



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-6552/P3  
MJW:klm&wlj

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to create* 321.04 (1) (s) of the statutes; **relating to:** reporting of sexual  
2           harassment and assault that occurs in the Wisconsin National Guard.

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***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on Wisconsin National Guard Sexual Misconduct Procedures.

This bill requires the adjutant general to submit an annual report on several topics related to sexual assault and sexual harassment within the Wisconsin National Guard by February 1 of each year.

First, the report must include data regarding all reported incidents of sexual assault and sexual harassment made by members of the Wisconsin National Guard during the prior federal fiscal year, including the numbers of restricted and unrestricted reports of sexual assault and reports of sexual harassment and historical trends relating to that data for the five previous federal fiscal years. For unrestricted reports of sexual assault and for reports of sexual harassment, the report must include the duty status of the members involved at the time of the incident; information on the status of the report, including whether the case was referred for additional discipline; and a summary of any resolution or discipline taken, including whether criminal charges were referred or filed. The report must protect the privacy of victims of sexual assault and sexual harassment and may not provide any personal identifying information that would allow a victim to be identified.

Second, the report must include a summary of any training provided to members of the Wisconsin National Guard in the preceding year related to preventing and responding to incidents of sexual assault and sexual harassment.

Third, the report must include a summary of any current National Guard Bureau policies relating to preventing and responding to incidents of sexual assault and sexual harassment during the previous federal fiscal year, and a description of how those policies are being implemented in the Wisconsin National Guard.

Fourth, the report must include a summary of the current policies and procedures related to preventing and responding to incidents of sexual assault and sexual harassment in the Wisconsin National Guard and any changes made since the prior report.

The adjutant general must submit the report to the governor and appropriate standing committees of the legislature, which must hold a public hearing on the report at least annually. The adjutant general also must publish the report on the website of the Department of Military Affairs.

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

1           **SECTION 1.** 321.04 (1) (s) of the statutes is created to read:

2           321.04 (1) (s) 1. By February 1 of each year, submit to the governor and to the  
3 appropriate standing committees of the legislature in the manner provided under s.  
4 13.172 (3), and publish on the department's website, an annual report on sexual  
5 assault and sexual harassment within the Wisconsin national guard. The report  
6 shall be the subject of a public hearing, conducted no less often than annually, by the  
7 appropriate standing committees of the legislature. The report shall include, at a  
8 minimum, all of the following information for the prior federal fiscal year:

9           a. Data regarding all reported incidents of sexual assault and sexual  
10 harassment made by members of the Wisconsin national guard during that period,  
11 including the numbers of restricted and unrestricted reports of sexual assault and  
12 reports of sexual harassment, and historical trends relating to that data for the 5  
13 fiscal years preceding the fiscal year covered in the report. For unrestricted reports  
14 of sexual assault and for reports of sexual harassment, the report shall also include  
15 all of the following information: the duty status of the members involved at the time  
16 of the incident; information on the status of the report, including whether the case

1 was referred for additional investigation; and a summary of any resolution or  
2 discipline taken, including whether criminal charges were referred or filed.

3 b. A summary of any training relating to preventing and responding to  
4 incidents of sexual assault and sexual harassment that was provided to members of  
5 the Wisconsin national guard in the preceding year.

6 c. A summary of any current federal national guard bureau policies relating to  
7 preventing and responding to incidents of sexual assault and sexual harassment  
8 that were enacted during that period and a description of how those policies are being  
9 implemented in the Wisconsin national guard.

10 d. A summary of the current policies and procedures related to preventing and  
11 responding to incidents of sexual assault and sexual harassment in the Wisconsin  
12 national guard and any changes made since the prior report.

13 2. The report under subd. 1. shall protect the privacy of victims of sexual  
14 assault and sexual harassment and may not provide any personal identifying  
15 information that would allow a victim to be identified.

16 (END)