



2015 ASSEMBLY BILL 984

March 10, 2016 – Introduced by Representatives GOYKE, BOWEN, BARNES, BROSTOFF, KESSLER, BERCEAU, JOHNSON, SPREITZER, CONSIDINE and ZAMARRIPA, cosponsored by Senators C. LARSON and L. TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

- 1 **AN ACT to amend** 968.24 and 968.25 of the statutes; **relating to:** reasonable
2 suspicion necessary to temporarily detain a person, search for weapons, and
3 seize a weapon during questioning.

Analysis by the Legislative Reference Bureau

This bill clarifies that a person's presence in a geographic area that has a higher rate of crime relative to other areas in the state or within a town, village, city, or county may not constitute reasonable suspicion that would enable a law enforcement officer to temporarily detain the person or search the person for weapons.

Under current law, if a law enforcement officer reasonably believes that a person is committing, is about to commit, or has committed a crime, the officer may stop the person and question him or her about his or her conduct. Current law allows the officer, if he or she reasonably believes that he or she or another person is in physical danger, to search the person for weapons during the questioning and, if any weapon is found, to take the weapon until the person is either arrested or released after questioning.

Under the bill, the person's presence in a high-crime area may not constitute reasonable suspicion for a stop, a search, or a taking of a weapon.

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

ASSEMBLY BILL 984**SECTION 1**

1 **SECTION 1.** 968.24 of the statutes is amended to read:

2 **968.24 Temporary questioning without arrest.** After having identified
3 himself or herself as a law enforcement officer, a law enforcement officer may stop
4 a person in a public place for a reasonable period of time when the officer reasonably
5 suspects that such person is committing, is about to commit or has committed a
6 crime, and may demand the name and address of the person and an explanation of
7 the person's conduct. The person's presence in a geographic area that has a higher
8 rate of crime relative to other geographic areas in the state or within the local unit
9 of government, as defined in s. 323.02 (15), may not constitute reasonable suspicion
10 to stop or to question a person under this section. Such detention and temporary
11 questioning shall be conducted in the vicinity where the person was stopped.

12 **SECTION 2.** 968.25 of the statutes is amended to read:

13 **968.25 Search during temporary questioning.** When a law enforcement
14 officer has stopped a person for temporary questioning pursuant to s. 968.24 and
15 reasonably suspects that he or she or another is in danger of physical injury, the law
16 enforcement officer may search such person for weapons or any instrument or article
17 or substance readily capable of causing physical injury and of a sort not ordinarily
18 carried in public places by law abiding persons. If the law enforcement officer finds
19 such a weapon or instrument, or any other property possession of which the law
20 enforcement officer reasonably believes may constitute the commission of a crime,
21 or which may constitute a threat to his or her safety, the law enforcement officer may
22 take it and keep it until the completion of the questioning, at which time the law
23 enforcement officer shall either return it, if lawfully possessed, or arrest the person
24 so questioned. The person's presence in a geographic area that has a higher rate of
25 crime relative to other geographic areas in the state or within the local unit of

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1 government, as defined in s. 323.02 (15), may not constitute reasonable suspicion for

2 a search or a taking under this section.

3 (END)