



WISCONSIN LEGISLATIVE COUNCIL STUDY COMMITTEE MEMORANDUM

TO: MEMBERS OF THE SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

FROM: David Moore, Senior Staff Attorney, and Rachel Snyder, Staff Attorney

RE: Recommendations of the Special Committee on State-Tribal Relations Enacted During the 2017-18 Session

DATE: September 5, 2018

This memorandum summarizes the following acts, developed during the 2016 interim by the Special Committee on State-Tribal Relations, enacted into law in the 2017-18 legislative session:

- 2017 Wisconsin Act 226, relating to using a tribal identification card for various purposes.
- 2017 Wisconsin Act 351, relating to grants for treatment and diversion programs.
- 2017 Wisconsin Act 352, relating to battery of a tribal judge, tribal prosecutor or tribal law enforcement officer and providing criminal penalties.

The proposals that were enacted as 2017 Wisconsin Acts 351 and 352 were formally recommended by the Special Committee to the Joint Legislative Council for introduction. The substance of the proposal that was enacted as 2017 Wisconsin Act 226 was drafted at the direction of the Special Committee. But due to time limitations, the proposal was not formally recommended by the Special Committee and was instead introduced by Representative Mursau and Senator Petrowski.

2017 WISCONSIN ACT 226

Wisconsin law specifies certain instances in which a person must provide proof of identity. Generally, when proof of identity is required by statute, the statute also specifies which forms of identification are acceptable. 2017 Wisconsin Act 226 expanded the instances in which a tribal identification (ID) card may be used when statutes require that a person provide proof of identity.

Act 226 authorized an individual to use a Wisconsin tribal ID card as proof of residence for voter registration purposes if the identification card indicates the individual's current and complete name and residential address. Act 226 also provided that a valid Wisconsin tribal ID card containing the card holder's photograph, full name, address, and date of birth is one of the types of identifications considered an "official identification card" as proof of age for purposes related to purchasing alcohol beverages or being allowed to enter the premises of a licensed or permitted alcohol beverages retail establishment.

Finally, Act 226 provided that a valid Wisconsin tribal ID card containing the card holder's photograph, full name, address, and date of birth is listed as one of the forms of identification for purposes of any of the following:

- Nonferrous scrap metal or a proprietary article sold to a scrap metal dealer.
- Cigarettes, nicotine products, or tobacco products sold to a consumer.
- Used home furnishings sold to an antique dealer or a recycler.
- Secondhand articles or secondhand jewelry purchased, exchanged, or received by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer.
- Controlled substances dispensed or delivered to the representative of the ultimate user.

2017 WISCONSIN ACT 351

Under the Treatment Alternatives and Diversion program, the Department of Justice (DOJ) provides grants to counties to provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. 2017 Wisconsin Act 351 authorized DOJ to also provide these grants to tribes, subject to the same conditions and eligibility requirements as apply to counties.

2017 WISCONSIN ACT 352

Under Wisconsin law, it is a Class H felony to intentionally cause bodily harm or threaten to cause bodily harm to the person or family member of any judge, prosecutor, or law enforcement officer under all of the following circumstances:

- At the time of the act or threat, the actor knows or should have known that the victim is a judge, prosecutor, or law enforcement officer or a member of the judge's, prosecutor's, or law enforcement officer's family.
- The act or threat is in response to any action taken by a judge, prosecutor, or law enforcement officer in an official capacity.
- There is no consent by the person harmed or threatened.

2017 Wisconsin Act 352 amended the definitions of a judge, prosecutor, and law enforcement officer, for purposes of the battery described above, to include a tribal judge, tribal prosecutor, and tribal law enforcement officer, respectively.

If you have any questions, please feel free to contact us directly at the Legislative Council staff offices.

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