



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2667/1
CMH&MLJ:amn

2017 ASSEMBLY BILL 270

April 24, 2017 - Introduced by Representatives CROWLEY, BOWEN, TUSLER, C. TAYLOR, GOYKE, SINICKI, ZAMARRIPA, SARGENT, BERCEAU, SPREITZER and VRUWINK, cosponsored by Senators C. LARSON and RISSER. Referred to Committee on Corrections.

1 **AN ACT to renumber** 175.47 (1) (a) and 175.47 (2); **to renumber and amend**
2 175.47 (3) (a), (b) and (c); **to amend** 175.47 (1) (c), 175.47 (4) and 175.47 (5); and
3 **to create** 175.47 (1) (title), 175.47 (1) (ac), 175.47 (2) (title) and 175.47 (3m) of
4 the statutes; **relating to:** officer-involved deaths.

Analysis by the Legislative Reference Bureau

Current law requires an investigation following a death that involves a law enforcement officer and outlines specific requirements of the investigation. Under this bill, a death involving a correctional officer gives rise to the same investigation requirements as a death involving a law enforcement officer.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

5 **SECTION 1.** 175.47 (1) (title) of the statutes is created to read:

6 175.47 (1) (title) DEFINITIONS.

7 **SECTION 2.** 175.47 (1) (a) of the statutes is renumbered 175.47 (1) (ar).

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1 **SECTION 3.** 175.47 (1) (ac) of the statutes is created to read:

2 175.47 (1) (ac) “Correctional officer” means any person employed by the state
3 or any political subdivision as a guard or officer whose principal duties are
4 supervision and discipline of inmates at a penal institution, prison, jail, house of
5 correction, or other place of penal detention; a jail officer, as defined in s. 165.85 (2)
6 (bn); or a juvenile detention officer, as defined in s. 165.85 (2) (bt).

7 **SECTION 4.** 175.47 (1) (c) of the statutes is amended to read:

8 175.47 (1) (c) “Officer-involved death” means a death of an individual that
9 results directly from an action or an omission of a law enforcement officer or
10 correctional officer while the ~~law enforcement~~ officer is on duty or while the law
11 ~~enforcement~~ officer is off duty but performing activities that are within the scope of
12 his or her ~~law enforcement~~ duties.

13 **SECTION 5.** 175.47 (2) (title) of the statutes is created to read:

14 175.47 (2) (title) DEATH INVOLVING LAW ENFORCEMENT OFFICER.

15 **SECTION 6.** 175.47 (2) of the statutes is renumbered 175.47 (2) (a).

16 **SECTION 7.** 175.47 (3) (a), (b) and (c) of the statutes are renumbered 175.47 (2)
17 (b), (c) and (d) and amended to read:

18 175.47 (2) (b) Each policy under ~~sub. (2) par. (a)~~ par. (a) must require an investigation
19 conducted by at least ~~two~~ 2 investigators, one of whom is the lead investigator and
20 neither of whom is employed by a law enforcement agency that employs a law
21 enforcement officer involved in the officer-involved death.

22 (c) If the officer-involved death being investigated is traffic-related, the policy
23 under ~~sub. (2) par. (a)~~ par. (a) must require the investigation to use a crash reconstruction
24 unit from a law enforcement agency that does not employ a law enforcement officer
25 involved in the officer-involved death being investigated, except that a policy for a

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1 state law enforcement agency may allow an investigation involving a law
2 enforcement officer employed by that state law enforcement agency to use a crash
3 reconstruction unit from the same state law enforcement agency.

4 (d) Each policy under ~~sub. (2)~~ par. (a) may allow an internal investigation into
5 the officer-involved death if the internal investigation does not interfere with the
6 investigation conducted under par. ~~(a)~~ (b).

7 **SECTION 8.** 175.47 (3m) of the statutes is created to read:

8 175.47 **(3m)** DEATH INVOLVING CORRECTIONAL OFFICER. Any officer-involved
9 death involving a correctional officer shall be investigated by at least 2 investigators,
10 one of whom is the lead investigator and, if the correctional officer is employed by a
11 political subdivision, neither of whom is employed by the political subdivision that
12 employs a correctional officer involved in the officer-involved death.

13 **SECTION 9.** 175.47 (4) of the statutes is amended to read:

14 175.47 **(4)** COMPENSATION. Compensation for participation in an investigation
15 under sub. ~~(3)~~ ~~(a)~~ (2) (b) or (3m) may be determined in a manner consistent with
16 mutual aid agreements.

17 **SECTION 10.** 175.47 (5) of the statutes is amended to read:

18 175.47 **(5)** REPORT TO DISTRICT ATTORNEY. (a) The investigators conducting the
19 investigation under sub. ~~(3)~~ ~~(a)~~ (2) (b) or (3m) shall, in an expeditious manner,
20 provide a complete report to the district attorney of the county in which the
21 officer-involved death occurred.

22 (b) If the district attorney determines there is no basis to prosecute the law
23 enforcement officer involved in the officer-involved death, the investigators
24 conducting the investigation under sub. ~~(3)~~ ~~(a)~~ (2) (b) or (3m) shall release the report,
25 except that the investigators shall, before releasing the report, delete any

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SECTION 10

1 information that would not be subject to disclosure pursuant to a request under s.
2 19.35 (1) (a).

3 **SECTION 11. Initial applicability.**

4 (1) This act first applies to deaths that occurred 3 years before the effective date
5 of this subsection if no correctional officer involved was prosecuted.

6 (END)