



## 2021 BILL

1     **AN ACT** *to renumber and amend* 165.85 (3) (cm); and *to create* 165.85 (3) (cm)  
2             2., 3. and 10. of the statutes; **relating to:** decertification of law enforcement,  
3             tribal law enforcement, jail, or juvenile detention officers.

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### *Analysis by the Legislative Reference Bureau*

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

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

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

**BILL****SECTION 1**

1           165.85 (3) (cm) (intro.) ~~Decertify~~ Within 30 days after the relevant event,  
2 decertify law enforcement, tribal law enforcement, jail, or juvenile detention officers  
3 who terminate do one of the following:

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

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

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

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

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

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

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

21           ~~(cp)~~ The board shall establish procedures for decertification under par. (cm) in  
22 compliance with ch. 227, except that decertification for ~~failure to pay court-ordered~~  
23 ~~payments of child or family support, maintenance, birth expenses, medical expenses,~~  
24 ~~or other expenses related to the support of a child or former spouse or for failure to~~  
25 ~~comply, after appropriate notice, with a subpoena or warrant issued by the~~

**BILL**

1 ~~department of children and families or a county child support agency under s. 59.53~~  
2 ~~(5) and related to paternity or child support proceedings~~ an action described under  
3 par. (cm) 9. shall be done as provided under sub. (3m) (a).

4 **SECTION 2.** 165.85 (3) (cm) 2., 3. and 10. of the statutes are created to read:

5 165.85 (3) (cm) 2. Violate a use-of-force policy that he or she is subject to.

6 3. Terminate employment while under investigation for an alleged act of official  
7 misconduct. Officers decertified under this subdivision may not be certified in the  
8 future unless the officer is granted a waiver by the police commission or police and  
9 fire commission of the jurisdiction in which the officer seeks employment and  
10 corresponding recertification.

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

13 a. A deferred judgment and sentencing agreement or deferred sentencing  
14 agreement, whether pending or successfully completed.

15 b. A deferred prosecution agreement, whether pending or successfully  
16 completed.

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

18 (END)