

State of Wisconsin



2021 Senate Bill 123

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to renumber* 165.845 (1) (intro.) and (c); *to renumber and amend* 165.845 (1) (a) and 165.845 (1) (b); *to amend* 165.845 (title) and 165.845 (2); and *to create* 165.845 (1g), 165.845 (1r) (a) 2. and 165.845 (1r) (d) of the statutes; **relating to:** reporting of law enforcement use-of-force incidents.

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

SECTION 1. 165.845 (title) of the statutes is amended to read:

165.845 (title) Collect Collection and reporting of crime data.

SECTION 2. 165.845 (1) (intro.) and (c) of the statutes are renumbered 165.845 (1r) (intro.) and (c).

SECTION 3. 165.845 (1) (a) of the statutes is renumbered 165.845 (1r) (a) (intro.) and amended to read:

165.845 (1r) (a) (intro.) Collect information concerning the number and nature of offenses known to have been committed in this state and such other information as may be useful in the study of crime and the administration of justice. The department of justice may determine any other information to be obtained regarding crime and justice system statistics. The information shall include ~~data~~ all of the following:

1. Data requested by the federal bureau of investigation under its system of uniform crime reports for the United States.

SECTION 4. 165.845 (1) (b) of the statutes is renumbered 165.845 (1r) (b) and amended to read:

165.845 (1r) (b) Furnish all reporting officials with ~~forms or instructions or both~~ that specify the nature of the information required under par. (a), a simple format in

which to submit the information, the time it is to be forwarded, the method of classifying it, and any other matters that facilitate collection and compilation. The format provided under this paragraph shall, to the greatest extent feasible, minimize the time required by each law enforcement officer to submit the required information.

SECTION 5. 165.845 (1g) of the statutes is created to read:

165.845 (1g) In this section:

(a) "Great bodily harm" has the meaning given in s. 939.22 (14).

(m) "Use-of-force incident" means any of the following:

1. Any incident involving the discharge of a firearm by a law enforcement officer at or in the direction of a civilian.

2. Any incident involving the discharge of a firearm by a civilian at or in the direction of a law enforcement officer.

3. Any incident in which an action taken by a law enforcement officer as a response to an act of resistance results in great bodily harm or death.

4. Any incident in which an act of resistance taken by a civilian against a law enforcement officer results in great bodily harm or death.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 6. 165.845 (1r) (a) 2. of the statutes is created to read:

165.845 (1r) (a) 2. For any use-of-force incident, all of the following information:

- a. The gender, race, ethnicity, and age of each person who was shot at, injured, or killed.
- b. The date, time, and location of the incident.
- c. The reason for the law enforcement officer's initial contact with the civilian.
- d. Whether any civilian involved in the incident was armed and, if he or she was armed, the type of weapon that the civilian had.
- e. The type of resistance used against the law enforcement officer by the civilian, the type of action taken in response by the officer, and if applicable, the types of weapons used.
- f. The number of law enforcement officers involved in the incident.
- g. The number of civilians involved in the incident.
- h. A brief description regarding any acts of resistance that precipitated the incident and the circumstances surrounding the incident, including perceptions on behavior or mental disorders.

i. Any other information that is required to comply with the reporting standards of the National Use-Of-Force Data Collection system administered by the federal bureau of investigation.

SECTION 7. 165.845 (1r) (d) of the statutes is created to read:

165.845 (1r) (d) Publish an annual report using the information collected under par. (a) 2. The report may be published electronically on the department of justice's Internet site in an interactive format and shall include, at a minimum, all information that is reported to the department by local law enforcement agencies under par. (a) 2.

SECTION 8. 165.845 (2) of the statutes is amended to read:

165.845 (2) All persons in charge of law enforcement agencies and other criminal and juvenile justice system agencies shall supply the department of justice with the information described in sub. (1) ~~(1r) (a)~~ on the basis of the forms or instructions or both to be supplied in the format specified by the department under sub. ~~(1) (a)~~ (1r) (b). The department may conduct an audit to determine the accuracy of the data and other information it receives from law enforcement agencies and other criminal and juvenile justice system agencies.