



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5970/1
KRP:wlj

2021 ASSEMBLY BILL 969

February 8, 2022 - Introduced by Representatives DUCHOW, MAGNAFICI, WITTKE and DITTRICH. Referred to Committee on Education.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 118.07 (6) of the statutes; **relating to:** reporting to law
2 enforcement certain crimes and other incidents that occur in or on public school
3 buildings and grounds, requiring certain schools to employ armed school
4 resource officers, and allocating federal American Rescue Plan Act of 2021
5 funding to reimburse schools for costs of employing armed school resource
6 officers.

Analysis by the Legislative Reference Bureau

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.

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The bill also requires the Department of Public Instruction, from the moneys awarded to DPI under the federal American Rescue Plan Act of 2021, to reimburse a school board or the operator of an independent charter school that begins employing or enters into a new contract for the employment of a law enforcement officer as an armed SRO all of the following amounts: 1) 75 percent of the costs associated with the SRO for the 2022-23 school year; 2) 50 percent of the costs associated with the SRO for the 2023-24 school year; and 3) 25 percent of the costs associated with the SRO for the 2024-25 school year.

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:

1 **SECTION 1.** 118.07 (6) of the statutes is created to read:

2 118.07 **(6)** (a) In this subsection:

3 1. "Incident" means any of the following:

4 a. An incident of homicide; sexual assault; burglary, robbery, or theft; battery,
5 substantial battery, or aggravated battery under s. 940.19; arson; use or possession
6 of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog,
7 as defined in s. 961.01 (4m); possession of a firearm in violation of s. 948.605 (2);
8 disorderly conduct under s. 947.01; or conduct that constitutes a violation of a
9 municipal ordinance relating to disorderly conduct.

10 b. An incident of use or possession of alcohol; use or possession of a cigarette,
11 nicotine product, or tobacco product in violation of s. 254.92 or a municipal ordinance;
12 or use or possession of a vaping device in violation of a municipal ordinance.

13 2. "Law enforcement officer" means an individual who is employed in this state
14 by a public agency as a law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5.
15 and (2) (b) 1. to 3. applies.

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1 (b) Each school board and the operator of each charter school under s. 118.40
2 (2r) or (2x) shall report any incident that occurs in a school building or on school
3 grounds to local law enforcement.

4 (c) If 100 or more incidents occur in and on the buildings and grounds of a public
5 school, other than a charter school under s. 118.40 (2r) or (2x), during a school
6 semester, and at least 25 of those incidents are incidents as defined in par. (a) 1. a.
7 that result in an arrest, the school board shall, no later than the first day of the next
8 school year, employ or contract for the employment of a law enforcement officer as
9 an armed school resource officer to work at the school. Incidents are counted under
10 this paragraph on a school-by-school basis, rather than at the school district level.
11 If a school meets the criteria under this paragraph, the school board may apply to the
12 department for a waiver of the requirement under this paragraph. The department
13 may grant a waiver in the department's discretion, but the department may grant
14 a waiver for a particular school only once.

15 (d) If 100 or more incidents occur in and on the buildings and grounds of a
16 charter school under s. 118.40 (2r) or (2x) during a school semester, and at least 25
17 of those incidents are incidents as defined in par. (a) 1. a. that result in an arrest, the
18 operator of the charter school shall, no later than the first day of the next school year,
19 employ or contract for the employment of a law enforcement officer as an armed
20 school resource officer to work at the charter school. If a charter school under s.
21 118.40 (2r) or (2x) meets the criteria under this paragraph, the operator of the charter
22 school may apply to the department for a waiver of the requirement under this
23 paragraph. The department may grant a waiver in the department's discretion, but
24 the department may grant a waiver for a particular charter school only once.

25 **SECTION 2. Nonstatutory provisions.**

ASSEMBLY BILL 969**SECTION 2**

1 (1) REIMBURSEMENT FOR NEW ARMED SCHOOL RESOURCE OFFICER COSTS.

2 (a) In this subsection:

3 1. "Department" means the department of public instruction.

4 2. "Law enforcement officer" has the meaning given in s. 118.07 (6) (a) 2.

5 (b) If, after the effective date of this paragraph, a school board or the operator
6 of a charter school under s. 118.40 (2r) or (2x) begins employing, or enters into a new
7 contract for the employment of, a law enforcement officer as an armed school
8 resource officer, the department shall pay to the school board or operator the
9 amounts described under par. (c).

10 (c) Of the moneys awarded to the department under section 2001 (c) of the
11 federal American Rescue Plan Act of 2021, P.L. 117-2, to the extent allowable under
12 federal law, the department shall reimburse a school board or the operator of a
13 charter school under s. 118.40 (2r) or (2x) that is eligible for reimbursement under
14 par. (b) all of the following amounts:

15 1. Seventy-five percent of the school board's or operator's costs associated with
16 employing or contracting for the employment of the armed school resource officer
17 described under par. (b) for the 2022-23 school year.

18 2. Fifty percent of the school board's or operator's costs associated with
19 employing or contracting for the employment of the armed school resource officer
20 described under par. (b) for the 2023-24 school year.

21 3. Twenty-five percent of the school board's or operator's costs associated with
22 employing or contracting for the employment of the armed school resource officer
23 described under par. (b) for the 2024-25 school year.

24 **SECTION 3. Initial applicability.**

