

**WISCONSIN CHIEFS OF POLICE ASSOCIATION  
LEGISLATIVE COMMITTEE ANNUAL REPORT**

**2005-2006 Legislative Session**

August 10, 2006

Chief Ed Kondracki  
WCPA President  
La Crosse Police Department  
400 La Crosse Street  
La Crosse, WI 54601

Dear Chief Kondracki:

The WCPA Legislative Committee experienced an up and down year. The session was not as hectic as usual for the second year of a Legislative Session, and legislators seemed to focus on a small select number of topics such as TABOR, Concealed Carry, Defining Marriage, etc. The committee addressed several issues of state-wide concern to both our membership and the residents of our individual jurisdictions. The committee reviewed many Senate and Assembly Bills which would have a direct impact on the law enforcement community. The following is a brief list of the more significant issues that the Legislative Committee tracked on behalf of the WCPA membership.

**Primary Legislative Proposals Reviewed by the Legislative Committee from August 2005 to August 2006.**

**The Law Enforcement Officer's Safety Act – HR 218**

As chair of the Legislative Committee, I continue to spend a great deal of time on this particular issue. This federal law passed several years ago and was so poorly written that it has been extremely difficult for police agencies across the country to implement the law in its current version. We continue to receive correspondence from many retired and former law enforcement officers demanding an answer for what they view as our association stone walling the implementation of the Federal Law in Wisconsin. I have met with representatives from the Attorney General's Office, grass roots groups, and Legislators to explore options for implementation. The most expedient method of implementing the federal law would have been for the legislature to embrace the Attorney General's recommendations to change state law giving the Training and Standards Board the authority to create a uniform firearms qualification standard for former and retired police officers who wish to qualify to carry a concealed weapon. As I have reported on several occasions, nothing will proceed on implementing this law until the legislature decides to stop playing political football with the issue and stop laying the blame on law enforcement's door step.

We continue to work with stakeholders on this issue to find a reasonable solution while protecting our membership and the public who we have taken an oath to protect.

**“The Personal Protection Act” Assembly Bill 763 – Senate Bill 403 (Concealed Carry)**

This proposal which has been introduced in various versions for the past five consecutive Legislative Sessions is related to permitting state residents and licensed permit holders from other states to carry concealed weapons in our state ending a 144 year public policy prohibiting concealed weapons from being carried in our state.

Assembly Bill 763 and Senate Bill 403 passed both houses. Governor Jim Doyle vetoed the bill and the Assembly was not able to override the Governor’s Veto. This has been the result for the past two legislative sessions.

Wisconsin is now one of two states which do not have a Concealed Carry Law. Illinois is the other state.

During this year’s legislative session, the primary legislative authors of this bill have announced their plans to release a new version during next year’s legislative session. They have indicated that their new version of the bill will have fewer restrictions than the version vetoed by the Governor this year. I believe Wisconsin will be the battle ground state for the NRA on this issue because they feel Wisconsin is more vulnerable than Illinois.

A lot will depend on the outcome of the Gubernatorial Election in November. If Governor Doyle is returned to office, it will be difficult for the Republican controlled legislature to override his veto on this legislative proposal. If Mark Green wins the Governor’s Office, he has already indicated that he will sign a concealed carry bill if it makes it to his desk.

Our association participated with the Wave (Wisconsin Anti-Violence Effort) organization in an effort to ensure this proposed legislation did not pass. In May Governor Doyle commended WAVE for efforts in making Wisconsin a safer place to live.

**Assembly Bill 215 – Primary Seatbelt Enforcement**

This proposal is related to enforcement of motor vehicle safety belt violations. The WCPA has supported this proposal during the past five legislative sessions. This very important traffic safety measure has not been supported by the legislature for a variety of reasons. Some legislators believe that law enforcement would use this authority to stop members of the minority community compared to white drivers, thus there has been a movement to combine data collection to this bill.

I testified in support of this bill at a legislative hearing on May 19, 2005. I was the last person to testify after three hours of testimony. It was clear that the members of the Assembly Committee on Transportation had no desire to move this bill out of their committee. The comments made by several members of the committee clearly demonstrated that they do not even want to publicly recognize that a seatbelt law exists in Wisconsin.

I’m disappointed in light of our record setting motor vehicle fatalities on our roadways that the legislature has decided to play politics with a clean and important traffic safety proposal which would encourage motorists to use their safety belts.

This bill did not pass the legislature for the fifth consecutive legislative session.

**Assembly Bill 185 – Disciplinary Procedures for Certain Local Law Enforcement Officers**

This bill would permit a law enforcement officer who is the subject of a disciplinary proceeding before a Police and Fire Commission to appeal the ruling of the Commission to a State Arbitrator. This bill was introduced in March and passed the Assembly on June 14<sup>th</sup>, 2005. Mike Vaughn and I had meetings with both Senator Ron Brown and Senator Tom Reynolds to encourage them not to schedule this bill for a hearing in the Senate. Ultimately, this proposal did not receive a hearing in the Senate and died in committee. This is the fifth consecutive legislative session that this bill has been introduced. Each time that it is introduced, it makes it further in the legislative process. The majority of the legislature has a difficult time understanding the impact that this legislative change would have on communities' Police & Fire Commission's authority and effectiveness.

**The following Bills were signed into law during the legislative session.**

**Senate Bill 132 – ACT 73: Related to payment of attorney fees for law enforcement officers.**

This new law provides that city, town, village, or county shall reimburse a police officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of their official duties.

**Assembly Bill 436 – ACT 104: Related to domestic abuse arrests.**

This change in the law is primarily related to the change from Primary Physical Aggressor to Predominant Aggressor. The law redefines the criteria that law enforcement officers must use to make the decision related to predominant aggressor.

**Assembly Bill 618 – ACT 106: Related child safety restraint systems.**

This law changes the requirements and criteria of the age and size of children and how they must be secured in a motor vehicle.

**Assembly Bill 213 – ACT 113: Related to defining the manufacturing of methamphetamine in the presence of a child as child abuse.**

It is a separate crime to manufacture methamphetamine with a child physically present during the manufacture of the drug.

**Senate Bill 641 – ACT 414: Related to authority for an off-duty police officer to act outside of his/her territorial jurisdiction.**

This law permits law enforcements officers to make arrests and provide aid or assistance outside of his or her territorial jurisdiction in the state if certain criteria are followed.

**Senate Bill 626 – ACT 412: (Nick's Law) Related to causing property damage, injury, or death while operating a vehicle without a valid driver's license or after suspension or revocation of an operating privilege.**

This law increases the penalties for a person who knowingly operates a motor vehicle without a valid driver's license or with a revoked or suspended driver's license.

**Senate Bill 526 – ACT 436: Related to sexual intercourse or sexual contact with a person who is under the influence of alcohol.**

This law makes it a crime to have sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent.

It has been an honor to represent our membership on these and other very important legislative issues during the past year. I have committed to our Incoming President to remain as Chairperson of the Legislative Committee through this current Legislative Session and look forward to the challenges of this current legislative year.

Sincerely,

**Doug Pettit, Chair**  
**WCPA Legislative Committee**