

# State of Wisconsin



2021 Senate Bill 585

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

AN ACT to create 115.385 (1) (e), 115.385 (1g) (f) and 118.124 of the statutes; relating to: reporting certain crimes and other incidents that occur on school property or school transportation and granting rule-making authority.

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

**SECTION 1.** 115.385 (1) (e) of the statutes is created to read:

115.385 (1) (e) All of the following information derived from statistics reported under s. 118.124:

1. The total number of incidents per 100 pupils reported by the school or school district.
2. The average total number of incidents per 100 pupils reported statewide.
3. The total number of incidents listed under s. 118.124 (2) (a) 1., 2., 4., and 8. per 100 pupils reported by the school or school district.
4. The average total number of incidents listed under s. 118.124 (2) (a) 1., 2., 4., and 8. per 100 pupils reported statewide.

**SECTION 2.** 115.385 (1g) (f) of the statutes is created to read:

115.385 (1g) (f) The department may not consider the statistics reported by a school or school district under s. 118.124.

**SECTION 3.** 118.124 of the statutes is created to read:

**118.124 Statistics of crimes and other safety-related incidents.** (1) In this section:

(a) "Participating private high school" means a private school participating in a parental choice program

under s. 118.60 or 119.23 that operates high school grades.

(b) "Public high school" means a public school, including a charter school, that operates high school grades.

(2) (a) Subject to par. (b), beginning in the 2023–24 school year, a public high school and a participating private high school shall collect and maintain statistics of incidents of the following:

1. Homicide.
2. Sexual assault.
3. Burglary, robbery, or theft.
4. Battery, substantial battery, or aggravated battery under s. 940.19.
5. Arson.
6. Use or possession of alcohol, a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).
7. Possession of a firearm in violation of s. 948.605 (2).
8. A violation of a municipal ordinance relating to disorderly conduct.

(b) The requirement under par. (a) applies only to an incident that satisfies all of the following:

1. The incident occurred Monday to Friday between the hours of 6 a.m. and 10 p.m.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2. The incident occurred on one of the following:
  - a. Property owned or leased by the school district in which the public high school is located, by the operator of the charter school, or by the governing body of the participating private high school.
  - b. Transportation, including all of the methods of transportation described in ss. 121.55 and 121.555, provided by the public high school, private high school, or school district.
3. The incident was reported to law enforcement, and, as a result of the incident, a charge was filed or a citation was issued.
  - (3) (a) Annually, each public high school in a school district other than a charter school established under s. 118.40 (2r) or (2x) shall report the statistics collected under sub. (2) to the school board. Annually, by July 31, each school board shall submit to the department a report that includes the statistics reported under this paragraph by each public high school in the school district and aggregate statistics collected under sub. (2) for all of the public high schools in the school district other than charter schools established under s. 118.40 (2r) or (2x).
  - (b) Annually, by July 31, each operator of a charter school established under s. 118.40 (2r) or (2x) that operates high school grades and the governing body of each participating private high school shall submit to the

department the statistics the operator or governing body collected under sub. (2).

(c) No school board, operator of a charter school established under s. 118.40 (2r) or (2x), or governing body of a participating private high school may include the identity of a pupil in a report under this subsection.

(4) The department shall promulgate rules to administer this section, including a rule that requires public high schools, participating private high schools, and school districts to collect and report statistics of incidents under this section in accordance with the uniform crime reporting system of the department of justice.

(5) The department of justice shall cooperate with the department to develop a reporting system under this section that incorporates the uniform crime reporting system of the department of justice.

**SECTION 4. Initial applicability.**

(1) The creation of s. 115.385 (1) (e) first applies to the school and school district accountability report published for the 2023–24 school year.

**SECTION 5. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY REPORT. The treatment of s. 115.385 (1) (e) and (1g) (f) takes effect on July 1, 2023.

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