



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-2915/1  
MLJ:cjs

## 2021 SENATE BILL 330

April 28, 2021 - Introduced by Senators JOHNSON, AGARD, BEWLEY, CARPENTER, LARSON, ROYS, WIRCH and RINGHAND, cosponsored by Representatives ANDERSON, BALDEH, BOWEN, BROSTOFF, CABRERA, DRAKE, GOYKE, HEBL, NEUBAUER, SHANKLAND, SHELTON, SINICKI, SNODGRASS, HESSELBEIN, STUBBS, VRUWINK, SUBECK, EMERSON and SPREITZER. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to create* 165.502 of the statutes; **relating to:** attorney general  
2 enforcement authority for civil rights violations and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill creates a mechanism whereby the attorney general may bring a civil action in the name of the state when there is cause to believe that certain civil rights violations have occurred. Under the bill, the attorney general has authority to investigate potential violations and may bring a civil action when there is reasonable cause to believe that either: 1) A person has engaged in a pattern or practice of conduct that violates any of the rights secured by the United States Constitution or by the Wisconsin Constitution, or any right secured by the laws of Wisconsin relating to housing, employment, education, or public accommodations; or 2) A person has been denied a right secured by the United States Constitution or by the Wisconsin Constitution, or a right secured by the laws of Wisconsin relating to housing, employment, education, or public accommodations, and that denial raises an issue of general public importance.

Under the bill, in such an action, a court may award injunctive relief and other appropriate relief, including court costs, reasonable attorney fees, and damages, and, to vindicate the public interest, assess a civil forfeiture against the defendant of up to \$50,000 for a first violation and up to \$100,000 for each subsequent violation committed within a 7-year period.

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

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

1           **SECTION 1.** 165.502 of the statutes is created to read:

2           **165.502 Civil rights violations.** (1) The attorney general or his or her  
3           designee may bring a civil action in the name of the state whenever he or she has  
4           reasonable cause to believe that any of the following applies:

5           (a) A person has engaged in a pattern or practice of conduct that violates any  
6           of the rights secured by the United States Constitution or by the Wisconsin  
7           Constitution, or any right secured by the laws of Wisconsin relating to housing,  
8           employment, education, or public accommodations.

9           (b) A person has been denied a right secured by the United States Constitution  
10          or by the Wisconsin Constitution, or a right secured by the laws of Wisconsin relating  
11          to housing, employment, education, or public accommodations, and that denial  
12          raises an issue of general public importance.

13          **(2)** Prior to initiating a civil action under sub. (1), the attorney general or his  
14          or her designee may conduct an investigation to determine whether there is  
15          reasonable cause to believe that a violation described in sub. (1) has occurred. In the  
16          course of an investigation under this subsection, the attorney general or his or her  
17          designee may do any of the following:

18          (a) Require any person to file a statement or report in writing under oath or  
19          otherwise, as to all information the attorney general or his or her designee may  
20          consider necessary to the investigation.

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1 (b) Access and copy any document, or any part thereof, that is in the possession  
2 or under the control of any person, if such document, or such part thereof, is relevant  
3 to an investigation under this subsection.

4 (c) Examine under oath any person who is alleged to have participated in or to  
5 have knowledge of the alleged violation.

6 (d) Issue and cause to be served a subpoena, in substantially the form  
7 authorized under s. 885.02, upon any person to aid in the investigation.

8 (e) File a petition in circuit court for enforcement of a demand or subpoena  
9 under pars. (a) to (d).

10 **(3)** In an action under sub. (1), a court may take any of the following actions:

11 (a) Award injunctive relief, including a temporary restraining order and  
12 preliminary and permanent injunctive relief, declaratory relief, a writ of mandamus  
13 or prohibition, or other such legal or equitable relief as may be appropriate to compel  
14 compliance with the law.

15 (b) Award other appropriate relief, including court costs, reasonable and  
16 necessary costs of investigation, reasonable and necessary costs of prosecution,  
17 including attorney fees, and an award of damages as may be proved to persons who  
18 suffered a harm caused by a violation described in sub. (1).

19 (c) To vindicate the public interest, assess a civil forfeiture against the  
20 defendant as follows:

21 1. For a first violation, an amount not to exceed \$50,000.

22 2. For each subsequent violation committed within a 7-year period, an amount  
23 not to exceed \$100,000.

24 **(4)** A civil action under sub. (1) shall be commenced within 5 years after the  
25 occurrence or termination of the alleged violation or be barred.

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**SECTION 1**

1           **(5)** In lieu of commencing a civil action under sub. (1), the attorney general or  
2 his or her designee may allow a person alleged to have engaged in a violation  
3 described in sub. (1) to enter into an assurance of voluntary compliance with respect  
4 to the alleged violation. An assurance entered into under this subsection shall not  
5 be considered evidence of a violation described in sub. (1), but violation of such an  
6 assurance shall be treated as a violation described in sub. (1), and is subject to all  
7 remedies and penalties provided in sub. (3).

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**(END)**