

1969 Assembly Bill 720

Date published:
March 12, 1970

CHAPTER 445, LAWS OF 1969

AN ACT to create 20.445 (1) (b) and 101.80 of the statutes, relating to death and disability benefits for state and local officers and employes killed or injured while on duty during a public insurrection.

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

SECTION 1. PURPOSE AND POLICY. The purpose of this act is to recognize that, when a public insurrection occurs, additional hazards develop which are over and above the usual dangerous hazards associated with police and fire protection activities under conditions not normally present in the performance of duty. Consequently, it is the policy of the state to provide death and disability benefits in addition to all such other benefits provided by state law or by action of the municipalities only when these extreme conditions occur.

SECTION 2. 20.445 (1) (b) of the statutes is created to read:

20.445 (1) (b) *Death and disability benefit payments; public insurrections.* A sum sufficient for the payment of death and disability benefits under s. 101.80.

SECTION 3. 101.80 of the statutes is created to read:

101.80 PUBLIC INSURRECTION: DEATH AND DISABILITY BENEFITS. (1) DEFINITIONS. In this section:

(a) "Public insurrection" means a civil disturbance in which a group or groups of persons are simultaneously engaged in acts of violence against persons or property by the illegal use of weapons, by burning, pillaging or looting or by committing any other illegal acts, and which is of such a magnitude as to result in any of the following:

1. Extraordinary utilization of off-duty local law enforcement personnel.
2. Declaration of a public emergency by the governor.
3. The calling of the national guard or other troops.

(2) DEATH AND DISABILITY BENEFITS. If the department of industry, labor and human relations finds that the injury or death of a state or local government officer or employe arose out of the performance of his duties in connection with a public insurrection, and finds that he is entitled to death or disability benefits under ch. 102, a supplemental award equal to the benefit he is entitled to shall be made by the department to the persons and in the same manner provided by ch. 102, except that when benefits are prescribed under s. 102.49, a supplemental award equal to one-half the benefit he is entitled to shall be made.

(3) PAYMENTS. All payments under this section shall be made from the general fund.

(4) BENEFITS ADDITIONAL TO ALL OTHERS. Death and disability benefits under this section are in addition to all other benefits provided by state law or by action of any municipality or public agency.

Approved February 13, 1970.
