



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3320/3
MLJ:skw

2021 SENATE BILL 541

September 2, 2021 - Introduced by Senators LARSON, JOHNSON, L. TAYLOR and ROYS, cosponsored by Representatives MOORE OMOKUNDE, BROSTOFF, ANDERSON, BOWEN, CABRERA, CONLEY, HAYWOOD, L. MYERS, SHELTON, SINICKI, SNODGRASS and SUBECK. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to renumber and amend** 165.85 (3) (cm); **to amend** 165.85 (4) (c) 7.;

2 **and to create** 165.85 (3m) (c) 2., 3. and 10. of the statutes; **relating to:**

3 decertification of law enforcement, tribal law enforcement, jail, or juvenile

4 detention officers.

Analysis by the Legislative Reference Bureau

Under current law, the Law Enforcement Standards Board may decertify law enforcement, tribal law enforcement, jail, or juvenile detention officers for a variety of reasons. This bill provides that the Law Enforcement Standards Board must decertify officers for those reasons, and adds the following to the list of reasons to decertify an officer: 1) violating a use of force policy to which the officer is subject, and 2) terminating employment while under investigation for committing an act of official misconduct. Officers decertified while under investigation for committing an act of official misconduct may not be recertified in the future unless the officer receives a waiver from the police commission or police and fire commission, if applicable, or the governing body, of the jurisdiction in which he or she seeks employment and corresponding recertification. The bill also requires that the board decertify officers within 30 days after the relevant event that is the cause for decertification.

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

SENATE BILL 541**SECTION 1**

1 **SECTION 1.** 165.85 (3) (cm) of the statutes is renumbered 165.85 (3m) (c) (intro.)
2 and amended to read:

3 165.85 **(3m)** (c) (intro.) ~~Decertify~~ Within 30 days after the relevant event,
4 decertify law enforcement, tribal law enforcement, jail, or juvenile detention officers
5 who ~~terminate~~ do one of the following:

6 1. Terminate employment or are terminated, ~~who violate.~~

7 4. Violate or fail to comply with a rule, policy, or order of the board relating to
8 curriculum ~~or~~, training, ~~who falsify,~~ or recruitment.

9 5. Falsify information to obtain or maintain certified status, ~~who are.~~

10 6. Are certified as the result of an administrative error, ~~who are.~~

11 7. Are convicted of a felony or of any offense that, if committed in Wisconsin,
12 could be punished as a felony, ~~who are.~~

13 8. Are convicted of a misdemeanor crime of domestic violence, ~~or who fail as~~
14 defined in 18 USC 921 (a) (33), or are convicted of domestic abuse, as defined in s.
15 968.075 (1) (a), or the conviction is subject to the imposition of the domestic abuse
16 surchARGE under s. 973.055 (1), regardless of whether any part of the surcharge is
17 waived by the court under s. 973.055 (4).

18 9. Fail to pay court-ordered payments of child or family support, maintenance,
19 birth expenses, medical expenses, or other expenses related to the support of a child
20 or former spouse, or who fail to comply, after appropriate notice, with a subpoena or
21 warrant issued by the department of children and families or a county child support
22 agency under s. 59.53 (5) and related to paternity or child support proceedings. ~~The~~
23 ~~board shall establish~~

24 (d) Establish procedures for decertification under par. (c) in compliance with
25 ch. 227, except that decertification for ~~failure to pay court-ordered payments of child~~

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1 ~~or family support, maintenance, birth expenses, medical expenses, or other expenses~~
2 ~~related to the support of a child or former spouse or for failure to comply, after~~
3 ~~appropriate notice, with a subpoena or warrant issued by the department of children~~
4 ~~and families or a county child support agency under s. 59.53 (5) and related to~~
5 ~~paternity or child support proceedings~~ an action described under par. (c) 9. shall be
6 done as provided under sub. ~~(3m)~~ par. (a).

7 **SECTION 2.** 165.85 (3m) (c) 2., 3. and 10. of the statutes are created to read:

8 165.85 **(3m)** (c) 2. Violate a use-of-force policy to which he or she is subject.

9 3. Terminate employment while under investigation for an alleged act of official
10 misconduct. Officers decertified under this subdivision may not be certified in the
11 future unless the officer is granted a waiver by the police commission or police and
12 fire commission, if applicable, of the jurisdiction in which the officer seeks
13 employment and corresponding recertification, or by the governing body, as defined
14 in s. 66.0309 (1) (a), of the city, village, town, or county of the jurisdiction in which
15 the officer seeks employment and corresponding recertification.

16 10. For any crime listed in subd. 7. or 8., enter into any of the following if the
17 board determines that certification is not in the best interest of the public:

18 a. A deferred judgment and sentencing agreement or deferred sentencing
19 agreement, whether pending or successfully completed.

20 b. A deferred prosecution agreement, whether pending or successfully
21 completed.

22 c. A pretrial diversion agreement, whether pending or successfully completed.

23 **SECTION 3.** 165.85 (4) (c) 7. of the statutes is amended to read:

24 165.85 **(4)** (c) 7. Any person employed and certified as a jail officer on July 1,
25 1994, is certified as a juvenile detention officer and remains certified as a juvenile

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SECTION 3

1 detention officer subject to annual recertification requirements under subd. 6. and
2 the board's decertification authority under sub. ~~(3)~~~~(em)~~ (3m) (c).

3 (END)