
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Assembly Bill 190

Assembly Amendment 1

2021 ASSEMBLY BILL 190

Under **current law**, the Law Enforcement Standards Board (LESB) regulates the training and certification of law enforcement officers, tribal law enforcement officers, jail or juvenile detention officers (law enforcement employees). LESB approves training and educational programs for law enforcement personnel, certifies law enforcement employees, and may decertify law enforcement employees.

2021 Assembly Bill 190 broadens the authority of LESB to include the following:

- Establishing minimum qualification standards for admission to preparatory courses for law enforcement employees, except for correctional officers employed by the Department of Corrections.
- Establishing minimum educational, training, and recruitment standards for jail or juvenile detention officers. Under the bill, the standards must relate to the competence and reliability of persons to assume and discharge duties.
- Requiring reports and information from jails, juvenile detention facilities, and training schools approved by LESB or operated by the state or any political subdivision.

The bill also amends the criteria for decertification of law enforcement employees as follows:

- Eliminates terminating employment or being terminated as a condition for which a law enforcement employee may be decertified.
- Adds a definition for a misdemeanor crime of domestic violence. Under current law, LESB may decertify a law enforcement employee who is convicted of a felony or of a misdemeanor crime of domestic violence.
- Allows LESB to decertify a law enforcement employee who has been charged with a felony or a misdemeanor crime of domestic violence and enters into a pretrial diversion, deferred judgment, or deferred prosecution agreement if LESB finds that certification is not in the best interests of the public.

The bill also requires law enforcement agencies and facilities to keep employment files for each law enforcement employee. Under the bill:

- Employment files must include performance reviews, internal affairs investigative files, administrative files, previous personnel applications, personnel-related claims, disciplinary actions, and all substantiated complaints and commendations.
- A law enforcement agency or facility that wishes to hire a former or current law enforcement employee must require the candidate to sign a waiver allowing his or her former or current

employer to let the interviewing agency or facility review the candidates' employment file, unless the law enforcement employee is a party to a non-disclosure agreement.

- Non-disclosure agreements are prohibited after the effective date of the bill.
- A current or former employing agency or facility is not liable for providing an employee file to an interviewing agency or facility or for participating in an oral interview relating to a law enforcement employee.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 requires law enforcement officers who are convicted of a felony or of a misdemeanor crime of domestic violence to report the conviction to LESB within 30 days after the conviction, restores being terminated as a ground for decertification, if the termination is for just cause, and adds resigning in lieu of termination as a ground for decertification. The amendment directs LESB to establish procedures for reviewing resignations in lieu of termination.

BILL HISTORY

Representatives Steineke and Stubbs introduced Assembly Amendment 1 on May 12, 2021, following a public hearing on the bill. On May 19, 2021, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of the amendment and passage of the bill, as amended, unanimously.

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