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# Wisconsin Legislative Council

## AMENDMENT MEMO

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### 2023 Assembly Bill 542

### Assembly Amendments 1, 2, and 3 to Assembly Substitute Amendment 1

## 2023 ASSEMBLY BILL 542

2023 Assembly Bill 542 appropriates \$4 million to the Department of Justice (DOJ) to award grants to school boards and governing bodies of private schools to acquire proactive firearm detection software.

Under the bill, DOJ must accept applications from school district administrators, or governing bodies of private schools, that are working jointly with local law enforcement agencies with jurisdiction over the school. Grant moneys must be used to acquire proactive firearm detection software that meets all of the following requirements:

- The software is developed in the United States.
- The software is designated as qualified anti-terrorism under 6 U.S.C. s. 441 et seq.
- The software is designed to integrate with existing school security cameras or other school security alert systems.
- The artificial intelligence software is written and programmable to follow authorized protocol autonomously, or the software is managed directly by the contracted vendor through a constantly monitored operations center that is staffed by highly trained analysts, to rapidly communicate seen or unseen threats to end users.
- The software has been successfully deployed in another school district or to a commercial user.

A grant may not exceed \$325,000; if the moneys allocated for the grants are insufficient to pay all qualified applicants, DOJ must award grants in order of application until the allocated funds are depleted.

DOJ also must submit an annual report to the Joint Committee on Finance (JCF) providing an accounting of the grants awarded and expenditures made with the grant moneys.

## ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 appropriates \$4 million to DOJ to award grants to school boards and governing bodies of private schools to acquire proactive metallic and nonmetallic threat detection equipment and software, rather than proactive firearm detection software, and changes grant eligibility criteria.

As under the bill as introduced, DOJ must accept applications from school district administrators, or governing bodies of private schools, that are working jointly with local law enforcement agencies with jurisdiction over the school. Under the amendment, however, the school board or governing body must demonstrate that a school in the district or the private school had a firearm-related incident that

occurred on or after January 1, 2014, and that the incident: (1) occurred during school hours, a school-sanctioned event, or transportation of pupils to or from school; (2) occurred on property owned or leased by the school or relevant governing body; and (3) was reported to law enforcement and resulted in the filing of a charge or issuing of a citation.

Under the substitute amendment, grant moneys must be used to acquire proactive metallic and nonmetallic threat detection equipment or software that meets all of the following requirements:

- The equipment or software is developed in the United States.
- The equipment or software is designed to integrate with existing school security cameras or other school security alert systems.
- The artificial intelligence software is written and programmable to follow authorized protocol autonomously, or the software is managed directly by the contracted vendor through a constantly monitored operations center that is staffed by highly trained analysts, to rapidly communicate seen or unseen threats to end users.
- The equipment or software has been successfully deployed in other facilities, such as airports, courthouses, classified or unclassified facilities for state governments or the federal government, or school districts, or to a commercial user.

The substitute amendment retains the reporting requirement and maximum grant amount of \$325,000 for each recipient, but requires a recipient to provide matching funds of at least 25 percent of the grant and limits grant awards to a maximum of 10 recipients per biennium. If more than 10 applicants are qualified, DOJ must consider geographic variation and the order of applications received when awarding grants.

## **ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Amendment 1 to Assembly Substitute Amendment 1 removes the appropriation.

## **ASSEMBLY AMENDMENT 2 TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Amendment 2 to Assembly Substitute Amendment 1 limits the permissible uses of proactive metallic and nonmetallic threat detection equipment and software purchased.

The amendment requires that any proactive metallic and nonmetallic threat detection equipment or software purchased with grant funds meet the following additional requirements:

- The equipment or software is designed and installed to capture or monitor only activity on school property, and may not be used to intentionally capture or monitor activity on private property.
- The equipment or software is designed to detect only an actual or potential weapon that poses an imminent threat to the bodily security of a person and, to the extent possible, to ignore items that are not actual or potential weapons that pose an imminent threat.

The amendment also prohibits an activity captured or monitored by equipment or software purchased with grant funds from being reported to an end user if the activity does not involve an actual or potential weapon or pose an imminent threat to the bodily security of a person on or near school property. An activity captured or monitored by the equipment or software that is not reportable to an end user may not be used as a basis for a citation, arrest, or prosecution or as evidence in an action or proceeding.

## **ASSEMBLY AMENDMENT 3 TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Amendment 3 to Assembly Substitute Amendment 1 removes the requirement that a school have had a firearm-related incident in order to qualify for a grant. The amendment also requires that, prior to the deployment of equipment or software acquired using grant moneys, a grant recipient notify the parents or guardians of each pupil enrolled in the school that the school plans to deploy or has deployed the equipment or software.

### **BILL HISTORY**

Representative Callahan offered Assembly Substitute Amendment 1 on November 29, 2023, Assembly Amendment 1 to Assembly Substitute Amendment 1 on January 11, 2024, and Assembly Amendment 2 to Assembly Substitute Amendment 1 on January 16, 2024.

On January 17, 2024, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of Assembly Amendment 1 to Assembly Substitute Amendment 1 on a vote of Ayes, 10; Noes, 5; voted to recommend adoption of Assembly Amendment 2 to the substitute amendment on a vote of Ayes, 14; Noes, 1; voted to recommend adoption of substitute amendment, as amended, on a vote of Ayes, 15; Noes, 0; and voted to recommend passage of the bill, as amended, on a vote of Ayes, 12; Noes, 3.

Representative Callahan offered Assembly Amendment 3 to Assembly Substitute Amendment 1 on February 22, 2024. Also on February 22, 2024, the Assembly took the following actions on voice votes: (1) adopted Assembly Amendments 1, 2, and 3 to Assembly Substitute Amendment 1; (2) adopted Assembly Substitute Amendment 1, as amended; and (3) passed Assembly Bill 542, as amended.

For a full history of the bill, visit the Legislature's [bill history page](#).

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