



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 331**

June 1, 2021 - Offered by Representatives STEINEKE and STUBBS.

1 **AN ACT** *to create* 165.85 (4) (a) 5m. of the statutes; **relating to:** requiring
2 prospective law enforcement officers to complete a psychological examination
3 prior to employment as a law enforcement officer and granting rule-making
4 authority.

Analysis by the Legislative Reference Bureau

This bill adds to the responsibilities of the Law Enforcement Standards Board (LESB). Under current law, the LESB must establish the minimum education and training standards for admission to employment as a law enforcement officer, establish minimum curriculum requirements for preparatory courses and programs, establish minimum curriculum requirements for recertification and advanced courses, and develop criteria for annual recertification training relating to police pursuit and handgun operation qualification. Additionally, the LESB is required to certify law enforcement officers following their preparatory training program and annually recertify officers who have completed their recertification training, and may also decertify officers for a variety of reasons.

This bill provides that prior to employment on a full-time basis as a law enforcement officer, an individual must submit to a psychological examination to determine the individual's suitability to perform the duties of an officer. The LESB must promulgate administrative rules to govern the administration and

interpretation of such psychological examinations, including the type of test to be used and the time limits on such an examination's applicability. The examination must be performed by a licensed psychologist or a licensed physician, and must be paid for by the prospective employer. The records associated with the examination must be kept confidential and are not subject to public disclosure, but the determination of the individual's suitability to perform the duties of a law enforcement officer may be disclosed by the prospective employer or the LESB to other prospective employers.

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

1 **SECTION 1.** 165.85 (4) (a) 5m. of the statutes is created to read:

2 165.85 (4) (a) 5m. a. Beginning on the first day of the 13th month after the
3 effective date of this subd. 5m. a. [LRB inserts date], before a person may
4 commence employment on a full-time basis as a law enforcement officer, that person
5 shall submit to a psychological examination to determine the person's suitability to
6 perform the duties of a law enforcement officer.

7 b. The board shall promulgate rules to govern the administration and
8 interpretation of psychological examinations under subd. 5m. a., including the type
9 of examination to be used and the period of time for which the results of an
10 examination shall be determinative of an applicant's eligibility to be employed on a
11 full-time basis as a law enforcement officer. Rules under this subd. 5m. b. shall be
12 promulgated in consultation with the psychology examining board and shall be
13 consistent with nationally recognized guidelines for law enforcement examinations.

14 c. The prospective employer shall coordinate, at its own expense, a
15 psychological examination under subd. 5m. a., to be performed by a licensed
16 psychologist or a licensed physician.

17 d. The licensed psychologist or licensed physician performing a psychological
18 examination under subd. 5m. a. shall determine whether the person is suitable to

1 perform the duties of a law enforcement officer and disclose that determination to the
2 prospective employer, and the prospective employer shall notify the board of the
3 determination. The licensed psychologist or licensed physician shall disclose the
4 contents of the psychological examination to the prospective employer upon request.

5 e. No person who has been found, after a psychological examination under
6 subd. 5m. a., to be unsuitable to perform the duties of a law enforcement officer, may
7 be employed on a full-time basis as a law enforcement officer for the period of time
8 established by rule under subd. 5m. b.

9 f. The licensed psychologist or licensed physician performing a psychological
10 examination under subd. 5m. a. and the prospective employer shall keep confidential
11 the contents of the psychological examination, and any such records pertaining to the
12 psychological examination performed under subd. 5m. a. are not open to public
13 inspection, copying, or disclosure under s. 19.35.

14 g. The prospective employer or the board may disclose the determination made
15 under subd. 5m. d. to another interviewing law enforcement agency. No law
16 enforcement agency may enter into a nondisclosure agreement preventing another
17 interviewing law enforcement agency from accessing the determination made from
18 a psychological examination under subd. 5m. d. after the effective date of this subd.
19 5m. g. [LRB inserts date].

20 h. This subdivision applies only to a person seeking to commence employment
21 on a full-time basis as a law enforcement officer for the first time in his or her
22 lifetime.

23 **SECTION 2. Effective date.**

2 on January 1, 2022.

3 (END)