



AGENDA

Eau Claire County Traffic Safety Commission
Tuesday, July 25, 2023, 9:00 a.m. CST
Eau Claire County Highway Department
5061 US Hwy 53, Room 123, Eau Claire, WI 54701

WebEx Teleconference

Join from the meeting link

<https://eauclairecounty.webex.com/eauclairecounty/j.php?MTID=m24f8ab4c973c93e3e8419eda1a1a4481>

Join by meeting number

Meeting number (access code): 2537 463 0537

Meeting password: bHDxg8JRS49

Tap to join from a mobile device (attendees only)

[+1-415-655-0001](tel:+1-415-655-0001).,25374630537## US Toll

Join by phone:

+1-415-655-0001 US Toll

For those wishing to make public or a written comment, you must e-mail ecchwy@eauclairecounty.gov at least 30 minutes prior to the start of the meeting. You will be called on during the public session to make your comments. ***PLEASE MUTE DEVICES UPON ENTRY INTO MEETING.***

A majority of the county board may be in attendance at this meeting, however, only members of the committee may take action on an agenda item.

1. Call to Order
2. Review/Approval of Minutes from 04/25/23 - Discussion/Action
3. Public Comment
4. Right-of-Way Encroachments - Discussion
5. Metropolitan Planning Organization (MPO) as a Committee Member - Discussion
6. ATV/UTV Use on County Roads - Discussion
7. Highway 53 Bypass/Incident Management - Discussion
8. Traffic Crash Summary
 - City of Eau Claire
 - City of Altoona
 - Eau Claire County
9. Commission Member Reports
 - Wisconsin State Patrol Report

PREPARED BY: Natalie Szews

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- DOT Traffic Safety Coordinator Report
- DOT Highway Engineer Report

10. Construction Status Report

11. Future Meeting Dates/Times/Agenda Items - Discussion

- Next Meeting: October 24 at 9:00 a.m.

12. Adjourn

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MINUTES

Eau Claire County Traffic Safety Commission
Tuesday, April 25, 2023, 9:30 a.m. CST
Eau Claire County Courthouse
721 Oxford Ave., Room 3312, Eau Claire, WI 54703

In Attendance: Jon Johnson-ECC Highway Dept., Natalie Szews-ECC Highway Dept., Travis Pickering-ECC Engineer, Chad Hoyard-ECPD, Mike Heffernan-WSP, John Staber-Augusta PD, Dustin Walters-ECSO, Chad Hines-WisDOT, Tyler Esh-ECC Emergency Mgmt., Edwin Rothrock-Metropolitan Planning Organization (MPO), Leah Ness-City of Eau Claire Engineer, Trace Frost-Bureau of Transportation Safety Law Enforcement Liaison (BOTS LEL)

1. Meeting called to order by Jon Johnson at 9:32 a.m.

2. Review/Approval of Past Committee Meeting Minutes (01/24/23) – Discussion/Action

- Motion by Chad Hoyard to approve, Leah Ness seconded. All in favor, motion carried.

3. Public Comment

4. Review of Committee Members/Recruitment – Discussion

- Jon Johnson discussed having new members from law, medicine, education, and other fields join the commission. The County Administrator and County Board Chair would need to appoint new members.

5. Traffic Crash Summary

- City of Eau Claire
 - No major trends or problems in the city. Will be spending a lot more time on Clairemont Ave. this summer for the BOTS grant, which is focused on Clairemont Ave./USH 12.
 - Crash reports on USH 12 at intersection in front of Hy-Vee have increased.
- City of Altoona - Not present
- Eau Claire County – Was unable to pull reports for meeting. Trace Frost advised could help with pulling reports from Community Maps Dashboard going forward.

6. Commission Member Reports

- Wisconsin State Patrol Report
 - State Troopers will be patrolling more in the area.
 - Starting Tomorrow there will be region/county wide influx of troopers.
 - ASU (Air Support Unit) details are all scheduled, the majority will be on Hwy 53 near River Prairie area. There have been very high speeds in the area during the day from 11-2.
 - Down to one pilot for search and rescue.
- Influx of Troopers in area from 5/15 to 6/4 for Click It or Ticket campaign.

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- Still doing predictive analytics in the area.
- OWI BOTS overtime will be done over holiday weekends from 6 p.m. to 2 a.m.
- Reviewed predictive analytics on USH 12 for fatalities and serious injuries. With Costco coming into the area, may experience an increase in accidents in area like what's happening by Hy-Vee.
- Jon Johnson discussed action plan for Safe Streets for All Grant for St. Croix, Dunn, and Eau Claire counties.
- DOT Traffic Safety Coordinator Report
 - Trace Frost reviewed fatality and crash reports. There has been 121 people killed so far in the state this year compared to 154 to same time from last year. Last year the state reached 600 fatalities for the first time in 10 years.
 - Went over predictive analytics for the top 5 county high crash probability locations.
 - Reviewed Safe System approach.
 - Discussed Community Maps updates and crash report options.
- DOT Highway Engineer Report
 - Construction Updates
 1. I94 from Hwy 312 to Chippewa River - Running behind but hoping to have it open Thursday before Memorial Day weekend.
 2. Asphalt overlay from CTH C down to river and milling/repaving CTH C to CTH E – Late September completion.
 3. CTH M from South County Line Rd to Lange Rd. – Road will be closed, haven't received a start date from Monarch.
 4. South Hastings Way from Gateway to Pine Lodge Rd. – Pre-construction meeting is tomorrow.
 - Towns of Pleasant Valley and Washington requested lights at Hwy 93 and Hickory Rd. Working on a traffic study and need to do traffic counts before school is out or do it in the fall.

7. Construction Status Report

- Eau Claire County
 - In addition to CTH M project, four projects are planned this year that will be done by contractors.
 1. Monarch will be doing CTH RR from Stagecoach Rd to STH 12/27. Will be starting this week and road will remain open for most of project except for a short-term closure for main-line cross culvert replacement.
 2. Following CTH RR project, contractors will be doing CTH FW from CTH W to FF, CTH II from STH 93 to Talmadge Rd, and CTH I from CTH V/HH to Peuse Rd.
 - Four projects are being done by the Highway Department.
 1. Highway Department is starting this week on CTH NN from Seig Rd. to CTH R. Will be realigning Schultz Rd. intersection as part of project.
 2. Following CTH NN project, the Highway Department will be working on CTH F from CTH FF to CTH HH, CTH N from Rolleen Dr. to CTH NL, and CTH O from CTH HH to CTH R.
 - Second phase of CTH CC project was supposed to be completed this year but is going to be pushed to 2024 due to DNR permitting.

PREPARED BY: Natalie Szews

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– Two bridge replacement projects scheduled for this summer.

1. CTH H over McGaver Creek will be done in late summer.

2. CTH V over Bears Grass Creek is planned to be done in July.

- City of Eau Claire

– Jeffers Rd. is detouring onto Hwy 312 to CTH T which should be done end of July/August.

– Mill and overlay on Fairfax will have minimal impact on USH 12/Clairemont.

8. Discussed increase in high-speed chases in the last 6 months.

9. Discussed CTH T and Country Jam concerns.

- City of Eau Claire is working on traffic control plans with Chippewa County, Town of Wheaton, and Town of Union.

- CTH T project is getting submitted to the state as a Congressional Spending Project.

10. Future Meeting Dates/Times/Agenda Items - Discussion

- Next meetings: Tuesday, July 25 at 9:00 a.m.

– Can send out dashboard reports a week before next meeting.

11. Adjourn at 10:29 a.m.

Respectfully submitted,

Natalie Szews

Natalie Szews, Administrative Associate III
Eau Claire County Highway Department

PREPARED BY: Natalie Szews

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Eau Claire County Traffic Safety Commission Quarterly Informational Slides

Wisconsin Department of Transportation
Division of State Patrol
Bureau of Traffic Safety and Technical Services
Law Enforcement Liaison

April 25, 2023

Daily Fatality Report -- Monday, April 24, 2023

Includes crashes reported by 7:30 a.m. Monday, April 24, 2023

NOTE: 2023 Data is Preliminary

Data in this report is based upon fatalities that result from crashes on public roadways only

Newly Reported Fatalities: 3 Crash(es) 3 Fatality(ies)

Date / Time	County	Location	Role	Age	Sex	Agency
4/23/2023 12:20 AM	MILWAUKEE	STH 190	DRIVER	74	M	MILWAUKEE PD
4/23/2023 12:29 AM	MILWAUKEE	60TH ST S	PASSENGER	18	F	WEST ALLIS PD
4/23/2023 5:57 AM	ROCK	CTH D	DRIVER	55	F	ROCK CO SHERIFF

	Year to Date		Year End	
	Crashes	Fatalities	Crashes	Fatalities
2023	116	121	----	----
2022	138	154	552	600

2023 Interstate Data

	Crashes	Fatalities
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Urban:	3	3
Rural:	8	9

WisDOT Internet site:

<http://wisconsindot.gov/Pages/about-wisdot/newsroom/statistics/fatality.aspx>

2023 Roles

DRIVER	82
MC DRIVER	5
MC PASSENGER	1
PASSENGER	19
PEDESTRIAN	14

Report generated on Monday, April 24, 2023

2022 WI Crash Data

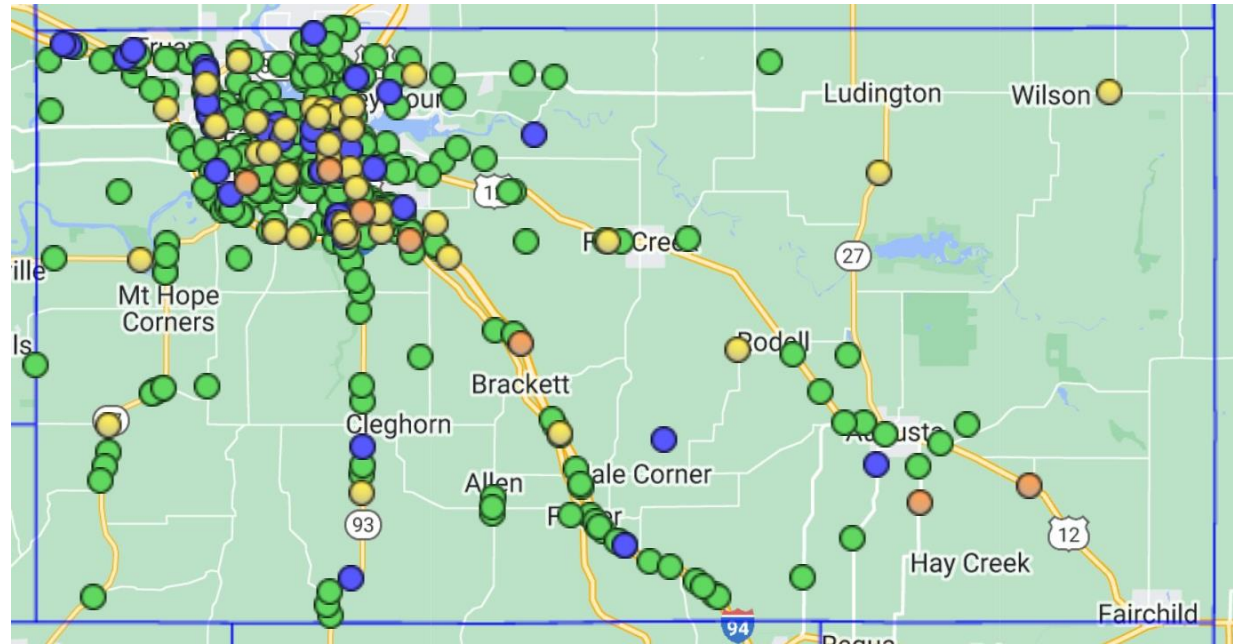
Year-End 2022 Crash Statistics

As of February 20, 2023

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Preliminary 2022	17-21 Avg	% Change from '21	% Change from 5-yr avg
Fatal Crashes	535	491	451	513	524	539	517	511	540	546	556	531	1.8%	4.8%
Injury Crashes	28,453	28,474	28,801	29,845	31,066	30,614	29,959	28,791	23,747	26,209	25,045	27,864	-4.4%	-10.1%
Property Damage Crashes	80,397	89,016	90,484	91,255	97,461	108,717	113,736	115,986	90,410	101,541	103,066	106,078	1.5%	-2.8%
Total Crashes	109,385	118,254	119,736	121,613	129,051	139,870	144,212	145,288	115,694	128,296	128,667	134,672	0.3%	-4.5%
Vehicle Miles Traveled (VMT)	590.872	594.865	600.439	621.403	638.701	653.237	658.840	663.410	574.136	650.029	Not Avail.	639.930	#VALUE!	#VALUE!
Fatality Rate	1.02	0.89	0.83	0.89	0.92	0.91	0.87	0.83	1.03	0.92	Not Avail.	0.91	#VALUE!	#VALUE!
A-Injury Crashes	2,902	2,682	2,446	2,499	2,498	2,931	2,714	2,621	2,651	2,880	2,738	2,759	-4.9%	-0.8%
Total Persons Killed	601	527	498	555	588	594	576	551	593	595	600	582	0.8%	3.1%
Total Persons Injured	39,370	39,872	39,701	41,653	43,669	42,178	41,124	39,723	32,373	35,676	33,789	38,215	-5.3%	-11.6%
Total Serious (A) Injuries**	3,582	3,309	2,986	2,999	3,039	3,492	3,212	3,133	3,186	3,473	3,211	3,299	-7.5%	-2.7%
Alcohol-Related Crashes	5,024	4,954	4,932	5,174	5,153	6,151	6,255	6,058	6,050	6,368	6,225	6,176	-2.2%	0.8%
Alcohol-Related Fatalities	223	185	162	190	143	169	160	140	167	166	155	160	-6.6%	-3.4%
Alcohol-Related Injuries	2,907	2,660	2,694	2,872	2,933	3,303	3,292	2,918	3,120	3,234	3,005	3,173	-7.1%	-5.3%
Alcohol-Related A-Injuries**	508	488	439	491	501	751	718	666	752	736	659	725	-10.5%	-9.1%
Drug-Related Crashes	732	718	670	815	762	1,746	1,724	1,749	2,250	2,094	1,819	1,913	-13.1%	-4.9%
Drug-Related Fatalities	160	105	107	149	118	72	59	59	80	74	64	69	-13.5%	-7.0%
Drug-Related Injuries	548	491	474	582	475	1,187	1,198	1,099	1,412	1,309	1,141	1,241	-12.8%	-8.1%
Drug-Related A-Injuries**	118	86	90	107	87	243	246	233	294	292	267	262	-8.6%	2.1%
Impaired Driving Related Crashes	5,472	5,433	5,368	5,704	5,671	7,090	7,137	6,938	7,261	7,375	7,042	7,160	-4.5%	-1.7%
Impaired Driving Related Fatalities	320	248	212	271	201	200	186	168	212	197	184	193	-6.6%	-4.5%
Impaired Driving Related Injuries	3,258	3,018	2,996	3,270	3,266	3,989	3,948	3,507	3,861	3,883	3,552	3,838	-8.5%	-7.4%
Impaired Driving Related A-Injuries**	578	548	486	558	555	870	837	768	905	876	785	851	-10.4%	-7.8%
Speed-Related Crashes	16,169	21,290	20,887	17,811	19,540	19,182	20,061	21,813	15,995	17,597	17,875	18,930	1.6%	-5.6%
Speed-Related Fatalities	167	156	163	155	186	169	173	163	194	186	162	177	-12.9%	-8.5%
Speed-Related Injuries	7,063	8,037	8,114	7,646	8,250	7,975	8,010	8,398	6,826	6,871	6,531	7,616	-4.9%	-14.2%
Speed-Related A-Injuries**	830	880	778	777	820	1,035	948	962	1,030	1,055	918	1,006	-13.0%	-8.7%
Hit & Run Related Crashes	11,224	12,045	12,360	13,559	14,658	18,646	19,518	19,778	18,480	21,377	20,235	19,560	-5.3%	3.5%
Hit & Run Related Fatalities	16	17	14	34	23	36	25	21	27	26	34	27	30.8%	25.9%
Hit & Run Related Injuries	2,474	2,443	2,509	2,898	3,047	2,903	2,891	2,686	2,588	2,835	2,463	2,781	-13.1%	-11.4%
Hit & Run Related A-Injuries**	128	157	119	150	172	241	191	194	233	251	207	222	-17.5%	-6.8%
Motorcycle Crashes	2,630	2,150	2,101	2,221	2,250	2,206	1,967	1,806	2,104	2,082	1,921	2,033	-7.7%	-5.5%
Motorcyclists Killed	112	83	67	80	82	76	81	82	112	120	80	94	-33.3%	-15.1%
Motorcyclists Injured	2,398	1,927	1,914	1,906	1,973	1,955	1,693	1,537	1,796	1,738	1,606	1,744	-7.6%	-7.9%
Motorcyclist A-Injuries**	643	523	492	493	477	619	536	482	581	629	602	569	-4.3%	5.7%

2023 YTD Crashes

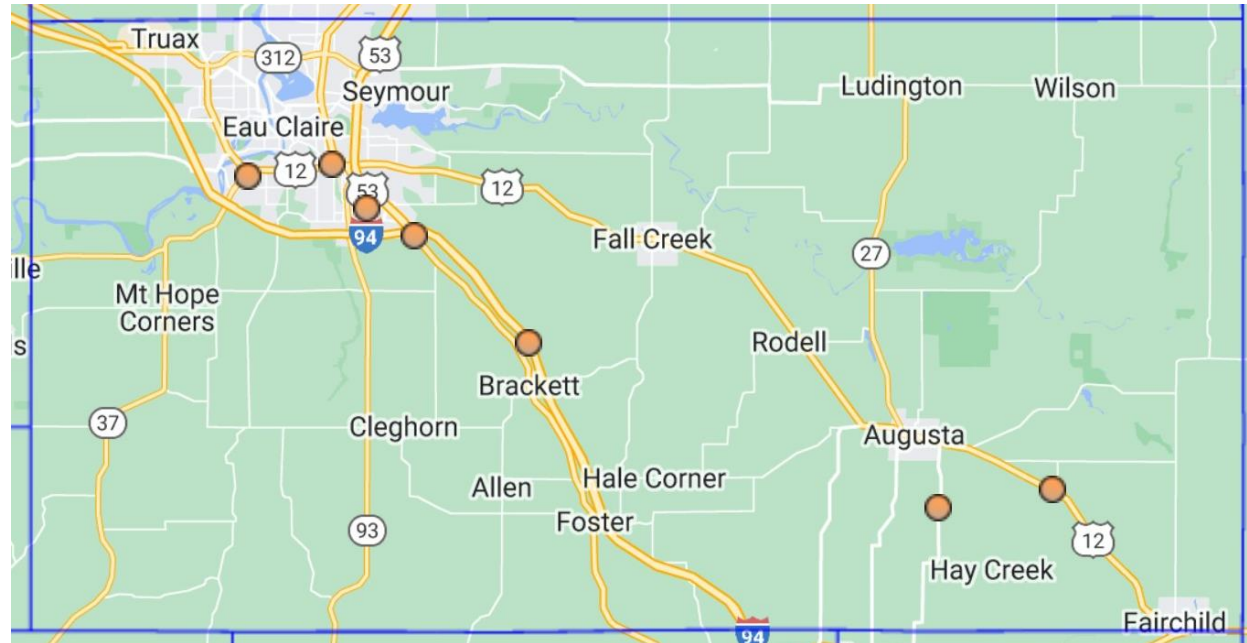
There were **646** total crashes reported resulting in **0** fatalities and **133** injuries. Of this total, **644** crashes are mapped. [\[More\]](#)



2023 YTD Fatal and Class A Crashes

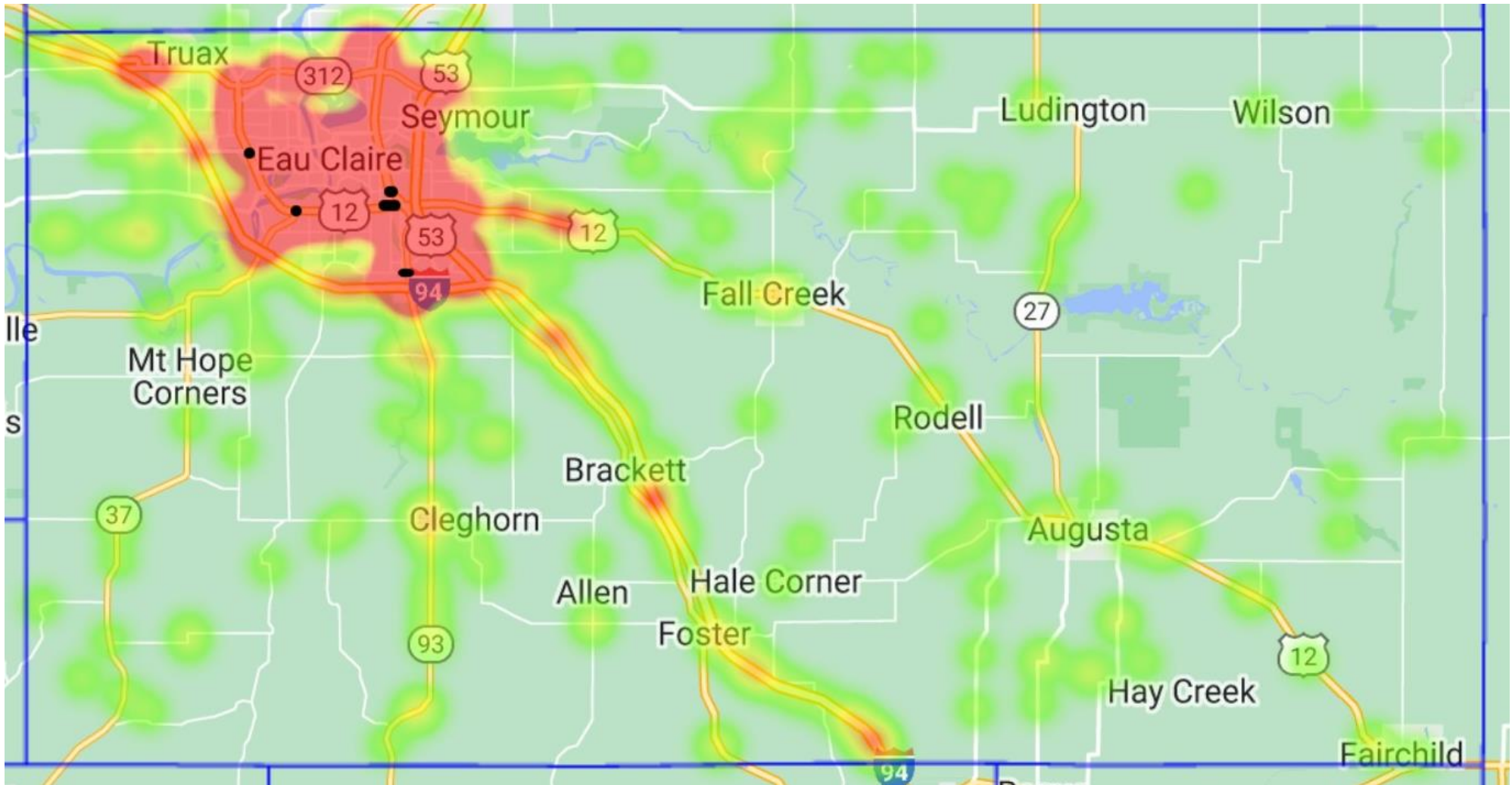
There were **7** total crashes reported resulting in **0** fatalities and **11** injuries. Of this total, **7** crashes are mapped. [\[More\]](#)

- ✓ **2VL0L4FB1X**
053 AT 053
EAU CLAIRE (C), EAU CLAIRE County
(A) Suspected Serious Injury
01/11/2023
Flags: Government Property, Impaired, Occp Protection, Speed, Winter Road, Aggressive, Intersection, Lane Depart 1U **1**
- ✓ **2VL0L4FB22**
012 AT FAIRFAX ST
EAU CLAIRE (C), EAU CLAIRE County
(A) Suspected Serious Injury
01/20/2023
Flags: Pedestrian, 65+ Driver, Intersection **2**
- ✓ **KRL11NLHPO**
094 AT J BERNHARDT RD
WASHINGTON (T), EAU CLAIRE County
(A) Suspected Serious Injury
02/04/2023
Flags: Government Property, Lane Depart 1U **3**
- ✓ **2VL0K4SFKG**
037 AT CRAIG RD
EAU CLAIRE (C), EAU CLAIRE County
(A) Suspected Serious Injury
02/24/2023
Flags: Winter Road, Intersection **4**
- ✓ **2VL0K4SFKH**
DAMON ST AT OAKWOOD HILLS PKWY
EAU CLAIRE (C), EAU CLAIRE County
(A) Suspected Serious Injury
02/24/2023
Flags: Winter Road, Intersection **5**
- ✓ **2WL09LVN11**
012 AT KEMPTON RD
FAIRCHILD (T), EAU CLAIRE County
(A) Suspected Serious Injury
04/06/2023
Flags: Occp Protection, Lane Depart 1U **6**
- ✓ **2WL09B7D71**
M AT OAK RIDGE RD
BRIDGE CREEK (T), EAU CLAIRE County
(A) Suspected Serious Injury
04/12/2023
Flags: Government Property, Lane Depart 1U **7**



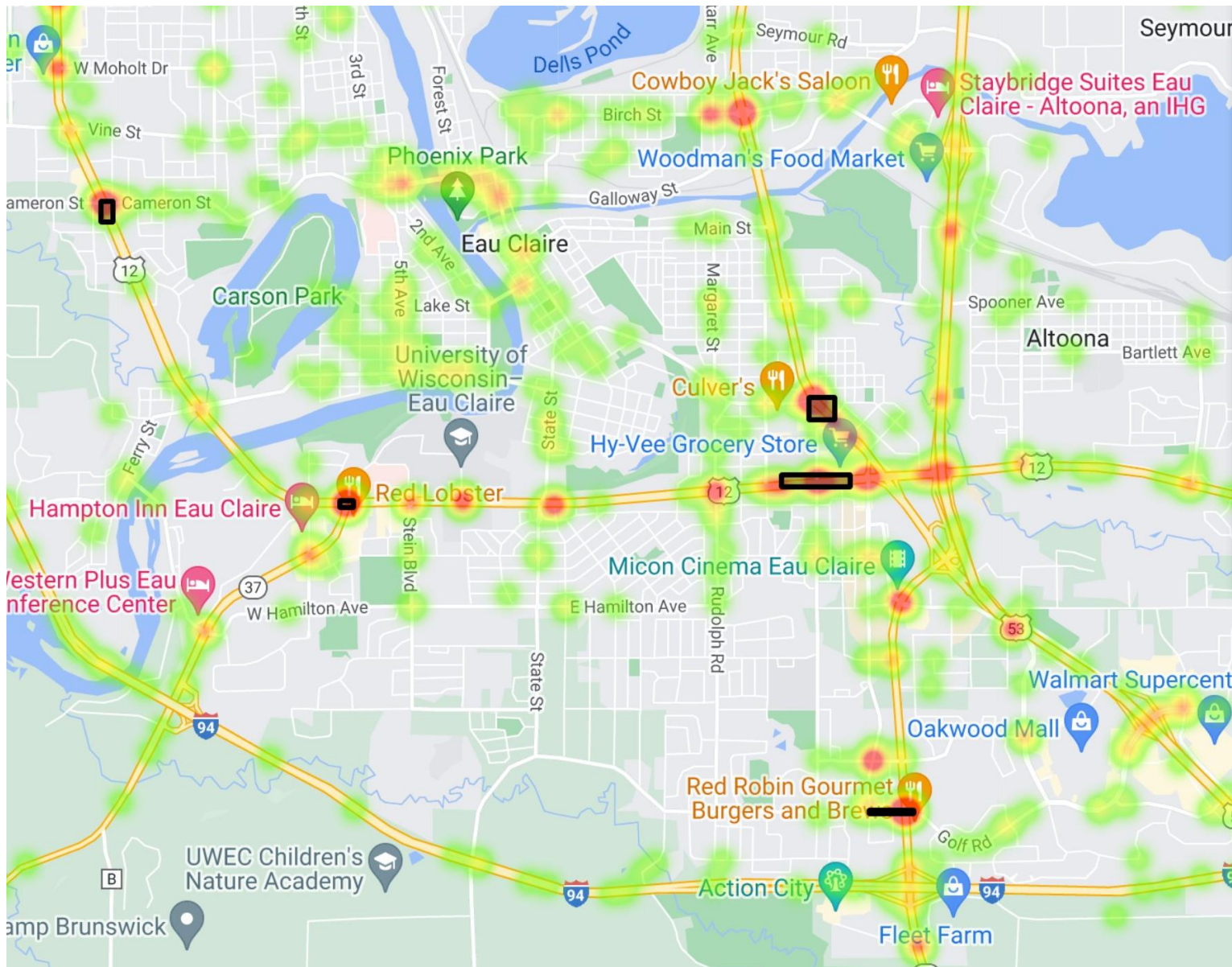
Predictive Analytics

Top 5 county high crash probability locations based on previous three years worth of (KABC) crash data (County Wide).



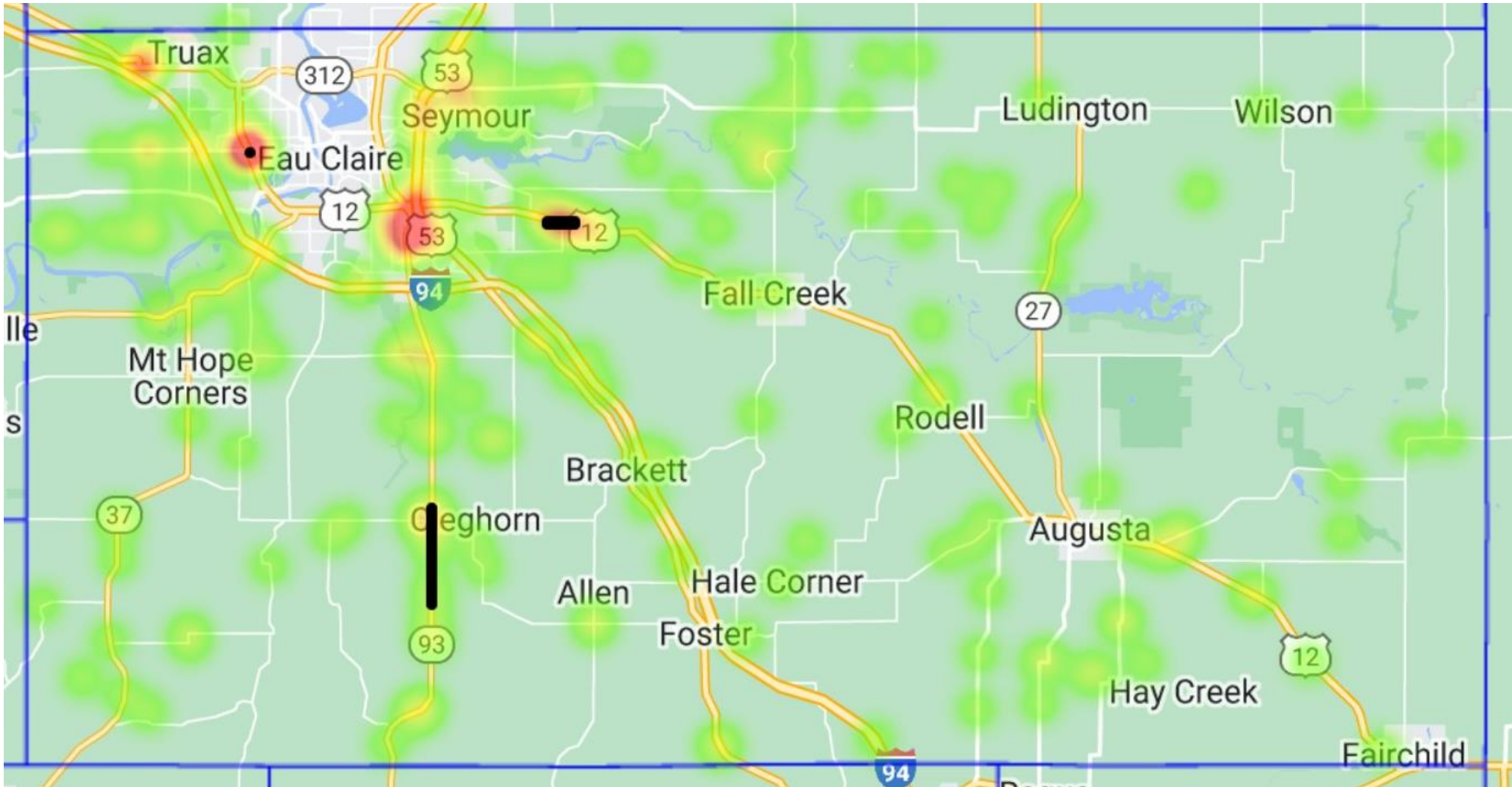
Predictive Analytics

Top 5 county high crash probability locations based on previous three years worth of (KABC) crash data (County Wide).



Predictive Analytics

Top 3 county high crash probability locations based on previous three years worth of (KABC) crash data (Eau Claire Co SO Written Crashes).





Engineering

Law Enforcement

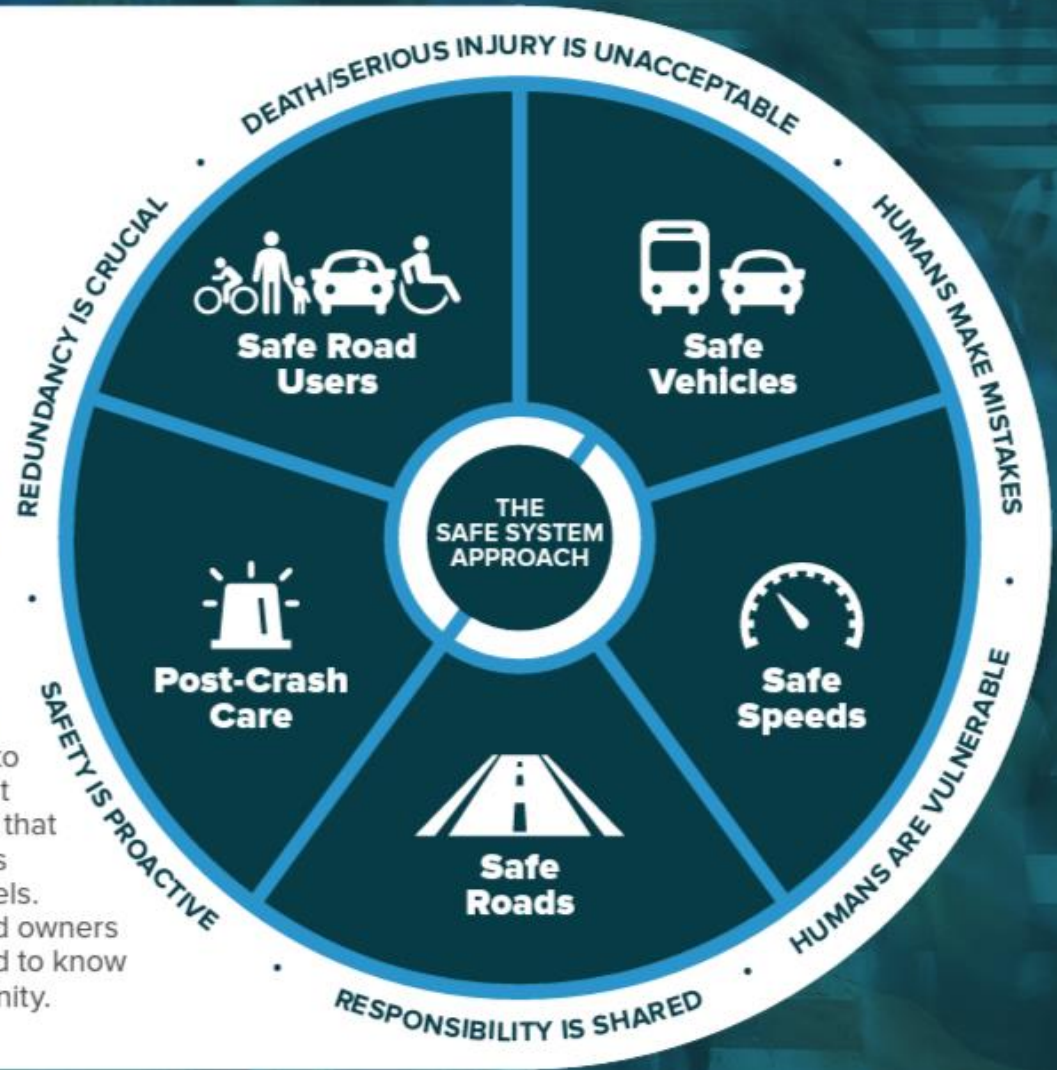


SAFE SYSTEM

APPROACH

Zero is our goal. A Safe System is how we will get there.

Imagine a world where nobody has to die from vehicle crashes. The Safe System approach aims to eliminate fatal & serious injuries for all road users. It does so through a holistic view of the road system that first anticipates human mistakes and second keeps impact energy on the human body at tolerable levels. Safety is an ethical imperative of the designers and owners of the transportation system. Here's what you need to know to bring the Safe System approach to your community.



SAFE SYSTEM PRINCIPLES



Death/Serious Injury is Unacceptable

While no crashes are desirable, the Safe System approach prioritizes crashes that result in death and serious injuries, since no one should experience either when using the transportation system.



Humans Make Mistakes

People will inevitably make mistakes that can lead to crashes, but the transportation system can be designed and operated to accommodate human mistakes and injury tolerances and avoid death and serious injuries.



Humans Are Vulnerable

People have limits for tolerating crash forces before death and serious injury occurs; therefore, it is critical to design and operate a transportation system that is human-centric and accommodates human vulnerabilities.



Responsibility is Shared

All stakeholders (transportation system users and managers, vehicle manufacturers, etc.) must ensure that crashes don't lead to fatal or serious injuries.



Safety is Proactive

Proactive tools should be used to identify and mitigate latent risks in the transportation system, rather than waiting for crashes to occur and reacting afterwards.



Redundancy is Crucial

Reducing risks requires that all parts of the transportation system are strengthened, so that if one part fails, the other parts still protect people.



The following Traffic Safety Commission (TSC) resources are available:

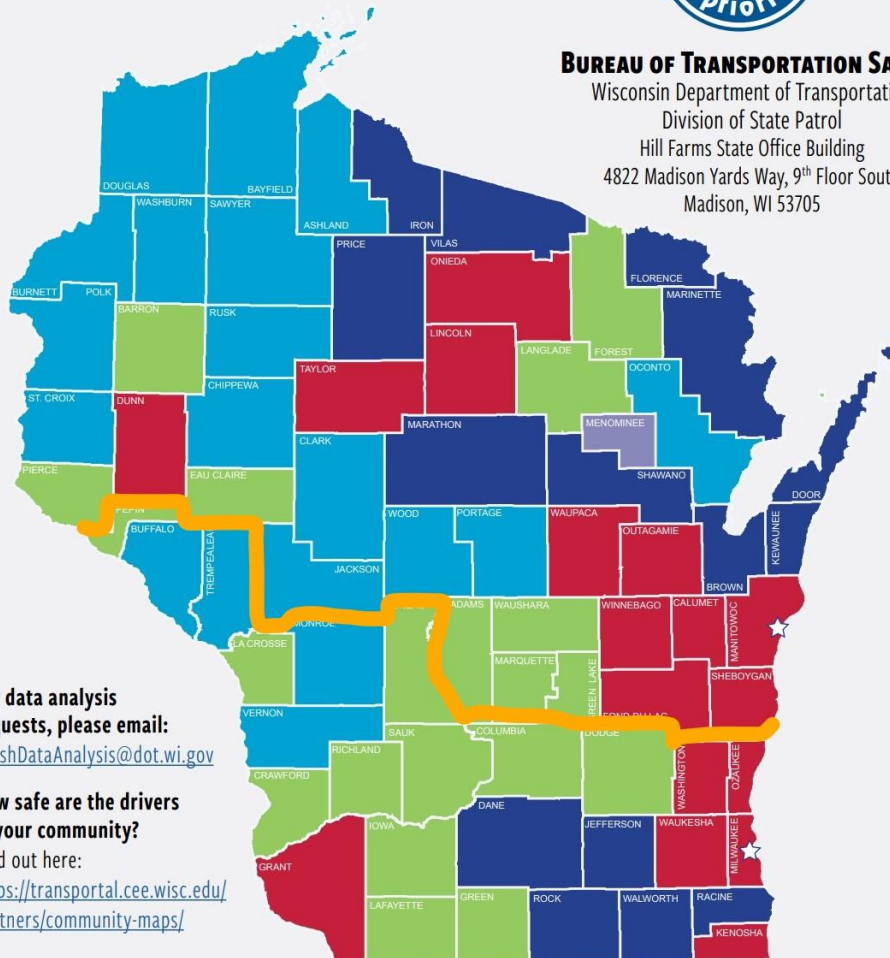


Name	Description	Version
Regional Contact Information	For information about where and when your TSC meets, please contact one of the WisDOT Bureau of Transportation Safety (BOTS) Statewide Law Enforcement Liaisons (LELs).	October 2022
TSC Guidelines (Revised)	Download the new TSC Guideline document.	October 2021
TSC Master Schedules	Click here for a statewide schedule of Traffic Safety Commission meetings. Please note that meeting dates, times and locations are set by each local TSC, and therefore may change. You are encouraged to contact the local TSC or a LEL to verify meeting information.	
Wisconsin SHSP	The current version of the Wisconsin Strategic Highway Safety Plan (SHSP) articulates strategies for the Wisconsin Department of Transportation and its many partners to address key challenges in the highway safety arena through 2020.	2017-2020
Legislative Summary	This document is produced by DSP/BOTS Analysts to provide our traffic safety partners with information on pending legislation that has an impact on traffic safety. Document is updated weekly.	
Teen Driver Safety Presentation	Customizable Power Point presentation intended for law enforcement to use in Driver's Education classes.	October 2022
Teen Driver Safety Resources	Additional resources to be used as needed in the Teen Driver Safety ppt presentation.	October 2022
	The 2021 statewide seat belt survey showed a 88.1% seat belt usage rate. Curious to know the usage in your neighborhood, school, city? Download the app and conduct a survey! The slideshow here will help you get started.	July 2021
County Profiles	Anatomy of Traffic Safety by county, prepared by WISDOT Bureau of Transportation Safety. <ul style="list-style-type: none"> • 1 - ADAMS • 2 - ASHLAND • 3 - BARRON • 4 - BAYFIELD • 5 - BROWN • 6 - BUFFALO • 7 - BURNETT • 8 - CALUMET • 9 - CHIPPEWA • 10 - CLARK • 11 - COLUMBIA • 12 - CRAWFORD • 13 - DANE • 14 - DODGE • 15 - DOOR • 37 - MARATHON • 38 - MARINETTE • 39 - MARQUETTE • 40 - MILWAUKEE • 41 - MONROE • 42 - OCONTO • 43 - ONEIDA • 44 - OUTAGAMIE • 45 - OZAUKEE • 46 - PEPIN • 47 - PIERCE • 48 - POLK • 49 - PORTAGE • 50 - PRICE • 51 - RACINE 	June 2022

Our Team



BUREAU OF TRANSPORTATION SAFETY
 Wisconsin Department of Transportation
 Division of State Patrol
 Hill Farms State Office Building
 4822 Madison Yards Way, 9th Floor South
 Madison, WI 53705



For data analysis requests, please email: CrashDataAnalysis@dot.wi.gov

How safe are the drivers in your community?
 Find out here: <https://transportal.cee.wisc.edu/partners/community-maps/>

SUPERVISOR

Valerie K. Payne
 4822 Madison Yards Way
 Madison, WI 53705
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valeriek.payne@dot.wi.gov

LAW ENFORCEMENT LIAISONS

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trace@tracefrost.com

Rick Olig
 (920) 979-0459
rick@oligconsulting.net

Daniel Kontos
 (715) 498-6762
IncidentResponseLLC@gmail.com

REGIONAL PROGRAM MANAGERS GRANT PROGRAMS

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 Southern Region**
 4822 Madison Yards Way
 Madison, WI 53705
 (608) 709-0086;
 (608) 572-2584 (mobile)
wesley.starkeyii@dot.wi.gov



If I Can Help...



Trace Frost

Law Enforcement Liaison

Wisconsin Department of Transportation

Bureau of Transportation Safety/Wisconsin State Patrol

trace@tracefrost.com

[920-382-2424](tel:920-382-2424)

Stay Healthy and Safe

Proposed Legislation Introduced in the Assembly (AB)/Senate (SB)

SB-25/AB-50, Property Theft: Under current law, theft of property valued at up to \$2,500 is a Class A misdemeanor, and theft of property valued at more than \$2,500 but not more than \$5,000 is a Class I felony. Under this bill, theft of property valued at up to \$1,000 is a Class A misdemeanor, and theft of property valued at more than \$1,000 but not more than \$5,000 is a Class I felony.

Currently in Wisconsin, the penalty for a Class A misdemeanor is a fine of up to \$10,000 or imprisonment for up to nine months, or both, and the penalty for a Class I felony is a fine of up to \$10,000 or imprisonment for up to three years and six months, or both. [SB-25: Sen. Jacque, R – DePere / AB-50: Rep. Binsfeld, R - Sheboygan]

SB 60, Title Transfer: Under current law, the Department of Transportation issues a certificate of title to a new owner of a vehicle after ownership of the vehicle is transferred. The new owner pays a \$157 fee for a certificate of title after a transfer and a \$7.50 supplemental title fee. Currently, these two fees are waived when a vehicle is transferred upon a person's death to his or her spouse or domestic partner.

Under this bill, these two fees are also waived when a vehicle is transferred upon a person's death to an immediate family member of the decedent. "Immediate family member" is defined under the bill as "a spouse, grandparent, parent, sibling, child, stepchild, stepparent, or grandchild, or the spouse of a grandparent, parent, sibling, child, stepchild, stepparent, or grandchild." [SB-60: Sen. Cowles, R – Green Bay]

SB-65/AB-75, Animal Abuse: Under current law, a person who commits an act of animal abuse is subject to a Class C forfeiture, unless the animal abuse results in the mutilation, disfigurement, or death of the animal, in which case the person is guilty of a Class I felony. Under current law, animal abuse means treating an animal in a cruel manner, but the prohibition on animal abuse does not prohibit normal and accepted veterinary practices.

Under this bill, the prohibition on animal abuse does not apply to an injury sustained by a dog while training or hunting with dogs in the manner authorized by the Department of Natural Resources or to the care and treatment of the injury if the injury is treated as soon as is practicable under the circumstances. Under the bill, a person who commits an act of animal abuse is guilty of a Class H felony if the animal abuse results in grievous bodily harm to or the death of the animal and is guilty of a Class I felony if the person knows or reasonably should know that the animal abuse may result in grievous bodily harm to or the death of an animal, regardless of whether grievous bodily harm or death occurs.

Under current law, a court may order that a person who commits an act of animal abuse may not own, possess, or train any animal or type or species of animal for a period specified by the court, but not to exceed five years. Under the bill, the court is required to enter an order that a person who commits an act of animal abuse may not reside with, own, possess, or train any animal of the type involved in the violation, and may also enter such an order pertaining to other animals. Under the bill, if the person is convicted of a misdemeanor violation, the ordered period specified by the court may be up to five years, and if the person is convicted of a felony violation, the ordered period specified by the court may be up to fifteen years. [SB-65: Sen. Wanggaard, R – Racine / AB-75: Rep. Spiros, R - Marshfield]

Legislative Proposals of Interest to DSP/Law Enforcement **2023-2024 Legislative Session (Current as of 4-21-23)**

SB-73/AB-79, Prostitution Surcharge: Under current law, the court must impose on a defendant who has been found guilty of a criminal offense certain surcharge, which are in addition to any applicable fines, costs, and fees. For instance, the court must impose a crime victim and witness assistance surcharge in an amount of \$67 for each conviction of a misdemeanor count and in an amount of \$92 for each conviction of a felony count. The surcharge amounts collected reimburse counties for services provided to victims and witnesses of crimes.

This bill creates a \$5,000 surcharge to be imposed on persons who are convicted of patronizing or soliciting prostitutes, pandering, or keeping a place of prostitution. Under the bill, the surcharge amounts collected are used for treatment and services for sex-trafficking victims and for criminal investigative operations and law enforcement relating to Internet crimes against children. [SB-73: Sen. Jacque, R – DePere / AB-79: Rep. Bodden, R - Hilbert]

SB-77/AB-81, Failure to Wear Safety Belt Damages: This bill eliminates the cap on the amount that recovery for injuries or damages may be reduced for failure to wear a safety belt. Under current law, evidence of whether an individual complied with the requirement to wear a safety belt for the operator of the motor vehicle and passengers is admissible in a civil action for injuries or damages resulting from the use or operation of a motor vehicle. If the individual failed to wear a safety belt, the recovery for injuries or damages may be reduced by the amount determined to be caused by the failure to wear a safety belt, but the reduction may not be more than 15 percent.

The bill allows the reduction in recovery but eliminates the 15-percent limit. Under current law and under the bill, the calculation in reduction of recovery for failure to wear a safety belt does not affect the determination of causal negligence in the civil action. [SB-77: Sen. James, R – Altoona / AB-81: Rep. Spiros, R - Marshfield]

SB-79/AB-84, Possession of Vicious Dogs: Current law imposes certain restrictions on felony offenders. A person is a felony offender if any of the following applies: 1) he or she has been found guilty of a felony; 2) he or she has been adjudicated delinquent as a juvenile for an act that would have been a felony if it had been committed by an adult; or 3) he or she has been found not guilty of a felony by reason of mental disease, defect, or illness.

This bill prohibits certain felony offenders from possessing, controlling, or residing with a vicious dog, as determined by a humane officer or a law enforcement officer using criteria specified in the bill. The prohibition applies to persons whose status as felony offenders is due to committing an act that is classified under the bill as a serious felony, which includes homicide, felony battery, sexual assault, and felonies involving controlled substances. A person who violates the prohibition may be fined up to \$10,000 or imprisoned for up to nine months, or both. If a person violates the prohibition, and a person or an animal suffers great bodily harm or death as a result, the person may be fined up to \$10,000 or imprisoned for up to three years and six months, or both. If a person violates the prohibition, and a person suffers great bodily harm or death as a result and the offender knowingly allowed the dog to run loose or failed to take steps to control the dog, the person may be fined up to \$10,000 or imprisoned for up to six years, or both. The prohibition applies to a person for as long as the person is on extended supervision, parole, or probation for committing the serious felony or for 10 years following any of the following: 1) any period of incarceration imposed for the serious felony; 2) the conviction for the serious

Legislative Proposals of Interest to DSP/Law Enforcement
2023-2024 Legislative Session (Current as of 4-21-23)

felony if the penalty does not include a period of incarceration; 3) the delinquency adjudication for the serious felony; or 4) the finding of not guilty of the serious felony by reason of insanity or mental disease, defect, or illness.

This bill allows a person to request an exemption from the prohibition if the exemption is reasonably needed to earn a livelihood or as a condition of employment and will not endanger public safety. A person seeking an exemption must file a motion in the circuit court for the county in which he or she will possess, control, or reside with the vicious dog. The person must provide a copy of the motion to the district attorney for that county, who must in turn make a reasonable attempt to contact local law enforcement agencies to inform them of the request and to solicit any information that may be relevant to whether the request should be granted. [SB-79: Sen. Jacque, R – DePere/ AB-84: Rep. Gustafson, R - Neenah]

SB-107/AB-85, Automated Speed Enforcement: This bill would allow law enforcement agencies in a first-class city (presently only Milwaukee) to use an automated speed enforcement system (ASES) to identify speed limit violations and allows the leadership of a first-class city to enact an ordinance that permits the use of a traffic control photographic system (TCPS) on highways under the jurisdiction of the city to identify traffic signal violations.

This bill also authorizes the leadership of a first-class city to enact an ordinance that permits the use of a TCPS on highways under the jurisdiction of the city to detect motor vehicles that fail to properly stop at red traffic signals at intersections. A TCPS is an electronic system that automatically produces photographs of motor vehicles traveling through an intersection.

The bill also specifies that for a law enforcement agency to use an automated speed enforcement system that they must:

- 1) Clearly identify the presence of a system by signs stating, “Photo Enforced,” along with the posted speed limit. The signs shall be visible to traffic traveling on the highway from the direction of travel for which the system is used and shall be posted at all locations the department determines are necessary to provide adequate notice of the presence of a system.
- 2) Identify the streets or portions of streets for which the use of a system has been approved and the hours of enforcement on the local law enforcement agency's website. The information under this subdivision shall be updated whenever the local law enforcement agency change’s locations that are enforced with a system or hours of enforcement.
- 3)
 - a. Use law enforcement officers or other trained designated employees to oversee the operation of systems and maintain control over all enforcement activities, including the determination of when a citation should be issued.
 - b. Properly train law enforcement officers and other designated employees in the use of a system, including the operation, set-up, and testing of a system deployed by the law enforcement agency, and the enforcement of traffic and speeding laws.
 - c. Retain documentation demonstrating the successful completion of required training by a law enforcement officer or designated employee who oversees the operation of a system and enforcement activities.

Legislative Proposals of Interest to DSP/Law Enforcement
2023-2024 Legislative Session (Current as of 4-21-23)

- 4) Ensure that the system is regularly inspected and certify that the system is installed and operating properly. Each camera unit shall be calibrated in accordance with the manufacturer's instructions, and, at least once a year, each camera unit shall be calibrated by an independent calibration laboratory. The municipality shall retain documentation of the regular inspection, operation, and calibration of a system until the date on which the system has been permanently removed from use.
- 5) Use a system that provides real-time notification when violations are detected
- 6) Administer a public information campaign for at least 30 days before the commencement of use of a system. The campaign shall include public announcements in major media outlets and press releases.
- 7) Issue warning notices rather than citations for violations detected by a system during the first 90 days during which a system is used under this section. Whenever a system is first used on a highway, the local law enforcement agency shall issue warning notices rather than citations for violations detected by the systems during the first 90 calendar days of enforcement.

The bill also specifies that after 2 and 5 years that an assessment will be conducted on the system's impact on highway safety and the economic impact on communities where the system is used. [SB-107: Sen. Johnson, D – Milwaukee / AB-85: Rep. Myers, D - Milwaukee]

AB-105/SB-109: ATV/UTV on Highways: Under current law, the operation of all-terrain vehicles (ATVs) or utility terrain vehicles (UTVs) on any freeway that is part of the federal system of interstate and defense highways and on any part of any other freeway is prohibited unless the Department of Transportation authorizes that use. Current law also generally prohibits operation of an ATV or UTV on all other highways, with various exceptions.

Under current law a “highway” includes all public ways and thoroughfares and all bridges on those public ways and thoroughfares, and a “freeway” is a highway with full control of access and with all crossroads separated in grade from the pavements for through traffic. Current law exempts from these freeway and highway prohibitions the operator of an ATV or UTV owned by a municipality, state agency, or public utility, or by the Great Lakes Indian Fish and Wildlife Commission, while engaged in an emergency or if the operation is directly related to the functions of that entity, unless safety requires strict adherence to the restrictions. This bill adds the operator of an ATV or UTV owned by an electric cooperative to this exemption. [SB-109: Sen. Quinn, R – Cameron]

SB-119, Informant Records: Current law prohibits a law enforcement agency from disclosing records or parts of records in response to a public records request that, if disclosed, would identify a confidential informant of a law enforcement agency. Current law provides an exception to that nondisclosure requirement if the records custodian determines that the public interest in disclosing the record outweighs the harm done to the public interest by providing access to the record.

This bill extends that nondisclosure requirement concerning the personally identifiable information of confidential law enforcement informants to records or parts of records maintained by any official or body subject to the public records law, not just law enforcement agencies. [SB-119: Sen. Wanggaard, R – Racine]

Legislative Proposals of Interest to DSP/Law Enforcement **2023-2024 Legislative Session (Current as of 4-21-23)**

[SB-130/AB-127 Remote and Delivery Alcohol Retail Sales:](#) This bill allows most alcohol beverage retailers to make online or telephone sales of alcohol beverages to be picked up by the customer at parking spaces that are part of the retail licensed premises or to be delivered by the retailer or a delivery service. The bill also prohibits municipalities from imposing by ordinance additional restrictions on these sales for pickup and creates an alcohol delivery permit issued by the Department of Revenue.

The licensed retailer is allowed to fill an online or telephone order for the sale and delivery of alcohol beverages only if all the following apply:

- 1) the products ordered are delivered to the customer by the retailer, by a delivery service under common ownership with the retailer, or by a delivery service that is independent of the retailer and derives less than 50 percent of its annual revenues associated with food and beverage delivery from the delivery of alcohol beverages (third-party delivery service);
- 2) the retailer, delivery service under common ownership with the retailer, or third-party delivery service making delivery holds an alcohol delivery permit issued by DOR (discussed further below);
- 3) the products delivered are sold in original, unopened packages or containers, except that a "Class B" licensed retailer may deliver or have delivered intoxicating liquor sold in tamper-evident, licensee-sealed containers (commonly known as cocktails-to-go);
- 4) full payment for the order is made at the time the order is placed, although a delivery tip is permitted;
- 5) at the time the order is placed, the customer asserts that the customer is at least 21 years of age and not intoxicated
- 6) delivery is completed during hours in which the retailer is allowed to make sales for off-premises consumption
- 7) at the time of delivery and prior to transferring possession of the alcohol beverages to the customer, the individual making delivery examines the customer's identification, verifies visually and by using electronic scanning technology that the customer is at least 21 years of age, and creates a record of this age verification. Age verification records must be retained by the retailer that sold the alcohol beverages for three years. An individual may not deliver alcohol beverages to a customer unless the individual is at least 21 years of age and has successfully completed a responsible beverage server training course or comparable course.

Alcohol beverages may not be delivered to a person who is less than 21 years of age or visibly intoxicated. If alcohol beverages are delivered by a third-party delivery service or a delivery service under common ownership with the retailer to an underage person, the delivery service is liable for the violation, and the retailer is not liable if the customer asserted when placing the order that he or she is at least age 21 and not intoxicated.

The bill also prohibits a retailer from 1) entering into an agreement with a producer or wholesaler restricting availability of, or giving availability preferences for, alcohol beverage products offered for sale and delivery by means of remote delivery orders; and 2) charging different prices for these products in comparison with the prices of the same products sold in a face-to-face transaction on the licensed premises, although a retailer may charge an additional fee for delivery. [SB-130: Sen. Stroebel, R – Saukville / AB-127: Rep. Duchow, R - Delafield]

[SB-150/AB-167, Ignition Interlock Restricted License:](#) This bill draft would make numerous changes to the state's IID statutes including creating a new license called Ignition Interlock Restricted License (IIRL).

Legislative Proposals of Interest to DSP/Law Enforcement 2023-2024 Legislative Session (Current as of 4-21-23)

A person who commits their first OWI offense with a BAC below 0.15 and a person who fails a chemical test or refuses a test would have the option of applying for an occupational license or an IIRL. In many cases a person would be able to apply for an IIRL sooner than they could apply for an occupational license. The waiting periods for the IIRL would be different than an occupational license. In other cases, a person who is not eligible for an occupational license might be eligible for an IIRL. A person applying for an IIRL would have to satisfy the required waiting period, prove that a functioning IID has been installed in their vehicle, show compliance with any court-ordered assessment and driver safety plans, and pay applicable fees. The bill would also make changes to the fees and imprisonment requirements for those who operate a vehicle not equipped with an IID in violation of their restricted operating privilege. Further with each violation the person's operating privilege would be restricted an additional six months. [SB-150: Sen. Jacque, R – DePere / AB-167: Rep. Murphy, R - Greenville]

SB-209, Law Enforcement Training Reimbursement: This bill draft would increase the reimbursement rate from the Law Enforcement Standards Board (LESB) to political subdivisions for costs associated with annual recertification for law enforcement officers from at least \$160 to at least \$320 per officer. Further, the bill would require the LESB to reimburse for the costs of preparatory training that were paid by an individual who completed the training and subsequently became a certified law enforcement officer, jail officer, or juvenile detention officer in addition to the costs that were paid by a political subdivision on behalf of a recruit. The bill would also require the Office of School Safety (OSS) in DOJ to develop standards and approve a certified training program for school resource officers. School resource officers would then be required to complete the training. The OSS would also be required to create a database of school resources officers and the status of their training. [SB-209: Sen. Jacque, R – DePere / Rep. Krug, R – Nekoosa]

SB-216, ATV Whip Lights: This bill draft would authorize the use of whip lights on ATV/UTVs using any color other than flashing red or blue. Whip light would be defined as a series of lights arranged vertically along a flexible rod that is attached to an ATV/UTV so that the emitted light is visible from any direction.

Under current law ATV/UTVs cannot be equipped with any of the following: 1) any color of light other than white or amber visible from the front; 2) any color of light other than red, yellow, amber, or white that is visible from the rear; or 3) any flashing, oscillating, or rotating light in a color other than yellow or amber. [SB-216: Sen. Stafsholt, R - New Richmond]

SB-217, ATV Passengers: Under current law, it is unlawful to ride on an ATV/UTV on a part of the ATV or UTV that is not designed for use by passengers. It is also unlawful to operate an ATV or UTV with such a passenger. This bill draft provides that these restrictions do not apply to an ATV with one passenger in a second seated position. [SB: 217: Sen. Stafsholt, R - New Richmond]

Proposed Legislation in the Public Hearing Process

SJR-13/ AJR-15, Police and Fire Fund (First Consideration): (SJR-13, Public Hearing 3/21/23) Under current law, a communications provider is required to collect from each subscriber of a communications service a monthly fee of 75 cents on each communications service connection with an assigned

Legislative Proposals of Interest to DSP/Law Enforcement **2023-2024 Legislative Session (Current as of 4-21-23)**

telephone number, including a communications service provided via a voice over Internet protocol (VoIP) connection. The communications provider must identify the fee as a “charge for funding countywide 911 systems plus police and fire protection fee.” The fee is commonly referred to as the “police and fire protection fee.” The fee is administered by the Public Service Commission, and the revenue from the fee is deposited in the police and fire protection fund. Under current law, most of the revenue from the police and fire protection fund is used to make county and municipal aid payments.

This constitutional amendment, proposed to the 2023 legislature on first consideration, requires that revenues from a police and fire protection fee be deposited into a police and fire fund and used only for expenses related to updating the 911 service infrastructure. The amendment also requires the Department of Military Affairs to administer the fee. [SJR-13: Sen. Jacque, R – DePere / AJR-15: Rep. Sortwell, R – Two Rivers]

SB-97/AB-89, Traffic Penalties, Highway Maintenance Workers: (SB: 97, Public Hearing 3/28/23) Under current law, the amount of any applicable minimum and maximum fine or forfeiture is doubled for specified traffic violations committed where persons working in a highway maintenance or construction area are at risk from traffic. These traffic violations include failing to follow certain traffic signs and signals, failing to follow certain orders of traffic officers, exceeding certain maximum speed limits, and driving recklessly. Currently, “highway maintenance or construction area” is defined as the section of highway between the first highway maintenance or construction warning sign and either 1) a sign indicating the end of the maintenance or construction work; or 2) in the case of a moving vehicle engaged in the maintenance or construction work, the section of roadway where traffic may return to normal flow without impeding the maintenance or construction work.

Under this bill, “highway maintenance or construction area” is defined to include the roadway adjacent to which roadside cleanup or maintenance work is being performed. In the case of highway cleanup work or roadside cleanup or maintenance work, including the collection of litter, the highway construction or maintenance area extends from the first advance warning sign to the furthest location at which cleanup or maintenance workers are working. [SB-97: Sen. Tomczyk, R – Mosinee / AB-89: Rep. Penterman, R - Columbus]

SB-120, Public Safety Health Care: (SB-120, Public Hearing 3/28/23) Under current law, municipal employees who are public safety employees, such as police officers, fire fighters, and emergency medical service providers for emergency medical services departments, may bargain collectively over wages, hours, and conditions of employment. Public safety employees, however, may not bargain over a subject that is identified as a prohibited subject of bargaining. Under current law, all costs and payments associated with health care coverage plans and the design and selection of health care coverage plans by a municipal employer for public safety employees, as well as the impact of the costs and payments and the design and selection of the plans on wages, hours, and conditions of employment of public safety employees, are prohibited subjects of bargaining for public safety employees.

This bill clarifies that for purposes of the prohibition against bargaining over the design of a health care coverage plan selected by a municipal employer, design does not include who is covered by the health care coverage plan. In other words, public safety employees may bargain with a municipal employer about who will be covered by a health care coverage plan selected by the municipal employer. In

Legislative Proposals of Interest to DSP/Law Enforcement **2023-2024 Legislative Session (Current as of 4-21-23)**

addition, this bill clarifies that the initial decision of whether or not to provide health care coverage is a permitted subject of bargaining between a municipal employer and public safety employees. [SB-120: Sen. Wanggaard, R – Racine]

SB-35/AB-33, DOT Emergency Contact Records: (SB-35, Public Hearing 4/12/23) This bill requires the Department of Transportation to inquire whether an applicant for an operator's license or vehicle registration wants to provide specified emergency contact information to DOT. If an applicant provides emergency contact information, DOT must record that information in DOT's file for the applicant. DOT must provide a method for a law enforcement agency that identifies a person to electronically request and automatically receive the emergency contact information recorded in the person's file. [SB-35: Sen. James, R – Altoona / AB-33: Rep. Oldenburg, R - Viroqua]

SB-123, Probationary License: (SB-123, Public Hearing 4/12/23) Under current law, a probationary license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. Currently, the following persons are exempt from this requirement: 1. Certain persons who have been licensed by another jurisdiction. 2. Persons who are issued a commercial driver license. 3. Persons entitled to a regular license under a foreign license reciprocity agreement.

Those who are exempt from the probationary license requirement are instead issued a regular license that remains in effect for eight years after the date of issuance. Under this bill, a person who provides to the Department of Transportation documentary proof that the person is enlisted in the U.S. armed forces is also exempt from the probationary license requirement. [SB-123: Sen. Cowles, R – Green Bay]

SB-124/AB-122, Temporary License Plates: (SB-124, Public Hearing 4/12/23) Under current law, with limited exceptions, a vehicle subject to registration by the Department of Transportation may not be operated upon a highway in this state unless the vehicle is registered or an application for vehicle registration has been mailed or delivered to DOT or delivered to a motor vehicle dealer and, except for a vehicle being operated within two business days of its sale or transfer, the vehicle displays a temporary operation plate. Also under current law, DOT must issue certain temporary operation plates, and may issue other temporary operation plates and permits, for unregistered vehicles. Temporary operation plates are generally valid for a period of 90 days or until the person receives regular registration plates, whichever occurs first. Currently, DOT must issue a sufficient number of temporary operation plates and permits to each motor vehicle dealer licensed in this state for issuance to state residents who purchase or lease certain types of motor vehicles, including automobiles and light trucks.

This bill eliminates the requirement that DOT provide physical temporary operation plates and permits to motor vehicle dealers and requires DOT to issue these temporary operation plates and permits to motor vehicle dealers solely in an electronic format.

Current law provides that, if DOT determines that a motor vehicle dealer has misused temporary operation plates or permits or has violated requirements related to the issuance of these plates or permits, DOT may require the dealer to return any unused temporary operation plates or permits. The bill eliminates this consequence and, instead, allows DOT to issue an order prohibiting an erring dealer from issuing temporary operation plates or permits. The bill also provides that a dealer who has misused

Legislative Proposals of Interest to DSP/Law Enforcement **2023-2024 Legislative Session (Current as of 4-21-23)**

temporary operation plates or permits or who has violated requirements related to the issuance of these plates or permits may be required to forfeit not less than \$500 nor more than \$5,000. [SB-124: Sen. Cowles, R – Green Bay / AB-122: Rep. Snyder, R - Schofield]

Proposed Legislation that has Passed out of Committee

AB-54/SB-75, Conditions of Release Changes: (AB-54 Public Hearing 3/2/23, Voted out of Committee 3/7/23) (SB-75 Public Hearing 3/7/23) Under the Wisconsin Constitution, a person accused of a crime is eligible for release before conviction under reasonable conditions designed to do any of the following: 1) assure that he or she will appear in court; 2) protect members of the community from serious bodily harm; or 3) prevent the intimidation of witnesses. The conditions of release may include monetary bail only if the court finds that there is a reasonable basis to believe that bail is necessary to assure that the defendant will appear in court. The Wisconsin Statutes relating to pre-conviction release contain the same language as the constitution.

A proposed amendment to the Wisconsin Constitution, to be given second consideration by the 2023 legislature for submittal to the voters in April 2023, changes these provisions. This bill changes the statutes relating to pre-conviction release to conform to the changes in the proposed constitutional amendment. The bill will take effect when the amendment is ratified by the voters and will be void if the amendment is not ratified by the voters.

The proposed constitutional amendment provides that a defendant is eligible for release before conviction under reasonable conditions designed to protect members of the community from “serious harm as defined by the legislature by law,” not just “serious bodily harm.” The bill defines “serious harm,” as required by the amendment, and harmonizes the statutes with the amended constitutional provision to allow the court to set reasonable conditions designed to protect members of the community from serious harm. Under the bill, “serious harm” is defined as any of the following: 1) personal physical pain or injury, illness, any impairment of physical condition, or death, including mental anguish or emotional harm attendant to the personal physical pain or injury, illness, or death; 2) damage to property over \$2,500 in value; or 3) economic loss over \$2,500 in value.

The proposed constitutional amendment also expands the reasons why a court may impose monetary bail on a defendant as a condition of release. Under current law, monetary bail may be imposed only if the court finds that there is a reasonable basis to believe bail is necessary to assure that the defendant will appear in court. The proposed constitutional amendment adds that, if the defendant is accused of a violent crime as defined by the legislature by law, monetary bail may be imposed if the court finds that there is a reasonable basis to believe that bail is necessary based on the totality of the circumstances. The proposed amendment provides that, when considering the totality of the circumstances, the court may take into account whether the defendant has a previous conviction for a violent crime as defined by the legislature by law; the probability that the defendant will fail to appear; the need to protect members of the community from serious harm as defined by the legislature by law; the need to prevent the intimidation of witnesses; and the potential affirmative defenses of the defendant.

Legislative Proposals of Interest to DSP/Law Enforcement **2023-2024 Legislative Session (Current as of 4-21-23)**

The bill defines “violent crime” for this purpose, and it changes the statutes to incorporate the additional reasons that the court may impose monetary bail as a condition of release. The definition of “violent crime” includes crimes such as homicide, aggravated and special circumstances battery, mayhem, sexual assault, false imprisonment, human trafficking, taking of hostages, kidnapping, stalking, disarming a police officer, arson, felony burglary, and carjacking; crimes to which a domestic abuse or dangerous weapon penalty enhancer may be applied; the violation of a domestic abuse, child abuse, or harassment injunction; or the solicitation, conspiracy, or attempt to commit a Class A felony. [SB-75: Sen. Wanggaard, R – Racine / AB-54: Rep. Duchow, R - Delafield]

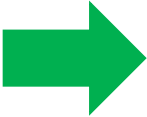
AB-69, School Crime Reporting: (AB-69 Public Hearing 3/2/23, Voted out of Committee 3/8/23) This bill requires each public school, including a charter school, to report any incident that occurs in a school building or on school grounds to local law enforcement. The bill provides that, if 100 or more incidents occur in and on public school buildings and grounds during a school semester, and at least 25 of those incidents result in an arrest, the school must, no later than the first day of the next school year, employ or contract for the employment of a law enforcement officer as an armed school resource officer (SRO) to work at the school. Under the bill, “incident” is a defined term that includes violations of state and municipal disorderly conduct laws and certain crimes, including homicide, sexual assault, burglary, battery, and arson. However, the bill provides that, for purposes of counting the number of incidents that resulted in arrest, “incident” does not include incidents related to use or possession of alcohol, cigarettes, nicotine, tobacco products, or vaping devices. [AB-69: Rep. Rettinger, R – Mukwonago]

Proposed Legislation that has Passed in One or Both Chambers

AB-68/SB-101, Reckless Homicide: (AB-68, Public Hearing Held 2/28/23, Voted out of Committee 3/7/23) (SB-101, Public Hearing 3/14/23, Voted out of Committee 3/16/23, Passed Senate 3-22-23) Under current law, it is a Class C felony to cause the death of another human being by manufacture, distribution, or delivery of, or by administering or assisting in administering, certain schedule I or schedule II controlled substances, controlled substance analogs, or ketamine or flunitrazepam. A Class C felony is punishable by a fine of up to \$100,000 or imprisonment for up to 40 years, or both. This bill increases the penalty for such conduct from a Class C to a Class B felony. A Class B felony is punishable by imprisonment for up to 60 years. [SB-101: Sen. Wanggaard, R – Racine / AB-68: Rep. Allen, R – Waukesha]

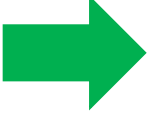
AB-51/SB-78, Law Enforcement Officers: (AB-51, Public Hearing 2/28/23, Voted out of Committee, 3/7/23, Passed Assembly 3/22/23) Under current law, no person may be appointed as a deputy sheriff of any county or police officer of any city, village, or town unless that person is a citizen of the United States. This bill allows the sheriff of a county or the appointing authority of a local law enforcement agency to elect to authorize the appointment of aliens who are the subject of a notice of decision from the federal Department of Homeland Security (DHS) granting deferred action under the Deferred Action for Childhood Arrivals program and who are in receipt of a valid employment authorization from the DHS as deputy sheriffs or police officers. The bill also prevents the law enforcement standards board from preventing such an alien from participating in a law enforcement preparatory training program. [SB-78: Sen. James, R – Altoona / AB-51: Rep. Macco, R - Ledgeview]

Legislative Proposals of Interest to DSP/Law Enforcement
2023-2024 Legislative Session (Current as of 4-21-23)



AB-52/SB-76, Carjacking: (AB-52 Public Hearing 3/2/23, Voted out of Committee 3/7/23) (SB-76, Public Hearing 3/7/23, Voted out of Committee 3/16/23, Passed Senate 3/22/23, Passed Assembly 4/18/23) Under current law, it is a Class C felony to intentionally take a vehicle without the consent of the owner if the person possesses a weapon and uses or threatens to use force or the weapon. It is a Class E felony to intentionally take a vehicle without the consent of the owner if the person uses or threatens to use force. These crimes are commonly known as “carjacking.” The statutes do not currently use this term, and these crimes are organized under the statutory section titled “Operating vehicle without owner's consent.”

This bill reorganizes the carjacking crimes under their own statutory section titled “Carjacking” and changes the statutory references to the carjacking statutes so as to maintain current law. This bill also increases the penalty for carjacking from a Class C felony to a Class B felony if the person possesses a weapon and uses or threatens to use force or the weapon. The penalty for a Class C felony is a fine that is not more than \$100,000 or imprisonment for not more than 40 years, or both. The penalty for a Class B felony is imprisonment for not more than 60 years. [SB-76: Sen. James, R – Altoona / AB-52: Rep. Spiros, R - Marshfield]



AB-55/SB-90, Reckless Driving Penalties: (AB-55, Public Hearing 2/28/23, Voted out of Committee 3/7/23, Passed Assembly 3/22/23, Passed Senate 4/19/23) (SB-90, Public Hearing 3/14/23, Voted out of Committee 4/13/23) Under current law, no person may endanger the safety of any person or property by the negligent operation of a vehicle, commonly referred to as “reckless driving.” Under the bill:

1. The penalty for reckless driving is increased from a forfeiture of \$25 to \$200 to a forfeiture of \$50 to \$400.
2. The penalty for a second or subsequent reckless driving offense is increased from a fine of \$50 to \$500 to a fine of \$100 to \$1,000. Current law increases the penalty for a second reckless driving offense only if the person committed the second offense within four years of the first offense. Under the bill, a person who commits a second reckless driving offense is subject to the increased penalties regardless of whether the person commits the offense within four years of the person's first offense. Under current law, a person who commits a second or subsequent reckless driving offense may also be imprisoned for not more than one year in the county jail. This penalty is unchanged.
3. The penalty for recklessly endangering safety by unlawfully driving across a railroad crossing when required to stop is increased from a forfeiture of \$300 to \$1,000 to a forfeiture of \$600 to \$2,000.
4. The penalty for reckless driving that causes bodily harm to another is increased from a fine of \$300 to \$2,000 to a fine of \$600 to \$4,000. Under current law, a person who causes bodily harm to another in the course of a reckless driving offense may also be imprisoned for not less than 30 days nor more than one year in the county jail. The bill increases the term of imprisonment for this offense to not less than 60 days nor more than two years in the county jail.
5. The penalty for reckless driving that causes great bodily harm to another is increased from a Class I felony to a Class H felony. The penalty for a Class I felony is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both. The penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

Legislative Proposals of Interest to DSP/Law Enforcement 2023-2024 Legislative Session (Current as of 4-21-23)

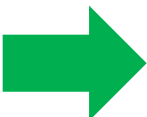
Current law imposes various surcharges against persons who violate certain laws. These surcharges must be paid in addition to any fine or forfeiture imposed for the violation. The driver improvement surcharge and safe ride surcharge are imposed on those who violate certain provisions related to operating while intoxicated. The driver improvement surcharge is \$435 and the safe ride surcharge is \$50. Under this bill, the driver improvement surcharge and safe ride surcharge are also imposed on persons found guilty of reckless driving. [SB-90: Sen. Stroebel, R – Saukville / AB-55: Rep. Donovan, R-Greenfield]

AB-70/SB-96, Riot Participation: (AB-70, Public Hearing 3/2/23, Voted out of Committee 3/7/23, Passed Assembly 3/22/23) This bill makes it a Class I felony to urge, promote, organize, encourage, or instigate others to commit a riot and a Class H felony to intentionally commit an act of violence while participating in a riot.

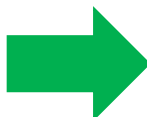
The bill defines a “riot” as a public disturbance that involves an act of violence, as part of an assembly of at least three persons, that constitutes a clear and present danger of property damage or personal injury or a threat of an act of violence, as part of an assembly of at least three persons having the ability of immediate execution of the threat, if the threatened action constitutes a clear and present danger of property damage or personal injury. [SB-96: Sen. Wanggaard, R – Racine / AB-70: Rep. Spiros, R - Marshfield]

SB-106/AB-58, Firearm Possession: (SB-106, Public Hearing 3/28/23) (AB-58, Public Hearing 2/28/23, Voted out of Committee 3/7/23, Passed Assembly 3/22/23) Current law prohibits a person who has been convicted of a felony from possessing a firearm. A person who violates the prohibition is guilty of a Class G felony, which is punishable by a maximum term of confinement in prison of five years followed by a maximum term of extended supervision of five years.

Current law has no mandatory minimum term of confinement in prison for this crime. This bill imposes a five-year mandatory minimum term of confinement in prison for a felon who is convicted of illegal possession of a firearm. [AB-58: Rep. Michalski, R – Elm Grove]



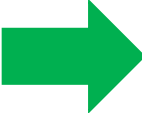
SB-53/AB-49, Disabled Parking: (AB-49, Public Hearing 3/16/23, Voted out of Committee 3/20/23, Passed Assembly 4/18/23) This bill expands certain parking privileges for vehicles with disabled parking plates or special identification cards to include University of Wisconsin System campuses. Under current law, a person with a disability that limits or impairs the ability to walk may apply for and obtain from the Department of Transportation special motor vehicle registration plates or a special identification card entitling a motor vehicle used by the person to certain parking privileges. Except as provided by ordinance in first or second class cities, vehicles bearing these plates or cards are not subject to time limitations on parking on any municipally owned or leased street or in any municipally owned or leased parking lot with at least a 30-minute time limitation and no meter payment is required to be made. [SB-53: Sen. Testin, R – Stevens Point / AB-49: Rep. Penterman, R – Columbus]



SB-66/AB-74, Farm License Endorsement: (SB-66, Public Hearing 3/15/23, Voted out of Committee 4/12/23, Passed Senate 4/19/23) Under current law, no person may operate a motor vehicle upon a highway in this state unless the person possesses a valid operator's license. Additional endorsements are required for the operation of certain vehicles. An “F” endorsement authorizes a seasonal farm

Legislative Proposals of Interest to DSP/Law Enforcement 2023-2024 Legislative Session (Current as of 4-21-23)

employee who is eligible for a restricted commercial driver license under federal law to operate certain commercial vehicles for a seasonal period not to exceed 180 days in any calendar year. This bill increases the seasonal period for an “F” endorsement to 210 days. [SB-66: Sen. Tomczyk, R – Mosinee / AB-74: Rep. Plumer, R - Lodi]



SB-117/AB-145, Public Records: (SB-117, Public Hearing 3/12/23, Voted out of Committee 4/13/23, Passed Senate 4/19-23) Currently, if a person requests access to a public record and the agency or officer in state or local government having custody of the record, known as an “authority” under the public records law, withholds or delays granting access to the record or a part of the record, the requester may bring a mandamus action asking a court to order release of the record or part of the record. Current law requires the court to award reasonable attorney fees, damages of not less than \$100, and other actual costs to the requester if the requester prevails in whole or in substantial part in any such action. Under the supreme court's decision in Friends of Frame Park, U.A. v. City of Waukesha (2022), a requester generally is not entitled to attorney fees and costs if the authority voluntarily or unilaterally without a court order provides contested records after the requester files an action in court.

Under the bill, a requester has prevailed in whole or in substantial part if the requester has obtained relief through any of the following means:

1. A judicial order or an enforceable written agreement or consent decree.
2. The authority's voluntary or unilateral release of a record if the court determines that the filing of the mandamus action was a substantial factor contributing to that voluntary or unilateral release.

This standard is substantially the same as the standard that applies for a requester to obtain attorney fees and costs under the federal Freedom of Information Act. [SB-117: Sen. Stroebel, R – Saukville]

Signed into Law by Governor Evers

2023 Act 1 AB-56/SB-92, Reckless Driving Impoundment: (AB-56, Public Hearing 2/28/23, Voted out of Committee 3/7/23) (SB-92, Public Hearing 3/14/23, Voted out of Committee 2/16/23, Passed Senate and Assembly 3/22/23, Signed into Law by Governor 4/3/23) Under this bill, a political subdivision may enact an ordinance authorizing law enforcement officers to impound vehicles used in reckless driving offenses when the person cited for reckless driving is the owner of the vehicle and has a prior reckless driving conviction for which a forfeiture was imposed that has not been fully paid.

The political subdivision is required to return the vehicle to its owner once payment of prior forfeiture and citation for which the vehicle was impounded. [SB-92: Sen. Nass, R – Whitewater / AB-56: Rep. Donovan, R- Greenfield]

Unintroduced Draft Legislative Proposals

LRB-1964, CCAP Information: Under current law, the director of state courts maintains the consolidated court automation programs website, which is an Internet site that is the statewide electronic circuit court case management system. The director of state courts has discretion regarding what information is available through the CCAP website.

Legislative Proposals of Interest to DSP/Law Enforcement **2023-2024 Legislative Session (Current as of 4-21-23)**

Under the bill, the director of state courts must establish a separate website, called the Circuit Court Crime Information Internet Site, which must provide all of the following information in a searchable format for all crimes, for a period of 10 years after a criminal charge is filed: 1) the county in which charges were filed, 2) the judge assigned to the case, 3) the prosecutor assigned to the case, 4) the criminal charge filed, 5) the charging recommendation from the referring law enforcement agency, if applicable, 6) the monetary amount of bail if bail was required, 7) whether any plea bargain was offered in the case, 8) whether a deferred prosecution agreement was offered in the case, 9) whether any charge relating to the case was dismissed, and 10) whether the case resulted in a conviction. The director of state courts must ensure that the information provided on the Circuit Court Crime Information Internet Site does not contain a criminal defendant's personally identifying information. [Rep. Donovan, R- Greenfield]

LRB-1699, Bail Conditions: Under current law, a judge may release a person charged with a crime without bail or may release the defendant only if he or she executes an unsecured appearance bond or may require a defendant to execute a secured bond to be released.

Under this bill, a judge may not release a defendant without bail or on an unsecured bond if the defendant has previously failed to comply with a condition of his or her release for the present offense. Such a defendant may be released only if he or she executes a secured bond or deposits cash in lieu of a bond. [Rep. Duchow, R - Delafield]

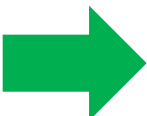
LRB-1765, Prisoner Release Requirements: This bill draft would change requirements for releasing a prisoner to parole or extended supervision.

This bill would

- 1) change a victim's statutory right to participate in a hearing before a prisoner is released from prison on parole or extended supervision,
- 2) change the victim's statutory right to notice when that prisoner is released,
- 3) require a prisoner to submit to a psychological evaluation before release on parole or discretionary release on extended supervision, and
- 4) specify that a police chief or sheriff may disseminate information to the general public regarding a person who is convicted of certain offenses who is released from prison and will be residing in the police chief's or sheriff's jurisdiction. [Sen. Bradley, R – Franklin / Rep. Maxey, R - New Berlin]

LRB-0471, Firearm Possession on School Grounds: Current federal and state law prohibit a person from possessing a firearm on school grounds. Federal and state law do provide some exemptions including for law enforcement. This bill draft would create an exemption similar to the current federal exemption that would allow a person who has a license issued by DOJ to possess a firearm on the grounds of a school if the person is employed by the school and the school board/governing entity has adopted a policy allowing this. Further, the bill would waive the initial application fee, renewal fee, and background check fee for teachers who apply for a license. [Sen. Tomczyk, R – Mosinee / Rep. Allen, R – Waukesha]

LRB-2389, ATV/UTV Open Containers: This bill draft would create an open alcohol container prohibition for ATV/UTVs while on a highway, ATV/UTV trail, or other established ATV/UTV corridor that is open to



Legislative Proposals of Interest to DSP/Law Enforcement
2023-2024 Legislative Session (Current as of 4-21-23)

the public. The draft includes an exception from the prohibition if a person is in possession of an empty bottle or receptacle that was acquired as refuse. [Sen. Jacque, R – DePere / Rep. Mursau, R – Crivitz]