department shall submit the annual report required under this paragraph to the legislature under s. 13.172 (2), to the governor, and to the director of state courts.

**(5) RULES.** The department shall promulgate rules to implement the requirements of this section. The department shall furnish all reporting officials with forms or instructions or both that specify the format in which to submit the information required under sub. (2) and the time for forwarding the information to the department. The department may, by rule, require the collection of information in addition to that specified in sub. (2) (a) to (g) if the department determines that the information will help to make the determinations required under sub. (4) (a).

**(6) ACCESS TO RECORDS.** Information collected under sub. (2) is not subject to inspection or copying under s. 19.35 (1).

**(END)**