



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 214**  
[2013 Senate Bill 373]

**Law Enforcement Standards and  
DNA Submission**

2013 Wisconsin Act 214 makes various changes to current law relating to the Law Enforcement Standards Board (LESB) and submission of DNA specimens.

### **THE LESB**

#### **Background**

Under Wisconsin law, the Law Enforcement Standards Board (LESB), which is attached to the Department of Justice (DOJ), has the authority to establish minimum educational and training standards for admission to employment as a law enforcement or tribal law enforcement officer. For purposes of LESB's authority, "law enforcement officer" is defined in statute to mean "any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce."

LESB also has the authority to establish minimum curriculum requirements for preparatory courses and programs, and to recommend minimum curriculum requirements for recertification and advanced courses and programs for all of the following: (1) law enforcement officers and recruits; (2) tribal law enforcement officers and recruits; (3) jail officers and recruits; and (4) juvenile detention officers and recruits. To help establish the curriculum requirements, LESB is required to establish a 13-member advisory curriculum committee, which must advise LESB in the establishment of such requirements. This committee must consist of the director of training of the Wisconsin State Patrol and six chiefs of police and six sheriffs who must be appointed on a geographic basis so that there is not more than one chief and one sheriff from any one of the eight state administrative districts.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

In addition, LESB has the authority to certify a person who is qualified to be a law enforcement officer, tribal law enforcement officer, jail officer, or juvenile detention officer. LESB may likewise decertify such persons who: (1) terminate employment or are terminated; (2) violate or fail to comply with a rule or order of LESB relating to curriculum or training; (3) 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 (4) fail to comply, after appropriate notice, with a subpoena or warrant related to paternity or child support proceedings.

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Act 214 clarifies that constables and marshals must comply with the minimum employment standards for law enforcement officers established by LESB, and must complete the training required by LESB if the constable or marshal both: (1) is given law enforcement duties by the unit of local government that employs the constable or marshal; and (2) meets the statutory definition of a "law enforcement officer."

The Act further expands the justifications for decertification of a law enforcement officer to include falsifying information to obtain or maintain certified status, certification as the result of an administrative error, conviction of a felony, or conviction of a misdemeanor crime of domestic violence. It also changes the name of the LESB's "advisory curriculum committee" to "curriculum advisory committee" and eliminates the limitation on committee membership, under which not more than one chief of police and one sheriff from any one of the eight state administrative districts could serve on the committee.

The Act increases the minimum preparatory training hours required for law enforcement, tribal law enforcement, jail, and juvenile detention officers, as well as requiring these pre-service students to submit to fingerprinting and a criminal background check. The Act prohibits those convicted of a federal felony, any crime of domestic violence, or any offense that, if committed in Wisconsin could be punished as a felony, from participating in a law enforcement or tribal law enforcement preparatory program. It also requires LESB to create by written policy the training curriculum, competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject for law enforcement, tribal law enforcement, jail, and juvenile detention officers. The Act further decreases the time within which a law enforcement or tribal law enforcement recruit may exercise the powers of a law enforcement officer prior to completing a preparatory training program from two years, or three years for a part-time law enforcement or tribal law enforcement officer, down to 12 months.

The Act requires all training programs and training schools for law enforcement, tribal law enforcement, jail, and juvenile detention officers and law enforcement instructors to be authorized and approved by LESB as meeting the standards it established, and requires LESB to establish criteria for firearm training. The Act lists "domestic violence investigations" among the subjects that may be included in the curriculum or preparatory courses established by LESB, and requires the curriculum advisory committee membership to contain, if applicable, "one or more representatives of colleges or universities."

## SUBMISSION OF DNA SPECIMENS

### Background

Current law requires a law enforcement or tribal law enforcement agency to submit to the state crime laboratories a human biological specimen for DNA analysis that it collected from an individual arrested for a felony, or taken into custody for a juvenile offense that would be a felony, if committed by an adult.

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The Act requires a law enforcement or tribal law enforcement agency to submit the biological specimen in a manner specified in DOJ rules. The Act further requires courts to notify the state crime laboratories if: (1) the individual was arrested, or the juvenile was taken into custody, under a warrant; (2) the court has made a finding that there is probable cause that the individual committed a felony or that the juvenile committed an offense that would be a felony if committed by an adult in this state; (3) the individual failed to appear at the initial appearance or preliminary examination or the person waived the preliminary examination; or (4) the individual failed to appear for a delinquency proceeding under the Juvenile Justice Code. If any of the following listed above apply to the individual and the court notifies the crime laboratories within one year after the sample was submitted, the crime laboratories must analyze the DNA in the specimen and include the DNA profile in the state's DNA data bank. The crime laboratories must destroy the biological sample if, one year after the date the biological sample was submitted, the court has not notified the crime laboratories that one of the four items listed above applies to the individual.

Finally, the Act limits the type of crime for which a biological specimen must be collected at the time that an individual is arrested or taken into custody. Instead of collecting biological specimens at the time an individual is arrested or taken into custody for a **felony**, law enforcement and tribal law enforcement must do so for a **violent crime**. The Act lists the violent crime offenses for which a biological specimen must be collected.

*Effective date:* The Act took effect on April 10, 2014, except for the sections relating to DNA collection, which take effect on April 1, 2015.

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