



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2842/1
EAW:skw

2021 BILL

1 **AN ACT to amend** 20.455 (2) (em); and **to create** 165.951 of the statutes;
2 **relating to:** grants for law enforcement officers to use risk assessment tools
3 prior to making an arrest and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a grant program administered by the Department of Justice for law enforcement agencies to incorporate a prearrest risk assessment tool into their arrest practices. Under the bill, in order to receive a grant, a law enforcement agency must identify an evidence-based risk assessment tool that its law enforcement officers will use to determine whether a person should be arrested for a crime.

A law enforcement agency that receives a grant will provide information to DOJ regarding the use of the evidence-based risk assessment tool, including the number of persons screened, the number of persons arrested after screening, and the number of persons not arrested after screening. DOJ must analyze the data submitted each year and prepare a progress report that evaluates the effectiveness of the program. Every five years, DOJ must submit a report summarizing the grant program and its effects to the legislature.

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

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

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1 **SECTION 1.** 20.455 (2) (em) of the statutes is amended to read:

2 20.455 (2) (em) *Alternatives to prosecution and incarceration for persons who*
3 *use alcohol or other drugs; prearrest risk assessment tools; presentencing*
4 *assessments.* The amounts in the schedule for making grants to counties and tribes
5 under s. ss. 165.95 (2) and 165.951 (1).

6 **SECTION 2.** 165.951 of the statutes is created to read:

7 165.951 (1) From the appropriation under s. 20.455 (2) (em), the department
8 of justice shall distribute grants on a competitive basis to fund law enforcement
9 agencies' use of an evidence-based prearrest risk assessment tool in order to
10 determine whether a person who is assessed should be placed under arrest.

11 (2) In order to receive a grant under this section, a law enforcement agency
12 shall submit an application to the department of justice that includes all of the
13 following:

14 (a) A plan for the expenditure of the grant moneys distributed to the agency.

15 (b) Identification of the evidence-based prearrest risk assessment tool that the
16 law enforcement agency intends to incorporate into its arrest practices.

17 (c) A plan for training law enforcement officers employed by the agency in the
18 use and application of the evidence-based prearrest risk assessment tool.

19 (3) A law enforcement agency that receives a grant under this section shall
20 require law enforcement officers employed by the agency to use and apply the
21 evidence-based prearrest risk assessment tool in order to determine whether a
22 person should be placed under arrest.

23 (4) A law enforcement agency that receives a grant under this section shall
24 provide information to the department of justice regarding its use of the
25 evidence-based prearrest risk assessment tool, including the number of persons

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1 screened, the number of persons placed under arrest after screening, and the number
2 of persons not placed under arrest after screening. The department may request any
3 data regarding a plan funded under this section that is necessary to evaluate the
4 grant program and prepare the reports under subs. (5) and (6).

5 (5) Annually, the department of justice shall analyze the data submitted under
6 sub. (4) for the previous year and prepare a progress report that evaluates the
7 effectiveness of the grant program. The department shall make the report available
8 to the public.

9 (6) Every 5 years, the department of justice shall prepare a comprehensive
10 report that analyzes the data submitted under sub. (4) for the previous 5 years and
11 shall submit the report to the legislature under s. 13.172 (2).

12 (END)