



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0120/1
MLJ:emw

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 123**

May 5, 2021 - Offered by Senator WANGGAARD.

1 **AN ACT** *to renumber* 165.845 (1) (intro.) and (c); *to renumber and amend*
2 165.845 (1) (a) and 165.845 (1) (b); *to amend* 165.845 (title) and 165.845 (2); and
3 *to create* 165.845 (1g), 165.845 (1r) (a) 2. and 165.845 (1r) (d) of the statutes;
4 **relating to:** reporting of law enforcement use-of-force incidents.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Justice to collect certain information concerning criminal offenses committed in Wisconsin. This bill requires DOJ to collect data and publish an annual report on law enforcement use-of-force incidents, which includes any incident where a firearm was discharged in the direction of a person (even if there was no injury) and where other great bodily harm resulted from the incident. The bill requires certain demographic information to be collected about each such incident, including any information required to be collected to comply with the reporting standards of the National Use-Of-Force Data Collection system administered by the Federal Bureau of Investigation, as well as a description of each

such incident. The information collected must be reported annually by DOJ on its Internet site.

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

1 **SECTION 1.** 165.845 (title) of the statutes is amended to read:

2 **165.845 (title) Collect Collection and reporting of crime data.**

3 **SECTION 2.** 165.845 (1) (intro.) and (c) of the statutes are renumbered 165.845
4 (1r) (intro.) and (c).

5 **SECTION 3.** 165.845 (1) (a) of the statutes is renumbered 165.845 (1r) (a) (intro.)
6 and amended to read:

7 165.845 (**1r**) (a) (intro.) Collect information concerning the number and nature
8 of offenses known to have been committed in this state and such other information
9 as may be useful in the study of crime and the administration of justice. The
10 department of justice may determine any other information to be obtained regarding
11 crime and justice system statistics. The information shall include data all of the
12 following:

13 1. Data requested by the federal bureau of investigation under its system of
14 uniform crime reports for the United States.

15 **SECTION 4.** 165.845 (1) (b) of the statutes is renumbered 165.845 (1r) (b) and
16 amended to read:

17 165.845 (**1r**) (b) Furnish all reporting officials with ~~forms or instructions or~~
18 ~~both~~ that specify the nature of the information required under par. (a), a simple
19 format in which to submit the information, the time it is to be forwarded, the method
20 of classifying it, and any other matters that facilitate collection and compilation. The
21 format provided under this paragraph shall, to the greatest extent feasible, minimize

1 the time required by each law enforcement officer to submit the required
2 information.

3 **SECTION 5.** 165.845 (1g) of the statutes is created to read:

4 165.845 (1g) In this section:

5 (a) “Great bodily harm” has the meaning given in s. 939.22 (14).

6 (m) “Use-of-force incident” means any of the following:

7 1. Any incident involving the discharge of a firearm by a law enforcement
8 officer at or in the direction of a civilian.

9 2. Any incident involving the discharge of a firearm by a civilian at or in the
10 direction of a law enforcement officer.

11 3. Any incident in which an action taken by a law enforcement officer as a
12 response to an act of resistance results in great bodily harm or death.

13 4. Any incident in which an act of resistance taken by a civilian against a law
14 enforcement officer results in great bodily harm or death.

15 **SECTION 6.** 165.845 (1r) (a) 2. of the statutes is created to read:

16 165.845 (1r) (a) 2. For any use-of-force incident, all of the following
17 information:

18 a. The gender, race, ethnicity, and age of each person who was shot at, injured,
19 or killed.

20 b. The date, time, and location of the incident.

21 c. The reason for the law enforcement officer’s initial contact with the civilian.

22 d. Whether any civilian involved in the incident was armed and, if he or she was
23 armed, the type of weapon that the civilian had.

1 e. The type of resistance used against the law enforcement officer by the
2 civilian, the type of action taken in response by the officer, and if applicable, the types
3 of weapons used.

4 f. The number of law enforcement officers involved in the incident.

5 g. The number of civilians involved in the incident.

6 h. A brief description regarding any acts of resistance that precipitated the
7 incident and the circumstances surrounding the incident, including perceptions on
8 behavior or mental disorders.

9 i. Any other information that is required to comply with the reporting
10 standards of the National Use-Of-Force Data Collection system administered by the
11 federal bureau of investigation.

12 **SECTION 7.** 165.845 (1r) (d) of the statutes is created to read:

13 165.845 (1r) (d) Publish an annual report using the information collected
14 under par. (a) 2. The report may be published electronically on the department of
15 justice's Internet site in an interactive format and shall include, at a minimum, all
16 information that is reported to the department by local law enforcement agencies
17 under par. (a) 2.

18 **SECTION 8.** 165.845 (2) of the statutes is amended to read:

19 165.845 (2) All persons in charge of law enforcement agencies and other
20 criminal and juvenile justice system agencies shall supply the department of justice
21 with the information described in sub. (1) (1r) (a) ~~on the basis of the forms or~~
22 ~~instructions or both to be supplied~~ in the format specified by the department under
23 sub. ~~(1) (a)~~ (1r) (b). The department may conduct an audit to determine the accuracy

1 of the data and other information it receives from law enforcement agencies and
2 other criminal and juvenile justice system agencies.

3 (END)