



MINUTES

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

In Attendance: Jon Johnson-ECC Highway Dept., Natalie Szews-ECC Highway Dept., Travis Pickering-ECC Engineer, Mike Heffernan-WSP, Dean Haign-WSP, John Staber-Augusta PD, Dustin Walters-ECSO, Chad Hines-WisDOT, Edwin Rothrock-Metropolitan Planning Organization (MPO), Leah Ness-City of Eau Claire Engineer, Trace Frost-WIDOT BOTS

1. Meeting called to order by Jon Johnson at 9:02 a.m.

2. Review/Approval of Past Meeting Minutes (04/25/23) – Discussion/Action

- All in favor, minutes approved.

3. Public Comment

4. Right-of-Way Encroachments – Discussion

- John Staber has been receiving complaints of Amish horses tied up in ditches. The group discussed the issue and determined that there isn't much that can be done unless the horses are loose and in the road.

Leah Ness arrived at 9:05 a.m.

5. Metropolitan Planning Organization (MPO) as a Committee Member – Discussion

- Jon Johnson discussed having the MPO added to the Commission.
- Edwin Rothrock went over what the MPO does, and how it is looking at crashes and what can be done to eliminate and reduce severity of crashes within the MPO.
- Jon Johnson will reach out to Eau Claire County Corporate Council to find out the process to have the MPO added to the Commission.

6. ATV/UTV Use on County Roads – Discussion

- ATV clubs are requesting low volume County Roads for access to homes.
- Town of Washington is the only Township in Eau Claire County that has not opened town roads for ATVs.
- Town of Bridge Creek says gravel roads are getting torn apart by ATVs.
- Discussed the option of opening all county roads for ATV/UTV usage and signing roads that ATVs are not allowed on.
- Looking at a more collaborative approach with Parks & Forest, Judiciary, ATV clubs, and Townships.
- Jon Johnson will send a draft policy for ATV speed limits. Will be meeting with Parks & Forest and Sheriff's Department this week.

PREPARED BY: Natalie Szews

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, remote access, or other auxiliary aids. Contact the clerk of the committee or Administration for assistance (715-839-5106). For additional information on ADA requests, contact the County ADA Coordinator at 839-6945, (FAX) 839-1669 or 839-4735, TTY: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

7. Highway 53 Bypass/Incident Management – Discussion

- Removal of lights on ramp gates statewide.
- Updating signboard messages – Need to call WisDOT Traffic Management Center (TMC) to have signboards updated.
- Discussed when to close gates when there's an incident and if they should be closed right away.

8. Traffic Crash Summary

- Trace Frost reviewed Community Maps dashboard options for crash reports and went over crash summaries for the City of Eau Claire and Altoona. Will look into getting an option to search for crashes by agencies as well as by jurisdiction in Community Maps.
- City of Eau Claire
 - Working on traffic speed enforcement on Clairemont Ave.
- Eau Claire County
 - 78 total crashes.
 - 43 non-reportable crashes.

9. Commission Member Reports

- Wisconsin State Patrol Report
 - This week through Sunday is Speed Awareness Week region-wide, so there will be extra troopers out. Aircraft will be up tomorrow depending on the weather for US-53 and River Prairie.
 - Down a pilot, so there's only one in Eau Claire right now.
 - BOTS overtime details are complete.
 - Will have troopers assigned in Foster area.
 - Eau Claire County has one vacancy, but in the region there are quite a few vacancies. Eau Claire has been covering interstate sections for other counties so there have been less troopers in Eau Claire. Trying to hire another class right now.
- DOT Traffic Safety Coordinator Report
 - Reviewed traffic crashes and five fatal crashes.
 - Reviewed DOT Safety Coordinator Report – See attached.
- DOT Highway Engineer Report
 - Construction Updates
 1. I-94 from Highway 37 to 312 - Mostly done with I-94 portion of project.
 2. Highway 312 - Looking at September 30th completion.
 3. South Hastings Way was completed on 7/14.
 4. CTH M from SCL to Lange Rd. – Pre-con was on Thursday last week. Looking at starting 8/14 and mid-to-late September completion.

PREPARED BY: Natalie Szews

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5. Clear Creek Bunting Road bridge replacement – Looking at starting at the end of July and the road will be closed to traffic through the end of September.

10. Construction Status Report

- Eau Claire County
 - Completed projects on CTH RR, FW, N, and NN.
 - Currently working on CTH O from HH to R, CTH F from FF to HH, CTH I from Peuse Rd to V/HH, CTH II from Hwy 93 to Talmadge Rd. These projects should all be done by mid-to-late August.
 - CTH V bridge project will be starting today or tomorrow and hoping to be done in mid-August.
 - CTH CC phase 2 and CTH H over McGaver Creek bridge are getting pushed to 2024.
- City of Eau Claire
 - Jeffers Road project is almost done.

11. County Jam/CTH T Updates

- No issues with traffic for County Jam. Biggest back-up on CTH T was less than 10 cars.
- \$9.5 million being awarded for CTH T.
- There was a crash that involved a 17-year-old.
- Discussed underage drinking issue at Country Jam.

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

- Next meetings: Tuesday, October 24 at 9:00 a.m.

13. Adjourn at 10:25 a.m.

Respectfully submitted,

Natalie Szews

Natalie Szews, Administrative Associate III
Eau Claire County Highway Department

APPROVED 10/24/23

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

July 25, 2023

YEAR-TO-DATE TRAFFIC DEATHS AND FATAL CRASHES:

as of 07/24/23

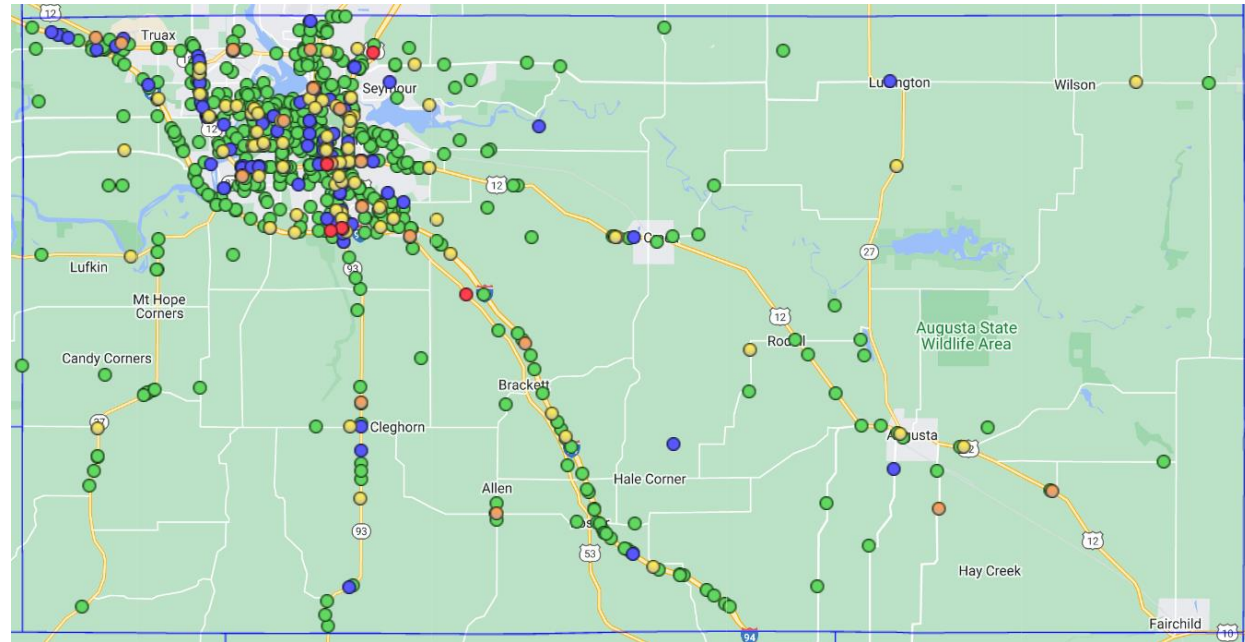
	2023	2022	% CHG	5-YR AVG (18-22)	% CHG	2022 FINAL
FATALITIES						
Drivers	161	183	-12.0%	na	na	333
Passengers	48	54	-11.1%	na	na	94
Occupant Total	209	237	-11.8%	na	na	427
Motorcycle Drivers	50	40	25.0%	na	na	78
Motorcycle Passengers	3	1	200.0%	na	na	3
Motorcycle Total	53	41	29.3%	na	na	81
Pedestrians	35	33	6.1%	na	na	72
Bicyclists	2	4	-50.0%	na	na	14
Unknown	0	0	0			1
TOTAL FATALITIES	299	315	-5.1%	293	2.0%	595
FATAL CRASHES	277	288	-3.8%	268	3.4%	547
DEATHS Per CRASH	1.08	1.09	-1.3%	1.09	-1.3%	1.09
PASS/DRVR RATIO	0.30	0.30	1.0%	na	na	0.28

SOURCE: DSP/Crash Records Unit "Weekly Fatal Report"

PREPARED BY: DOT-DSP-Bureau of Transportation Safety and Technical Services-Safety Programs Section

2023 YTD Crashes

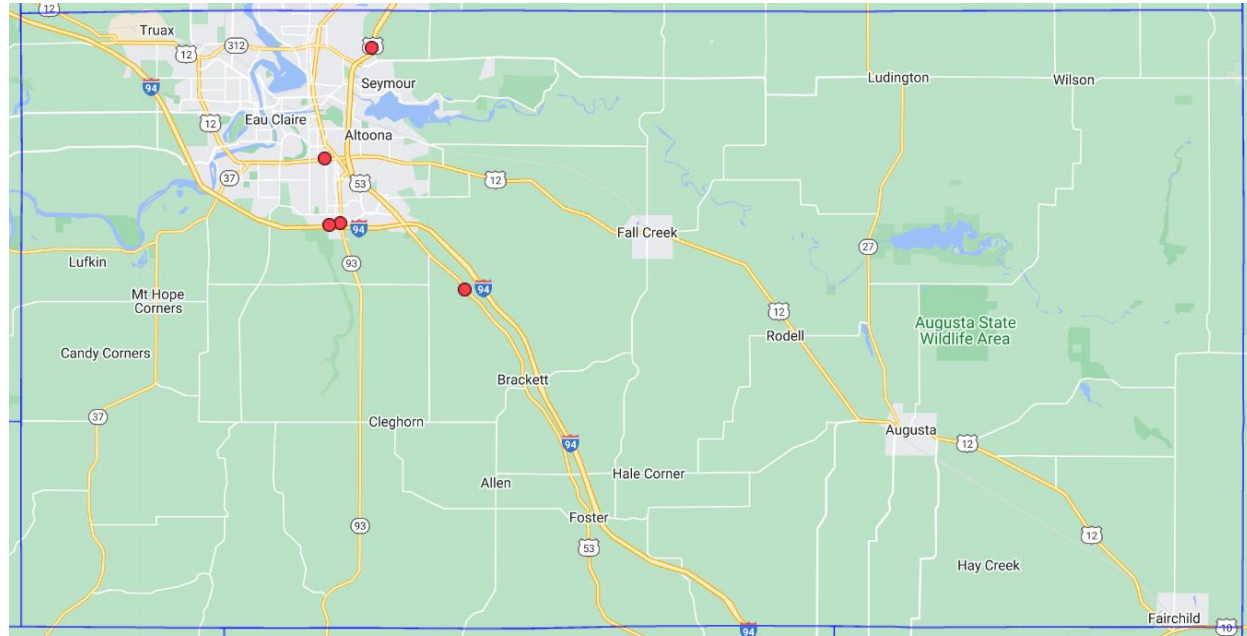
There were **1114** total crashes reported resulting in **5** fatalities and **268** injuries. Of this total, **1111** crashes are mapped. [\[More\]](#)



2023 YTD Fatal Crashes

There were **5** total crashes reported resulting in **5** fatalities and **2** injuries. Of this total, **5** crashes are mapped. [\[More\]](#)

- ✔ **2WL09FXHLS**
 053 AT NORTH RD
 WASHINGTON (T), EAU CLAIRE County
 (K) Fatality
 04/26/2023
 Flags: Distracted, Speed, Aggressive,
 Lane Depart 2U+ 1
- ✔ **2VL0KX84FN**
 012 AT FAIRFAX ST
 EAU CLAIRE (C), EAU CLAIRE County
 (K) Fatality
 05/12/2023
 Flags: Government Property, Impaired,
 Occp Protection, Speed, Intersection 2
- ✔ **KRLOGGK172**
 093 AT 094
 EAU CLAIRE (C), EAU CLAIRE County
 (K) Fatality
 05/26/2023
 Flags: Motorcycle, Speed, Aggressive,
 Intersection 3
- ✔ **KRL0T49M4F**
 094 AT 094
 EAU CLAIRE (C), EAU CLAIRE County
 (K) Fatality
 06/14/2023
 Flags: Government Property, Motorcycle,
 Helmet, Lane Depart 1U 4
- ✔ **2VL0KFFP79**
 053 AT LASALLE ST
 EAU CLAIRE (C), EAU CLAIRE County
 (K) Fatality
 07/09/2023
 Flags: 65+ Driver 5



2023 YTD	5
2022	4
2021	6
2020	10
2019	2
2018	5
5 Year Ave	5

DocNum: [2WL09FXHLS](#)
Date: 04/26/2023
County: EAU CLAIRE
Municipality: WASHINGTON (Town)
On: 053
At: NORTH RD
Crash Hour: (1500-1559) 3:00pm to 3:59pm
Severity: Fatality (K) : 1 Fatality, 1 Injury
Flag(s): Distracted, Speed, Aggressive, Lane Depart 2U+
Total Vehicles: 2
Manner of Collision: HEAD ON
Crash Type: MOTOR VEHICLE IN TRANSPORT
Agency: EAU CLAIRE COUNTY SHERIFFS DEP
Coordinates: 44.739164,-91.38526

Description

Diagram



Reconstruction By
EAU CLAIRE COUNTY SHERIFF

Photos By
T. HOVLAND #533

Additional Information
PHOTOS, RECONSTRUCTION,
FATAL CRASH SUPPLEMENT

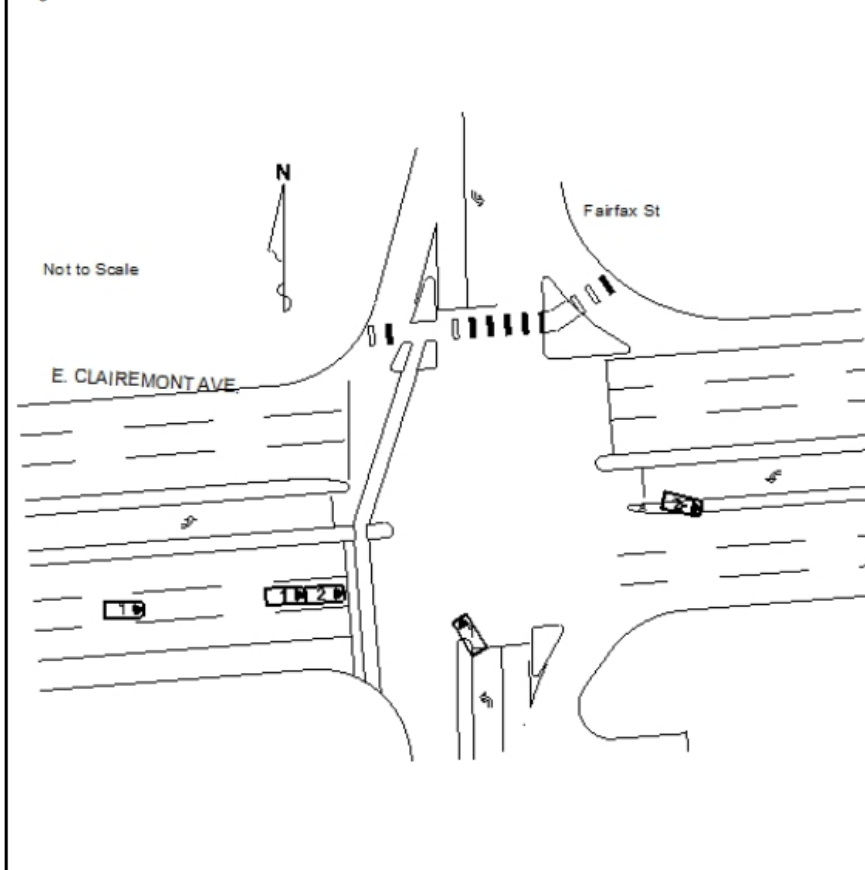
I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

UNIT 1 WAS TRAVELING NORTH ON HWY 53. UNIT 2 WAS TRAVELING SOUTH ON HWY 53. UNIT 1 CROSSED OVER A DOUBLE YELLOW NO PASSING CENTER LINE INTO THE SOUTHBOUND LANE OF TRAFFIC. UNIT 2 SWERVED TOWARD THE SOUTHBOUND DITCH. UNIT 1 FRONT DRIVER CORNER STRUCK THE FRONT DRIVER CORNER OF UNIT 2. UNIT 2 CAME TO A STOP IN THE SOUTHBOUND DITCH. UNIT 1 CROSSED BACK OVER THE CENTER INTO THE NORTHBOUND LANE AND CAME TO A STOP.

DocNum: [2VL0KX84FN](#)
Date: 05/12/2023
County: EAU CLAIRE
Municipality: EAU CLAIRE (City)
On: 012
At: FAIRFAX ST
Crash Hour: (2200-2259) 10:00pm to 10:59pm
Severity: Fatality (K) : 1 Fatality, 1 Injury
Flag(s): Govt Property, Impaired, Occp Protection, Speed, Intersection
Total Vehicles: 2
Manner of Collision: REAR END
Crash Type: MOTOR VEHICLE IN TRANSPORT
Agency: EAU CLAIRE POLICE DEPARTMENT
Coordinates: 44.794372,-91.468459

Description

Diagram



Reconstruction By
WISCONSIN STATE PATROL
 NWR/EAU

Photos By
M. DREES

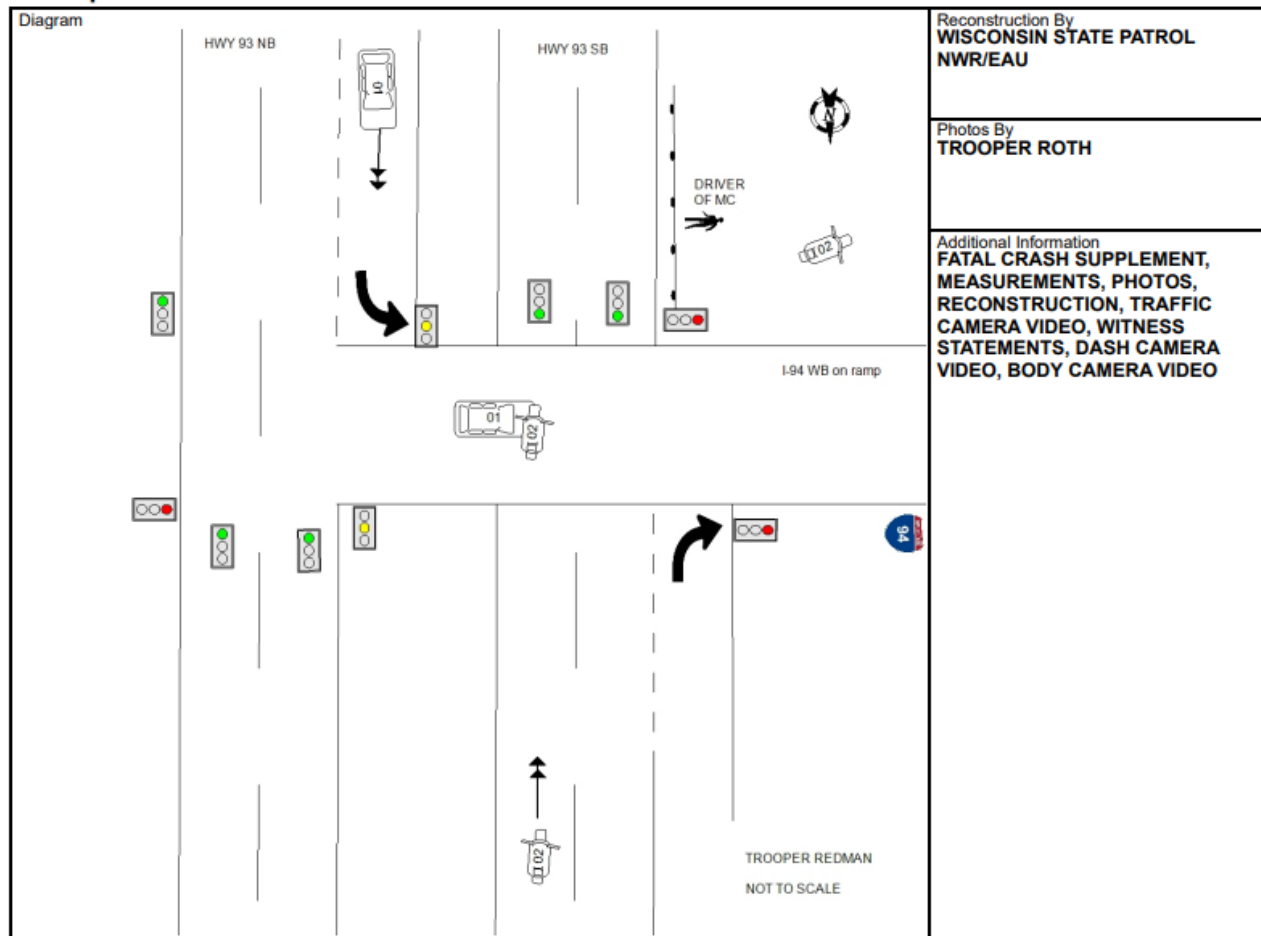
Additional Information
**CRIMINAL INCIDENT, ECM/EDR
 DOWNLOAD, FATAL CRASH
 SUPPLEMENT, MEASUREMENTS,
 PHOTOS, RECONSTRUCTION,
 TRAFFIC CAMERA VIDEO,
 WITNESS STATEMENTS, CRASH
 SCENE VIDEO**

I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

ON THE ABOVE DATE AND TIME, I INVESTIGATED THIS CRASH AND LEARNED THAT UNIT 2 WAS STOPPED IN THE MIDDLE LANE EASTBOUND AT THE INTERSECTION ON CLAIREMONT AVE. AND FAIRFAX ST. FOR A RED TRAFFIC SIGNAL. UNIT 1 WAS TRAVELING EASTBOUND ON CLAIREMONT AVE. ALSO IN THE MIDDLE LANE. WITNESSES STATED UNIT 2 WAS TRAVELING AT A HIGHER SPEED THEN THE POSTED SPEED LIMIT. WITNESSES ALSO STATED THAT UNIT 2 DID NOT INITIATE ITS BRAKES OR ATTEMPT TO SWERVE OUT OF THE MIDDLE LANE. UNIT 2 STRUCK THE REAR END OF UNIT 1. THIS SENT UNIT 1 THROUGH THE INTERSECTION STRIKING TWO TRAFFIC SIGNAL POLES ON THE EAST SIDE OF THE INTERSECTION. UNIT 1 ALSO CAUGHT ON FIRE AND WAS ENGULFED IN FLAMES. UNIT 2'S FINAL RESTING POSITION WAS ON THE SOUTH SIDE OF THE INTERSECTION ON TOP A MEDIAN ON FAIRFAX ST.

DocNum: [KRL0GGK172](#)
Date: 05/26/2023
County: EAU CLAIRE
Municipality: EAU CLAIRE (City)
On: 093
At: 094
Crash Hour: (1900-1959) 7:00pm to 7:59pm
Severity: Fatality (K) : 1 Fatality
Flag(s): Motorcycle, Speed, Aggressive, Intersection
Total Vehicles: 2
Manner of Collision: ANGLE
Crash Type: MOTOR VEHICLE IN TRANSPORT
Agency: WI STATE PATROL NWR/EAU
Coordinates: 44.767171,-91.459282

Description



Reconstruction By
**WISCONSIN STATE PATROL
 NWR/EAU**

Photos By
TROOPER ROTH

Additional Information
**FATAL CRASH SUPPLEMENT,
 MEASUREMENTS, PHOTOS,
 RECONSTRUCTION, TRAFFIC
 CAMERA VIDEO, WITNESS
 STATEMENTS, DASH CAMERA
 VIDEO, BODY CAMERA VIDEO**

I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

HWY 93 AND I-94 NEAR THE WB ON RAMP FOR I-94. WITNESS STATED THAT THE DRIVER OF UNIT TWO PASSED HIM SB ON HWY 93 TRAVELING FASTER THAN THE POSTED 45 MPH SPEED LIMIT. WITNESS ESTIMATED SPEED TO BE AROUND 50-60 MPH AT LEAST. STATED THE MOTOR CYCLE HIT A VEH THAT WAS NB ON HWY 93 ATTEMPTING TO TURN LEFT TO GO WB ONTO I-94. THE MC DRIVER WAS THROWN FROM THE MC AND PRONOUNCED DECEASED ON SCENE.

DocNum: [KRL0T49M4F](#)
Date: 06/14/2023
County: EAU CLAIRE
Municipality: EAU CLAIRE (City)
On: 094
At: 094
Crash Hour: (0700-0759) 7:00am to 7:59am
Severity: Fatality (K) : 1 Fatality
Flag(s): Govt Property, Motorcycle, Helmet, Lane Depart 1U
Total Vehicles: 1
Manner of Collision: NO COLL W/VEH IN TRANS
Crash Type: OVERTURN
Agency: WI STATE PATROL NWR/EAU
Coordinates: 44.766078,-91.465835

Description

Diagram



Reconstruction By
**WISCONSIN STATE PATROL
 NWR/EAU**

Photos By
M. KLINE & A. CHRISTIAN

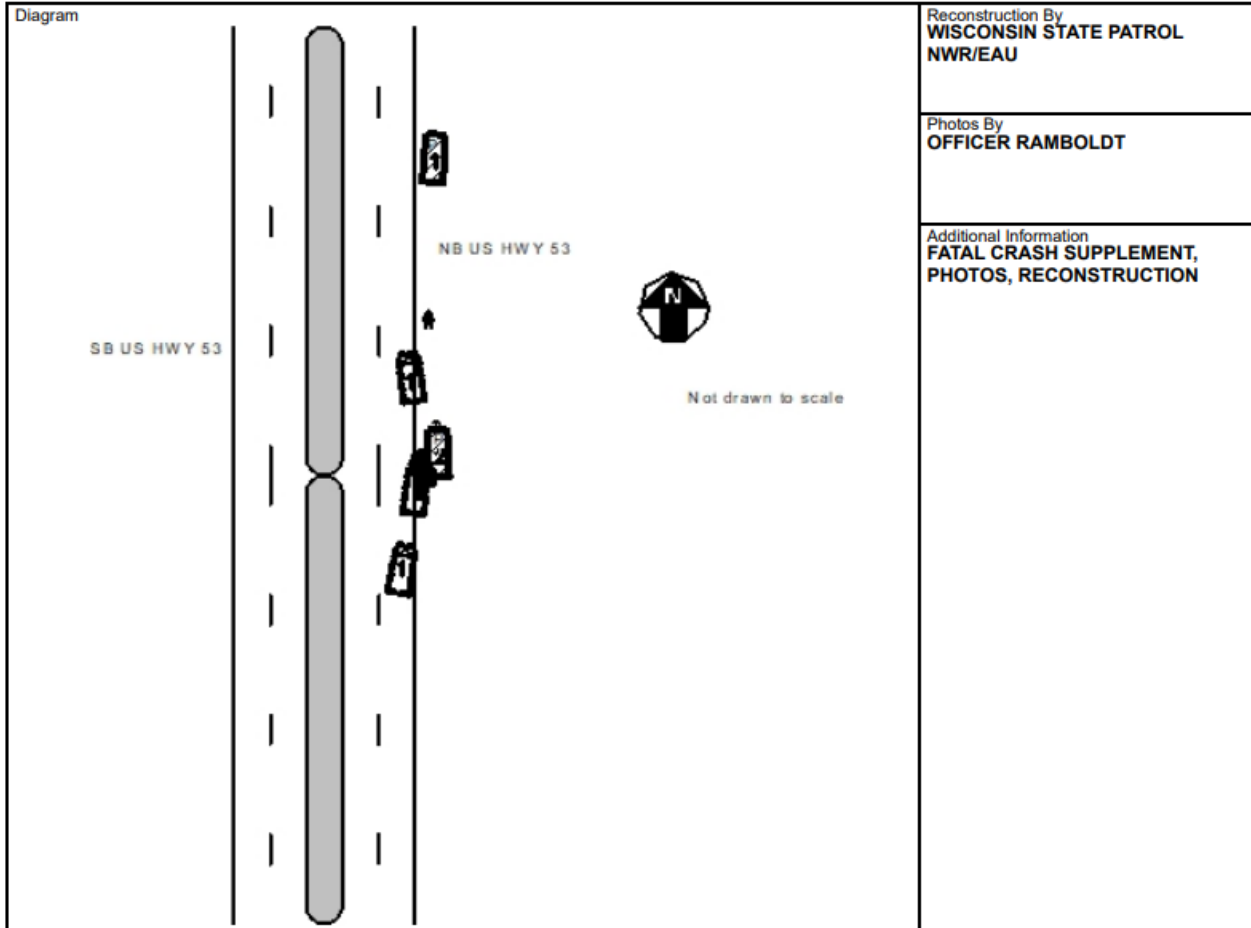
Additional Information
**PHOTOS, RECONSTRUCTION,
 WITNESS STATEMENTS, FATAL
 CRASH SUPPLEMENT**

I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

DRIVER OF THE MOTORCYCLE WAS ON THE ON-RAMP GOING WESTBOUND ONTO INTERSTATE 94 EXIT 68 BEHIND ANOTHER VEHICLE. DUE TO HEAVY TRAFFIC ON THE INTERSTATE, THE VEHICLE IN FRONT OF THE MOTORCYCLE BRAKED IN ORDER TO MERGE. THE MOTORCYCLE ALSO BRAKED, WHICH CAUSED HIM TO LOSE CONTROL, LAY THE BIKE ON IT'S SIDE, AND STRUCK THE GUARD RAIL.

DocNum: [2VL0KFFP79](#)
Date: 07/09/2023
County: EAU CLAIRE
Municipality: EAU CLAIRE (City)
On: 053
At: LASALLE ST
Crash Hour: (1900-1959) 7:00pm to 7:59pm
Severity: Fatality (K) : 1 Fatality
Flag(s): 65+ Driver
Total Vehicles: 2
Manner of Collision: NO COLL W/VEH IN TRANS
Crash Type: PARKED MOTOR VEHICLE
Agency: EAU CLAIRE POLICE DEPARTMENT
Coordinates: 44.841219,-91.440609

Description

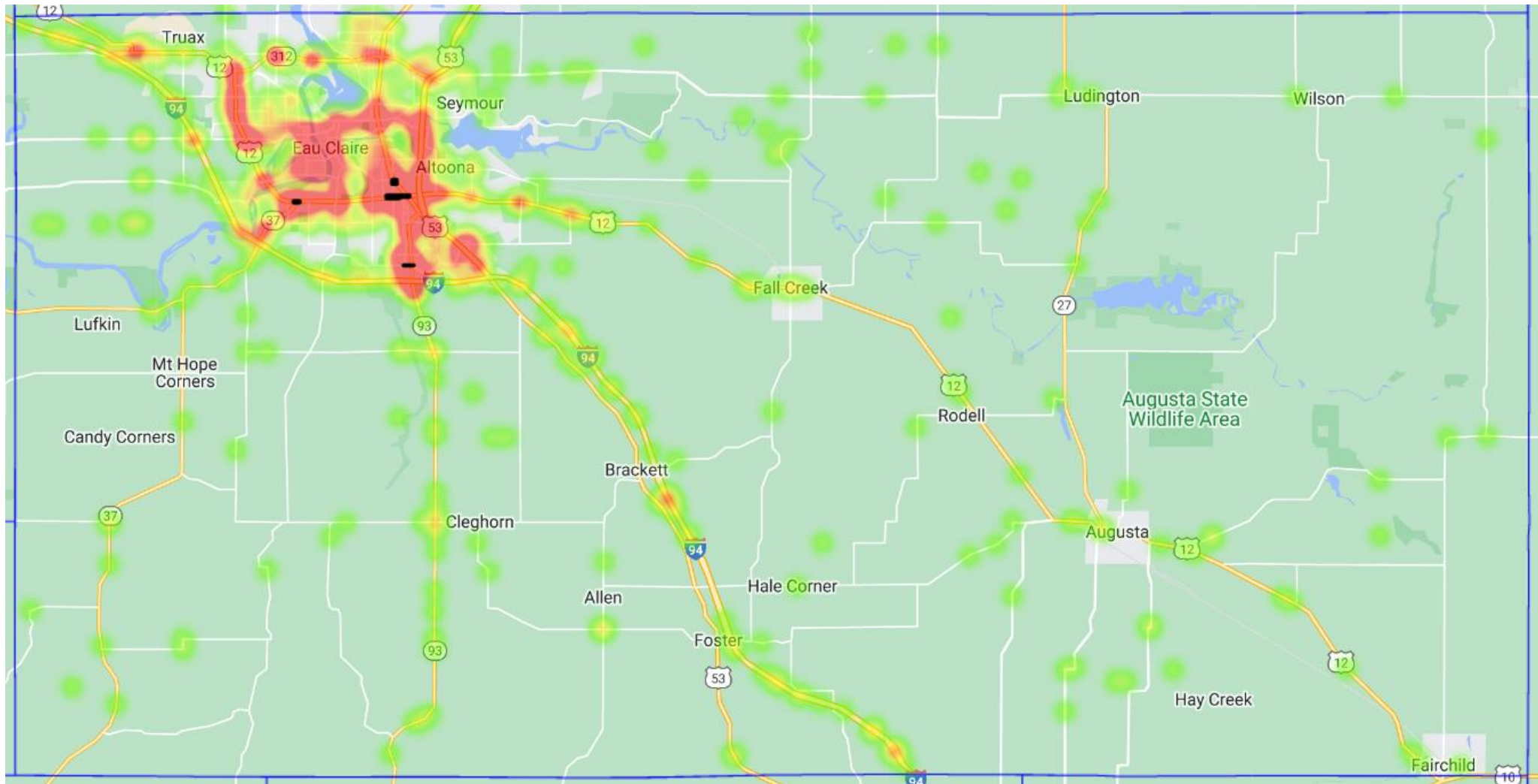


I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

VEHICLE 02 WAS PARKED ON THE RIGHT-HAND SHOULDER OF NB US HWY 53. VEHICLE 02 WAS OUTSIDE THE FOG LINE AND OUT OF THE PATH OF TRAVEL FOR OTHER VEHICLES. INDIVIDUAL 02 WAS STANDING IN FRONT OF VEHICLE 02 AND INDIVIDUAL 03 WAS STANDING ON THE DRIVER'S SIDE OF VEHICLE 02. VEHICLE 01 WAS TRAVELING NB ON US HWY 53 AND STRUCK VEHICLE 02, DAMAGING THE DRIVER'S SIDE OF THE VEHICLE. WHEN VEHICLE 01 STRUCK VEHICLE 02, IT ALSO STRUCK INDIVIDUAL 03. INDIVIDUAL 03 CAME TO REST A SHORT DISTANCE IN FRONT OF VEHICLE 02. VEHICLE 01 TRAVELED A SHORT DISTANCE BEYOND INDIVIDUAL 03 BEFORE PULLING OVER TO THE SIDE OF THE ROAD.

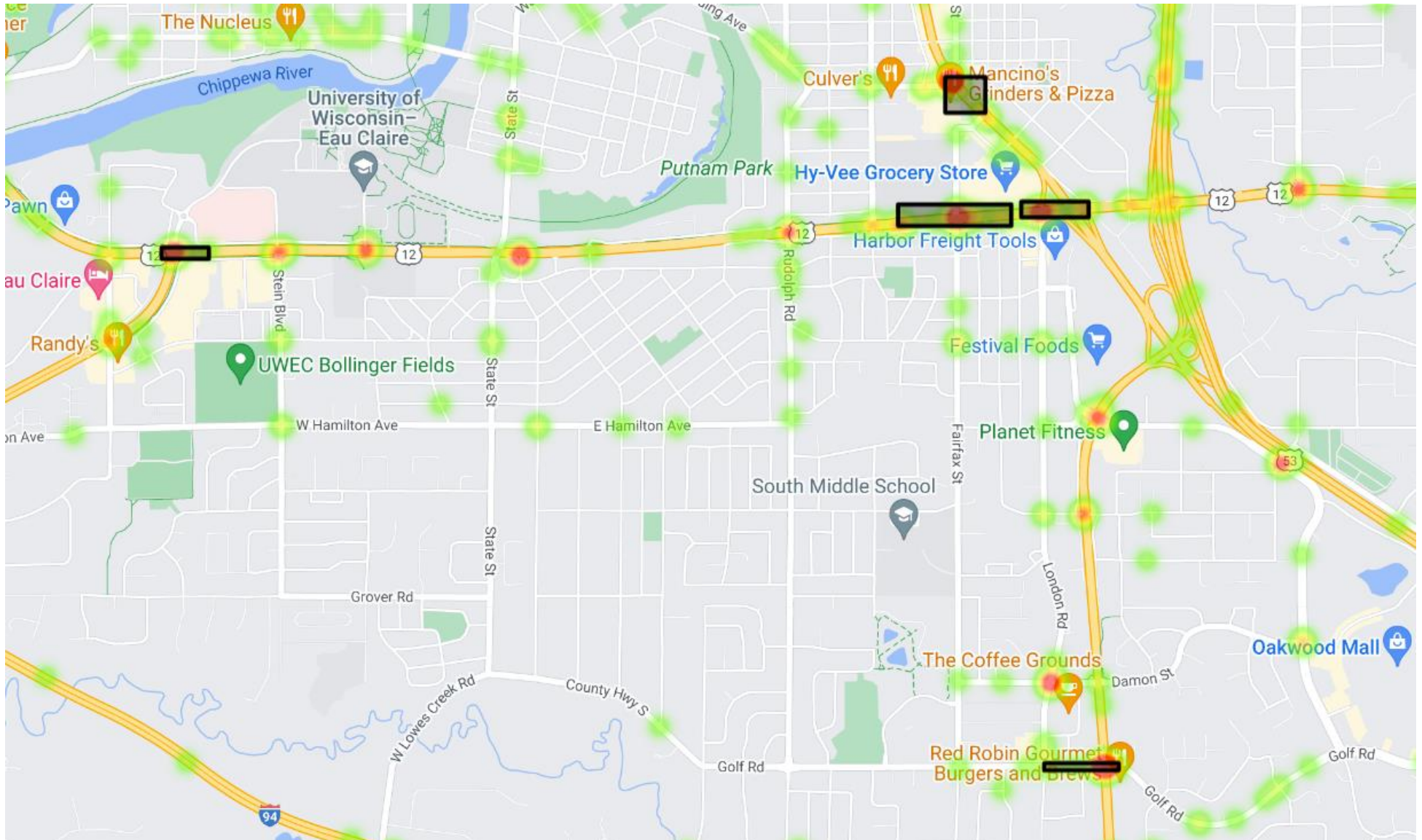
Predictive Analytics

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



Predictive Analytics

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



Local partners:

Excessive speed continues to be a leading cause of crashes throughout the Midwest. In coordination with our National Highway Traffic Safety Administration (NHTSA) Region 5 members (Illinois, Indiana, Ohio, Michigan, and Minnesota), the Wisconsin State Patrol would like to invite you to participate in the 2023 Speed Awareness Day campaign taking place **Wednesday, July 26, 2023**. This year's campaign will also be expanding to NHTSA Region 7 members (Iowa, Nebraska, Kansas, Missouri, and Arkansas).

Participating state, county, and local agencies will be conducting a 24-hour, high-visibility enforcement detail. The Wisconsin State Patrol plans to have all available officers working this day and invites you to do the same for any length of time during the 24-hour campaign.

Please register your agency's participation here:

<https://speedawarenessday.org/register/>

At the end of the 24-hour campaign, submit your agency's enforcement totals here:

<https://speedawarenessday.org/reporting>

Thanks for your consideration in participating in this campaign and do not hesitate to reach out to your regional Wisconsin State Patrol Post for enforcement detail coordination. Learn more about Speed Awareness Day at speedawarenessday.org.

Superintendent Timothy Carnahan
Wisconsin State Patrol





Kalahari Resort and Convention Center in Wisconsin Dells

Contributing Factors in a Crash Eau Claire County—2022 Crashes

No Driver Factor	18%
No Road Factor	75%
No Vehicle Factor	90%
No Factors Listed	6%

Why are documenting Work Zone Crashes important?

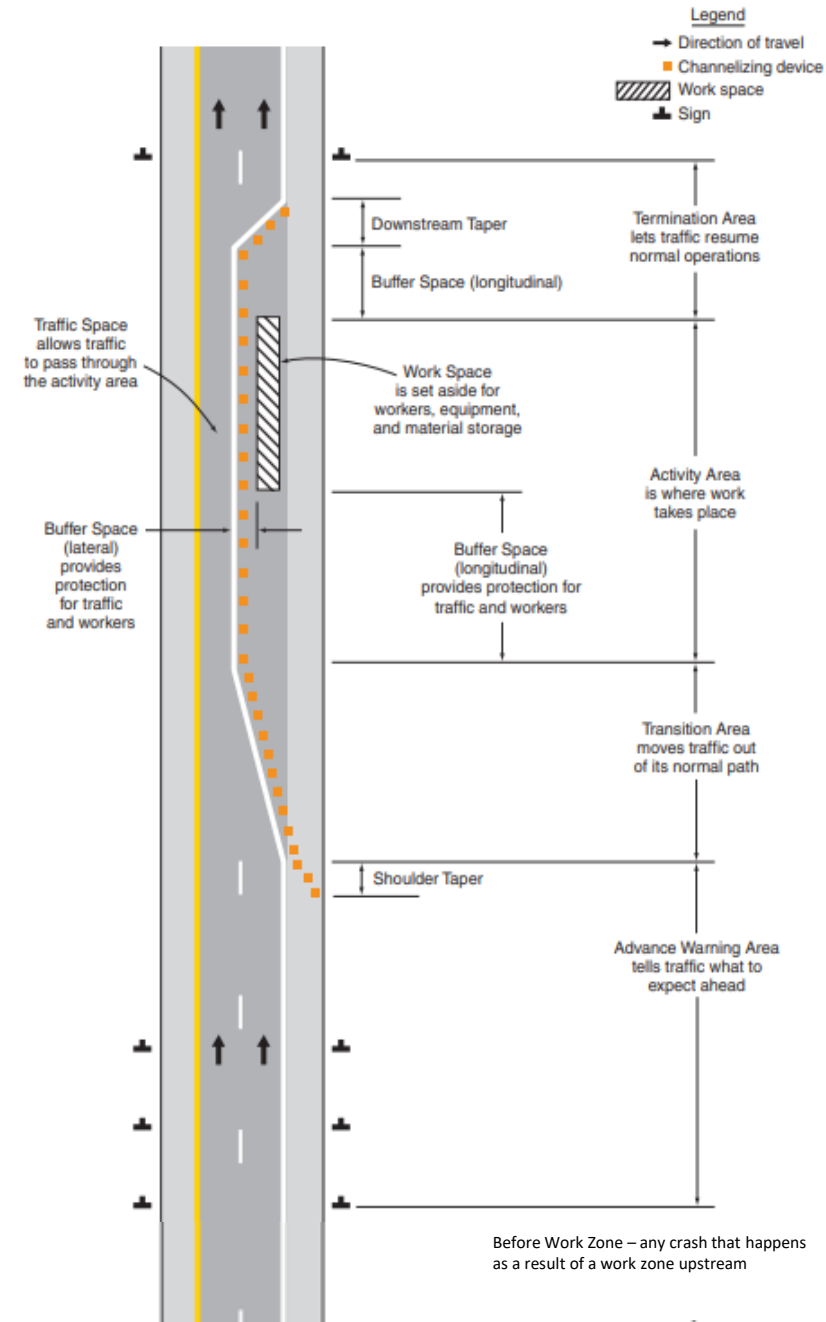
- Helps to evaluate the overall effectiveness of the work zone mitigation strategies (Ex. Barrier wall, closed lanes, off peak closures, ramp closures, full roadway closure, etc)
- Help set future policies to make work zones safer for the workers and traveling public
- Helps develop crash modification factors used to improve work zone design
- Understand where in the work zone crashes are happening and with what type of work zone.

What do we do with the data?

- Review data weekly
 - DTSD gets a weekly email report every Monday with the WZ crashes that were reported the previous week
 - Look for trends in the weekly reporting
 - Complete work zone inspections to ensure traffic control devices are set up properly
- Review data monthly
 - Review projects or roadways that have recurring work zone crashes documented to inspect for improvements or issues
 - Document if the work zone caused the crash
- Review and update changes to standards and policies
- Apply for GRANT funding based on history of work zone crashes

Components of a Work Zone

- **Before Work Zone** - Area before the start of the actual marked work zone. This attribute applies when the first harmful event of the crash occurs outside (before) the first warning sign, signal, or indicator marking the start of the work zone but is related to the movement of the traffic units through or entry into the work zone area.
- **Advanced Warning Area** - Located after the first warning sign but before the work area.
- **Transition Area** - Where lanes are shifted or tapered for a lane closure
- **Activity Area** - Located adjacent to the actual work area
- **Termination Area** - Located after the activity area but before traffic resumes to normal traffic conditions.



Reporting Crashes by WZ Type

- **Lane Closure**

- Lanes are closed with traffic control devices such as drums, 42" cones or concrete barrier wall

- **Intermittent or Moving Work**

- Involves construction vehicles moving along the roadway slowly or stopping periodically to perform work. Ex. Painting operation, crack filling, pothole patching

- **Lane Shift or Crossover**

- Occurs when lanes are maintained but traffic is shifted several feet to accommodate workspace

- **Work in Shoulder or Median**

- Work activity is taking place on the shoulder or median adjacent to traffic lanes



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

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-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]

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

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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 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-87 / AB-87, Vehicular Homicide Restitution (Bentley's Law): Under this bill, if a person is convicted of the crime of homicide by intoxicated use of a vehicle, and the victim of the homicide is a parent of a minor child, the restitution order may include the reasonable and necessary costs of maintenance for each child of the victim until the child turns 18 or until the child turns 19 if the child is still enrolled in high school. Under current law, when determining the amount of restitution to order, the court considers the amount of loss sustained by the victim, the financial resources and earning ability of the defendant, the needs of the defendant's dependents, and any other factors the court deems appropriate. Under the bill, when setting restitution paid to a parent or guardian of a victim's child, the court may also consider the financial needs and resources of the child and the surviving parent or guardian, the standard of living that the child is accustomed to, the child's emotional needs and physical

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and legal custody arrangements, and the reasonable work-related childcare expenses of the surviving parent or guardian. Under the bill, this portion of restitution is paid to the surviving parent or guardian of the child instead of to the victim or victim's estate.

Additionally, the bill specifies that a parent or guardian of a victim's children also retains the right to file a civil suit against the defendant, and that restitution ordered to a parent or guardian of the victim's children will offset any damages awarded in the civil suit. Additionally, if the parent or guardian is awarded civil damages before restitution is ordered, the restitution order will be reduced by the amount of civil damages awarded to the parent or guardian. [SB-87: Sen. James, R – Altoona / AB-87: Rep. Kitchens, R – Sturgeon Bay]

[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.
- 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

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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]

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]

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);

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- 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). 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

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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 retired 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 / AB-217, 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 / AB-217: Rep. Swearingen, R - New Richmond]

SB-217 / AB-216, 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 / AB-216: Rep. Swearingen, R - New Richmond]

SB-256 / AB-250, 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. [SB-256: Sen. Tomczyk, R – Mosinee / Rep. Allen, R – Waukesha]

SB-262 / AB-260, 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 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. [SB-262: Sen. Jacque, R – DePere / AB-260: Rep. Mursau, R – Crivitz]

SB-273 / AB-278, Law Enforcement Rehires: Under current law, a WRS annuitant who is hired by an employer participating in the WRS, must suspend their annuity and may not receive a WRS annuity payment until the person is no longer in a WRS-position. This bill draft creates an exception to allow an annuitant who was a law enforcement officer or fire fighter to return to work with an employer participating in the WRS and elect not to become a participating employee for purposes of the WRS, and instead continue to receive his or her annuity. [AB-278: Rep. Wichgers, R – Muskego / SB-273: Sen. Jacque, R – DePere]

SB-313 / AB-313, Fail to Stop for Bus: This bill draft would increase the penalties for failing to stop for a school bus. Current law requires a driver to stop at least 20 feet from a stopped school bus displaying

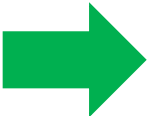
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flashing red lights and remain stopped until the bus moves on or the lights are turned off. The bill draft would increase the forfeiture from \$30-\$300 to \$300-\$1,000 and would also require DOT to assess three demerit points on the violating driver's record. (AB-313: Rep. Penterman, R – Columbus / SB-313: Sen. James, R - Altoona)

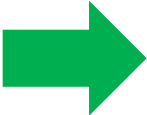
SB-363, Pig Iron Transport: This bill draft would change the definition of recyclable scrap for the purposes of the overweight or oversize scrap permit to include pig iron. (SB-363: Rep. Ballweg, R – Markesan)

SB-354, Driver Ed (School Bus Safety): This bill draft would require that upon driver license renewal an applicant complete a verbal school bus safety examination. The performance on the exam would not affect whether the license is renewed or not. The knowledge test for new applicants would be required to include school bus safety material. Also, driver education courses would be required to provide instruction on school bus safety. (SB-354: Rep. Johnson, R - Jefferson)

SB-355 / AB-354 Utility Warning Lights (Green): This bill draft would allow vehicles of a public utility, telecommunications carrier, or cooperative to have green flashing lights along with the amber lights. The green warning lights could only be used when the vehicle is operated for the purpose of restoration of utility service outside of normal maintenance or construction. (SB-355: Sen. Tomczyk, R - Mosinee)



AB-356 / SB-371, Next Gen 911 Grant: This bill draft would create a new grant under the Department of Military Affairs to incumbent local exchange carriers as originating service providers for the reimbursement of the incumbent local exchange carriers' certain various costs associated with Next Generation 911. (SB-371: Sen. Testin, R - Stevens Point / AB-356: Rep. Kurtz, R - Wonewoc)



SB-352 / AB-350, Extreme Risk Protection Temporary Restraining Orders: Under current law a person who is subject to a domestic abuse injunction and in some cases a harassment or an individuals-at-risk injunction they are prohibited from possession a firearm and must surrender them. Violating the prohibition is a Class G felony. This bill draft creates an extreme risk protection temporary restraining order and injunction to prohibit a person from possessing a firearm. Either a law enforcement officer or a family or household member of the person may file a petition with a court to request an extreme risk protection injunction. The petition must allege facts that show that the person is substantially likely to injure himself or herself or another if the person possesses a firearm. If the judge issues a TRO, the TRO is in effect until the injunction hearing, which must occur within 14 days of the TRO issuance. The TRO must require a law enforcement officer to personally serve the person with the order and to require the person to immediately surrender all firearms in his or her possession. If a law enforcement officer is unable to personally serve the person, then the TRO requires the person to surrender within 24 hours all firearms to a law enforcement officer or a firearms dealer and to provide the court a receipt indicating the surrender occurred. At the injunction hearing, the court may grant an extreme risk protection injunction ordering the person to refrain from possessing a firearm and, if the person was not subject to a TRO, to surrender all firearms he or she possesses if the court finds by clear and convincing evidence that the person is substantially likely to injure himself or herself or another if the person possesses a firearm. An extreme risk protection injunction is effective for up to one year and may be renewed. A person who possesses a firearm while subject to an extreme risk protection TRO or injunction is guilty of a Class G felony. In addition, a person who files a petition for an extreme risk protection injunction, knowing the information in the petition to be false, is guilty of the crime of false swearing, a Class H felony. [SB-352: Sen. Taylor, D – Milwaukee / AB-350: Rep. Andraca, D - Whitefish Bay]

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 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]

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

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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.

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. Wanggard, R – Racine / AB-54: Rep. Duchow, R - Delafield]

[SB-60](#) / [AB-66](#), Title Transfer: (SB-60, Public Hearing 3/15/23, Voted out of Committee 5/10/23) (AB-66, Public Hearing 5/23/23, Voted out of Committee 6/6/23) 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-97](#) / [AB-89](#), Traffic Penalties, Highway Maintenance Workers: (SB: 97, Public Hearing 3/28/23, Voted out of Committee 5/23/23) (AB-89, Public Hearing 6/6/23, Voted out of Committee 6/20/23) 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

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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-73](#) / [AB-79](#), Prostitution Surcharge: (SB-73, Public Hearing 3/28/23) (AB-79, Public Hearing 5/2/23, Voted out of Committee 5/18/23) 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-230](#) / [AB-237](#), Prisoner Release Requirements: (SB-230, Public Hearing 5/10/23, Voted out of Committee 5/23/23) 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. [SB-230: Sen. Bradley, R – Franklin / AB-237: Rep. Maxey, R - New Berlin]

[AB-105](#) / [SB-109](#), ATV/UTV on Highways: (AB-105, Public Hearing 5/16/23, Voted out of Committee 6/6/23) 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.

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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]

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, Passed Assembly 6/7/23) 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) (SB-78, Public Hearing 5/10/23, Voted out of Committee 5/23/23) 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]

[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]

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[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, Passed Assembly 6/21/23 **as amended, Passed Senate 6/28/23 **as amended**) (AB-74, Public Hearing 5/23/23, Voted out of Committee 6/6/23) 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 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:

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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]

[AJR-047](#), Law Enforcement Appreciation: (AJR-47, Adopted by Assembly 5/17/23, Adopted by Senate 6/7/23) Recognizing May 2023 as Law Enforcement Appreciation Month in Wisconsin. (Rep. Novak, R – Dodgeville)

[AB-69](#), School Crime Reporting: (AB-69 Public Hearing 3/2/23, Voted out of Committee 3/8/23, Passed Assembly 3/14/23) 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]

[SB-35](#) / [AB-33](#), DOT Emergency Contact Records: (SB-35, Public Hearing 4/12/23, Voted out of Committee 5/10/23, Passed Senate [as amended](#) 6/7/23) (AB-33, Public Hearing 6/6/23, Voted out of Committee [as amended](#) 6/20/23) 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](#) / [AB-123](#), Probationary License: (SB-123, Public Hearing 4/12/23, Voted out of Committee 5/10/23, Passed Senate 6/7/23) (AB-123, Public Hearing 5/23/23, Voted out of Committee 6/6/23) 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

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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, Voted out of Committee 5/10/23, Passed Senate 6/7/23) (AB-122, Public Hearing 5/23/23, Voted out of Committee 6/6/23)

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 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]

[SB-332 / AB-304](#), Alcohol Regulation: (Public Hearing 6/13/23, Voted out of Committee 6/15/23, Passed Assembly 6/21/23) This bill draft would make numerous changes within the Department of Revenue's purview to the ways in which alcohol is made, bought, and sold in the state. Included in the changes though, would be an increase in the safe ride forfeiture from \$50 to \$75 and a requirement that municipalities share information about the safe ride program to businesses with Class A and Class B alcohol license. (Rep. Vos, R – Rochester)

[SB-120](#), Public Safety Health Care: (SB-120, Public Hearing 3/28/23, Voted out of Committee 5/23/23 as **amended, Passed Senate 6/28/23 without amendment)**

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

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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 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]

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 new law, 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]

[2023 Act 1 Legislative Council Memo](#) (Effective Date: April 5, 2023)

[2023 Act 9 / 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, Signed into Law by Governor Evers 5/10/23) (SB-90, Public Hearing 3/14/23, Voted out of Committee 4/13/23) Under previous 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 new law:

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. Previous law increased the penalty for a second reckless driving offense only if the person committed the second offense within four years of the first offense. Now, 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 previous 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 was 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.

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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 previous 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 new law 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.

Previous law imposed 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 law, 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]

[Legislative Council Act Memo Act 9](#) (Effective Date May 12, 2023)

[2023 Act 10 / AB-52 / SB-76, Carjacking: \(AB-52 Public Hearing 3/2/23, Voted out of Committee 3/7/23\) \(SB-76, Public Hearing 3/7/23, Voted out of Committee 3/16/23, Passed Senate 3/22/23, Passed Assembly 4/18/23, Signed into Law by Governor Evers 5/10/23\)](#) Under previous 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 did not previously use this term, and these crimes are organized under the statutory section titled “Operating vehicle without owner's consent.”

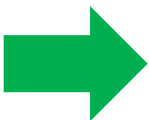
This new law reorganizes the carjacking crimes under their own statutory section titled “Carjacking” and changed the statutory references to the carjacking statutes so as to maintain current law. Further, the law increased the penalty for carjacking from a Class C felony to a Class B felony if the person 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]

(Effective Date May 12, 2023)

[Legislative Council Act Memo Act 10](#) (Effective Date May 12, 2023)

[Act 21 / AB-322, WLEA Agreement: \(Passed Assembly 6/21/23, Passed Senate 6/28/23, Signed into Law by Governor Evers 7/19/23\)](#) Ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Law Enforcement Association, for the 2021-23 biennium, covering employees in the public safety collective bargaining unit, and authorizing an expenditure of funds.

[Legislative Council Act Memo Act 21](#) (Effective Date July 21, 2023)



Unintroduced Draft Legislative Proposals

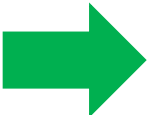
[LRB-1964, CCAP Information:](#) Under current law, the director of state courts maintains the consolidated court automation programs website, which is an Internet site that is the statewide electronic circuit court case management system. The director of state courts has discretion regarding what information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

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]

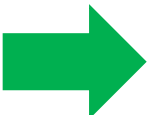
[LRB-1699, Bail Conditions:](#) Under current law, a judge may release a person charged with a crime without bail or may release the defendant only if he or she executes an unsecured appearance bond or may require a defendant to execute a secured bond to be released.

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-0110, Firearm Sales:](#) This bill draft would generally require firearms transfers to go through a federally licensed firearms dealer which would involve a background check of the prospective transferee. There would be exceptions for transfers such as to law enforcement, firearms dealer, and gifts between family. The penalty for violating the prohibition would be a fine of \$500 to no more than \$10,000, imprisonment for up to nine months, and the person may not possess a firearm for two years. (Sen. Johnson, D – Milwaukee)



[LRB-0981 Memo Peer-to Peer Vehicle Sharing:](#) This bill draft would create the parameters for liability and insurance related to a peer-to-peer motor vehicle sharing program. A peer-to-peer motor vehicle sharing program is a business platform that connects a vehicle owner with an individual to in which the individual pays to use the vehicle. The driver must have a driver's license to participate in the sharing program. The sharing program would be required to verify the vehicle is free from safety recalls at the time the vehicle is registered with the program. The owner would be responsible for future safety recalls. [Sen. Stafsholt, R - New Richmond / Rep. Duchow, R – Delafield]



[LRB-1131, Determining Lawful Presence:](#) This draft bill would require a law enforcement officer to determine whether a person who is arrested for or charged with a crime or civil violation is a lawfully present in the state. If the officer has reasonable suspicion, based on a failure to provide identification

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that the person is not lawfully present, the officer must attempt to verify whether the person is a lawfully present. If the person provides proof of lawful presence, then the officer may not inquire further. However, if the person does not provide proof, the officer must attempt to verify the person's immigration status with the federal government. Under the bill draft, an officer may not base reasonable suspicion of unlawful presence on a person's race, color, or national origin except as permitted under the U.S. and Wisconsin Constitutions. If a person is determined to be unlawfully present an officer must report the person to the appropriate federal immigration authority, must cooperate with the immigration authorities to the greatest extent possible, and, if permitted under federal law, must detain the person until the federal immigration authority can take the person into federal custody. Law enforcement agencies would be required to collect data regarding the number of persons who are determined to be unlawfully present in the state who are charged with a crime or civil violation. DOJ must collect this data and submit a report on the data to the legislature every six months. [Sen. Bradley, R – Franklin / Rep. Gundrum, R – Slinger]