



1995 SENATE BILL 527

February 7, 1996 - Introduced by Senators HUELSMAN, RUDE, C. POTTER, BUETTNER, ROSENZWEIG, COWLES, FARROW, WELCH, SHIBILSKI, PETAK, DARLING, FITZGERALD, ELLIS, DRZEWIECKI and PANZER, cosponsored by Representatives KLUSMAN, PROSSER, HUBER, OTTE, PLACHE, GREEN, BRANCEL, REYNOLDS, FREESE, VRAKAS, WASSERMAN, FOTI, OLSEN, OTT, NASS, DOBYNS, HANDRICK, LADWIG, HUEBSCH, SKINDRUD, POWERS, MUSSER and AINSWORTH. Referred to Committee on Judiciary.

1 **AN ACT to renumber and amend** 16.84 (11); **to amend** 16.84 (2); **to repeal and**
2 **recreate** 778.25 (1) (a) 6.; and **to create** 16.846 and 778.25 (1) (a) 6. of the
3 statutes; **relating to:** the enforcement of rules promulgated by the department
4 of administration concerning the use, care and preservation of property under
5 the department's control and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the department of administration (DOA) is required to promulgate and enforce or have enforced rules of conduct for buildings for which DOA has managing authority. A person found guilty of violating one of these rules may be fined not more than \$100 or imprisoned for not more than 30 days or both, unless the rule that the person violates provides for a lesser penalty.

This bill authorizes DOA to promulgate rules relating to the use, care and preservation of any property that is leased or managed by DOA. Under the bill, a rule relating to the use, care and preservation of property leased or managed by DOA may provide that a person who violates the rule is subject to a forfeiture (civil penalty) of not more than \$500. DOA may collect a forfeiture authorized by the bill using a citation procedure. Under the citation procedure, a person accused of violating a rule is given a citation that specifies how he or she is alleged to have violated the rule. The person may either appear in court to contest or plead no contest to the citation or the person may, without appearing in court, make a deposit of money in a specified amount and may in writing plead no contest to the citation, in which case the money deposited is forfeited as a penalty for the rule violation.

Also, under current law, DOA may appoint security officers to safeguard all public property in DOA's control, and provide security services at the historical society headquarters building and the historical society museum. In addition, the governor may authorize DOA to appoint security officers to safeguard state officers

or other persons. A security officer employed by DOA may arrest, with or without a warrant, any person violating any law within or around any of the properties in DOA's charge or any person violating any law in the presence or vicinity of state officers or other persons being safeguarded by the security officer.

This bill provides that DOA may, in addition to safeguarding property under its control, agree with another state agency to provide police and security services for buildings and facilities owned, controlled or occupied by the other state agency. The bill also changes the term "security officer" to "police officer", and provides that DOA, rather than the governor, may authorize police officers whom it employs to safeguard state officers or other persons and that DOA may authorize its police officers to safeguard state employes as well as state officers. Finally, the bill provides that, instead of being limited to the arrest of persons violating a law within or around DOA-controlled properties or persons being safeguarded by the DOA police officer, a DOA police officer may, while performing duties that are within the scope of his or her employment as a police officer, arrest a person if the police officer has a warrant for the person, believes that a warrant has been issued for the person, or has reasonable grounds to believe the person is committing a crime or an offense punishable by forfeiture.

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

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

1 **SECTION 1.** 16.84 (2) of the statutes is amended to read:

2 16.84 (2) Appoint such number of security police officers as is necessary to
3 safeguard all public property placed by law in the department's charge, and provide,
4 by agreement with any other state agency, police and security services at the
5 ~~historical society headquarters building located at 816 State street and the historical~~
6 ~~society museum located at 30 N. Carroll street in the city of Madison upon~~
7 ~~reimbursement therefor by the society. When authorized by the governor, the~~
8 buildings and facilities owned, controlled or occupied by the other state agency. The
9 department shall appoint such number of security may, to the extent it is necessary,
10 authorize police officers as is necessary employed by the department to safeguard
11 state officers, state employes or other persons. ~~All such security officers may arrest,~~

1 ~~with or without warrant, any person violating any law within or around any of said~~
2 ~~properties or in the presence or vicinity of said state officers or other persons being~~
3 ~~safeguarded by authorization of the governor~~ A police officer employed by the
4 department and performing duties that are within the scope of his or her
5 employment as a police officer has the powers of a peace officer under s. 59.24, except
6 that the officer has the arrest powers of a law enforcement officer under s. 968.07
7 regardless of whether the violation is punishable by forfeiture or criminal penalty.
8 Nothing in this subsection limits or impairs the duty of the chief and each police
9 officer of the police force of the municipality in which the property is located to arrest
10 and take before the proper court or magistrate persons found in a state of intoxication
11 or engaged in any disturbance of the peace or violating any state law, ~~except s. 16.843~~
12 ~~(2), in or around any of said properties located in the municipality in which the~~
13 ~~property is located, as required by s. 62.09 (13).~~

14 **SECTION 2.** 16.84 (11) of the statutes is renumbered 16.846 (1) (a) and amended
15 to read:

16 16.846 (1) (a) ~~Prepare, publish~~ The department shall promulgate under ch.
17 227, and shall enforce or have enforced, rules of conduct for the several buildings for
18 which property leased or managed by the department has managing authority. Any
19 . Unless the rule specifies a penalty as provided under par. (b), a person found guilty
20 of violating one of these rules a rule promulgated under this subsection shall, unless
21 the rule violated prescribes a lesser penalty, be fined not more than \$100 or
22 imprisoned for not more than 30 days, or both.

23 **SECTION 3.** 16.846 of the statutes is created to read:

24 **16.846 Rules relating to use, care and preservation of property under**
25 **department control.**

1 **(1)** (b) A rule promulgated under par. (a) may provide that a person who
2 violates the rule is subject to one of the following:

3 1. A lesser criminal penalty than the criminal penalty specified in par. (a).

4 2. A forfeiture of not more than \$500.

5 **(2)** A forfeiture under sub. (1) (b) 2. may be sued for and collected in the name
6 of the department before any court having jurisdiction of such action. An action for
7 a forfeiture under sub. (1) (b) 2. may be brought by the department, by the
8 department of justice at the request of the department, or by a district attorney.

9 **(3)** All fines imposed and collected under this section shall be transmitted to
10 the county treasurer for disposition in accordance with s. 59.20 (5) and (8). All
11 forfeitures, including forfeitures of posted bail, if any, imposed and collected under
12 this section shall be transmitted to the county treasurer for disposition in accordance
13 with ss. 778.13 and 778.17.

14 **SECTION 4.** 778.25 (1) (a) 6. of the statutes is created to read:

15 778.25 **(1)** (a) 6. Under an administrative rule promulgated by the department
16 of administration under s. 16.846 brought against an adult in circuit court or against
17 a minor in the court assigned to exercise jurisdiction under ch. 48.

18 **SECTION 5.** 778.25 (1) (a) 6. of the statutes, as created by 1995 Wisconsin Act
19 (this act), is repealed and recreated to read:

20 778.25 **(1)** (a) 6. Under an administrative rule promulgated by the department
21 of administration under s. 16.846 brought against an adult in circuit court or against
22 a minor in the court assigned to exercise jurisdiction under chs. 48 and 938.

23 **SECTION 6. Effective dates.** This act takes effect on the day after
24 publication, except as follows:

