
Wisconsin Legislative Council

MINUTES



STUDY COMMITTEE ON WISCONSIN NATIONAL GUARD SEXUAL MISCONDUCT PROCEDURES

300 Northeast, State Capitol
Madison, WI
December 12, 2022
10:00 a.m. – 10:45 a.m.

CALL TO ORDER AND ROLL CALL

Chair Kurtz called the meeting to order and a quorum was determined present.

COMMITTEE MEMBERS PRESENT: Rep. Tony Kurtz, Chair; Sen. Eric Wimberger, Vice Chair; Rep. Daniel Riemer; Sen. Melissa Agard; and Public Members Jacob Curtis, Adam Gerol, Gabriela Guzman, and Melissa Inlow.

COMMITTEE MEMBERS EXCUSED: Public Members Amy Arenz, Autumn Carroll, and Jade La Sage.

COUNCIL STAFF PRESENT: David Moore, Senior Staff Attorney, and Tom Koss, Staff Attorney.

ATTENTION: This was the final meeting of the Study Committee on Wisconsin National Guard Sexual Misconduct Procedures. Committee members are requested to send any corrections regarding minutes to the Legislative Council staff. After the incorporation of any corrections, these minutes will be considered approved by the committee.

Chair Kurtz welcomed the committee members and discussed the purpose of the meeting. Mr. Moore explained that the committee's votes today would be whether to recommend introduction of the bills to the Legislature and that Legislative Council staff will prepare a final report to the Legislative Council that outlines the committee's work. He informed committee members that they will be notified when the Joint Legislative Council schedules a meeting to consider this report and the recommended bill drafts, as well as any time a public hearing is scheduled for a bill introduced by the Joint Legislative Council based on the committee's recommendation.

APPROVAL OF THE MINUTES OF THE NOVEMBER 17, 2022, MEETING

The committee approved the minutes of the November 17, 2022, meeting by unanimous consent.

DESCRIPTION OF DISTRIBUTED MATERIALS AND DISCUSSION OF COMMITTEE ASSIGNMENT

- LRB-0831/P1, relating to a case management system for tracking misconduct within the Wisconsin National Guard.

Mr. Moore explained that LRB-0831/P1 is identical to LRB-6556/P2, which the committee reviewed during its November 17, 2022 meeting. LRB-6556/P2 was drafted as a 2021-22 bill, so the bill was redrafted as LRB-0831/P1 for introduction in the 2023-24 legislative session.

Sen. Agard moved, seconded by Sen. Wimberger, that the committee recommend introduction of LRB-0831/P1. The motion passed by a vote of Ayes, 8 (Reps. Kurtz and Riemer; Sens. Wimberger and Agard; and Public Members Curtis, Gerol, Guzman, and Inlow); Noes, 0; and Absent, 3 (Public Members Arenz, Carroll, and La Sage).

- LRB-0833/P2, relating to annual reporting to the legislature of sexual harassment and assault that occurs in the Wisconsin National Guard and of changes to the Uniform Code of Military Justice.

Mr. Koss explained that LRB-0833/P2 combines two bills that the committee reviewed during its November 17, 2022 meeting, each of which requires certain reports to be submitted to the Legislature annually. He explained that LRB-0833/P2 requires the Department of Military Affairs (DMA) to submit an annual report to the appropriate standing committees of the Legislature that summarizes recent changes to the Uniform Code of Military Justice, and also requires the Adjutant General to submit an annual report on several topics related to sexual assault and sexual harassment that is reported by members of the Wisconsin National Guard. He also told the committee the bill incorporates a revision the committee requested at the November 17, 2022, meeting to specify that the Adjutant General's report on sexual assault and harassment must include information on the type of conduct that was alleged to have occurred for unrestricted reports of sexual assault and sexual harassment. In response to a question from Mr. Curtis, Mr. Koss explained that Legislative Council staff consulted with staff from the DMA and incorporated their technical recommendations into the bill.

Sen. Wimberger moved, seconded by Sen. Agard, that the committee recommend introduction of LRB-0833/P2. The motion passed by a vote of Ayes, 8 (Reps. Kurtz and Riemer; Sens. Wimberger and Agard; and Public Members Curtis, Gerol, Guzman, and Inlow); Noes, 0; and Absent, 3 (Public Members Arenz, Carroll, and La Sage).

- LRB-0834/P2, relating to punitive articles in the Wisconsin Code of Military Justice prohibiting certain activities with a military recruit or trainee by a person in a position of special trust, prohibiting certain retaliatory activities, prohibiting sexual harassment, and prohibiting sexual assault; pretrial, trial, and post-trial procedures applicable to courts-martial cases under the Wisconsin Code of Military Justice; treatment of victims of an offense under the Wisconsin Military Code of Justice; defining military offenses under the Wisconsin Code of Military Justice; punishments for violations of the Wisconsin Code of Military Justice; and the removal of gender-specific language from the Wisconsin Code of Military Justice.

Mr. Moore provided an overview of LRB-0834/P2 and explained that it combines various bills the committee reviewed during its November 17, 2022 meeting related to the Wisconsin Code of Military Justice (WCMJ). He explained that LRB-0834/P2 incorporates revisions the committee requested to

those bills at that meeting, and includes a provision related to the treatment of victims that requires the Adjutant General to prescribe a policy that ensures that victims of an offense under the WCMJ are treated with dignity, respect, courtesy, sensitivity, and fairness. In response to a question from Ms. Guzman, he explained that this provision would allow the Adjutant General to incorporate policies from federal regulations.

Sen. Wimberger moved, seconded by Rep. Riemer, that the committee recommend introduction of LRB-0834/P2. The motion passed by a vote of Ayes, 8 (Reps. Kurtz and Riemer; Sens. Wimberger and Sen. Agard; and Public Members Curtis, Gerol, Guzman, and Inlow); Noes, 0; and Absent, 3 (Public Members Arenz, Carroll, and La Sage).

PLANS FOR FUTURE MEETINGS

This was the last meeting of the study committee. Chair Kurtz thanked the members for their time and service.

ADJOURNMENT

The meeting adjourned at 10:45 a.m.

DM:TK:ksm