
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Assembly Bill 331

**Assembly Substitute
Amendment 1**

2021 ASSEMBLY BILL 331

The bill requires that, before commencing employment on a full-time basis as a law enforcement officer, a person must submit to a psychological examination to determine the person's suitability to perform the duties of a law enforcement officer, and prohibits a person who is found to be unsuitable after the examination from being employed on a full-time basis as a law enforcement officer. Under the bill, the person's prospective employer must coordinate and pay for the examination, and the examination's results must be disclosed to the prospective employer and to the Law Enforcement Standards Board (LESB), a governmental board responsible for establishing standards for and certifying law enforcement officers in this state.

The bill requires that prospective employers and the LESB keep confidential any record of an examination received and exempts any such record from disclosure under the Open Records Law, except that the prospective employer or the LESB may disclose such a record to another interviewing agency or allow an interviewing agency to review the record at the offices of the prospective employer or the LESB. The bill prohibits law enforcement agencies from entering into nondisclosure agreements that would prevent an interviewing law enforcement agency from viewing the examination's results.

The bill requires the LESB to promulgate rules to govern the administration and interpretation of the psychological examinations, including the type of examination to be used and the period of time for which the results of an examination are determinative of an applicant's eligibility to be employed on a full-time basis as a law enforcement officer.

ASSEMBLY SUBSTITUTE AMENDMENT 1

The substitute amendment generally maintains the bill's provisions, but includes the following changes:

- Specifies that the psychological examinations must be performed by a licensed psychologist or a licensed physician.
- Requires that the LESB's rules be promulgated in consultation with the Psychology Examining Board and be consistent with nationally recognized guidelines for law enforcement examinations.
- Specifies that the licensed psychologist or physician must determine the person's suitability to perform the duties of a law enforcement officer, and then disclose that suitability determination to the prospective employer, who then must notify the LESB of the suitability determination.
- Specifies that the licensed psychologist or physician must disclose the contents of the exam to the prospective employer upon request.

- Clarifies that the contents of the examination are confidential and not subject to the Open Records Law, but the suitability determination may be disclosed to another interviewing law enforcement agency, and a nondisclosure agreement may not prevent access to that determination.
- Clarifies that a person who has been found unsuitable may not be employed on a full-time basis as an officer for the period of time established in rules promulgated by the LESB.
- Clarifies that the bill's provisions apply only to a person seeking to commence employment on a full-time basis as a law enforcement officer for the first time in his or her lifetime.

BILL HISTORY

Representatives Steineke and Stubbs offered Assembly Substitute Amendment 1 on June 1, 2021. On June 3, 2021, the Assembly Committee on Criminal Justice and Public Safety recommended adoption of the substitute amendment, and passage of the bill, as amended, on votes of Ayes, 15; Noes, 0.

AO:jal