



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1652/1
MLJ:skw

2021 ASSEMBLY BILL 109

February 18, 2021 - Introduced by Representatives SPIROS, ARMSTRONG, BRANDTJEN, BROOKS, CABRERA, MOSES, ROZAR, THIESFELDT and WICHGERS, cosponsored by Senators WANGGAARD, L. TAYLOR, DARLING, COWLES, FEYEN, JACQUE and ROYS. Referred to Committee on Government Accountability and Oversight.

1 **AN ACT** *to renumber* 165.845 (1) (intro.), (b) and (c); *to renumber and amend*
2 165.845 (1) (a); *to amend* 165.845 (title) and 165.845 (2); and *to create* 165.845
3 (1g), 165.845 (1r) (a) 2. and 165.845 (1r) (d) of the statutes; **relating to:**
4 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, including incidents where there was a shooting, where a firearm was discharged in the direction of a person (even if there was no injury), and where other serious bodily harm resulted from the incident. The bill requires certain demographic information to be collected about each such incident, and reported annually by DOJ on its Internet site.

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

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1 **165.845** (title) **Collect Collection and reporting of crime data.**

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

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

6 165.845 (**1r**) (a) (intro.) Collect information concerning the number and nature
7 of offenses known to have been committed in this state and such other information
8 as may be useful in the study of crime and the administration of justice. The
9 department of justice may determine any other information to be obtained regarding
10 crime and justice system statistics. The information shall include data all of the
11 following:

12 1. Data requested by the federal bureau of investigation under its system of
13 ~~uniform crime reports~~ incident-based reporting for the United States.

14 **SECTION 4.** 165.845 (1g) of the statutes is created to read:

15 165.845 (**1g**) In this section, “serious bodily harm” has the meaning given in
16 s. 969.001 (2).

17 **SECTION 5.** 165.845 (1r) (a) 2. of the statutes is created to read:

18 165.845 (**1r**) (a) 2. For any incident involving the shooting of a civilian by a law
19 enforcement officer or the shooting of a law enforcement officer by a civilian; any
20 incident involving the discharge of a firearm by a law enforcement officer at or in the
21 direction of a civilian or the discharge of a firearm by a civilian at or in the direction
22 of a law enforcement officer; and any incident in which an action taken by a law
23 enforcement officer as a response to an act of resistance results in serious bodily
24 harm or death or in which an act of resistance taken by a civilian against a law

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1 enforcement officer results in serious bodily harm or death, all of the following
2 information:

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

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

6 c. Whether any civilian involved in the incident was armed and, if he or she was
7 armed, the type of weapon that the civilian had.

8 d. The type of resistance used against the law enforcement officer by the
9 civilian, the type of action taken in response by the officer, and if applicable, the types
10 of weapons used.

11 e. The number of law enforcement officers involved in the incident.

12 f. The number of civilians involved in the incident.

13 g. A brief description regarding the circumstances surrounding the incident,
14 including perceptions on behavior or mental disorders.

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

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

21 **SECTION 7.** 165.845 (2) of the statutes is amended to read:

22 165.845 (2) All persons in charge of law enforcement agencies and other
23 criminal and juvenile justice system agencies shall supply the department of justice
24 with the information described in sub. ~~(1)~~ (1r) (a) on the basis of the forms or
25 instructions or both to be supplied by the department under sub. ~~(1)~~ (1r) (a). The

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SECTION 7

1 department may conduct an audit to determine the accuracy of the data and other
2 information it receives from law enforcement agencies and other criminal and
3 juvenile justice system agencies.

4 (END)