

# State of Wisconsin



2021 Senate Bill 120

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

AN ACT *to create* 175.44 of the statutes; **relating to:** use of force by law enforcement officers and providing a penalty.

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

**SECTION 1.** 175.44 of the statutes is created to read:

**175.44 Law enforcement use of force. (1) DEFINITIONS.** In this section:

(a) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

(b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(2) **USE OF FORCE.** (a) *The sanctity of human life.* In serving the community, law enforcement officers shall make every effort to preserve and protect human life and the safety of all persons. Law enforcement officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner.

(b) *Use of force.* When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to use force that is objectively reasonable based on the totality of the circumstances, including:

1. The severity of the alleged crime at issue.
2. Whether the suspect poses an imminent threat to the safety of law enforcement officers or others.
3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

(c) *Deadly force.* A law enforcement officer may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

(3) **DUTY TO REPORT NONCOMPLIANT USE OF FORCE.** (a) A law enforcement officer who, in the course of his or her law enforcement duties, witnesses another law enforcement officer use force that does not comply with the standards under sub. (2) (b) or (c) in the course of that law enforcement officer's official duties shall report the non-compliant use of force as soon as is practicable after the occurrence of the use of such force.

(b) A person who intentionally fails to report a non-compliant use of force as required under par. (a) may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

(4) **DUTY TO INTERVENE.** (a) A law enforcement officer shall, without regard for chain of command, intervene to prevent or stop another law enforcement officer from using force that does not comply with the standards under

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\* 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."

sub. (2) (b) or (c) in the course of that law enforcement officer's official duties if all of the following apply:

1. The law enforcement officer observes the use of force that does not comply with the standards under sub. (2) (b) or (c).

2. The circumstances are such that it is safe for the law enforcement officer to intervene.

(b) A law enforcement officer who intervenes as required under par. (a) shall report the intervention to his or her immediate supervisor as soon as is practicable after the occurrence of the use of such force.

(c) A person who intentionally fails to intervene as required under par. (a) or intentionally fails to report an intervention as required under par. (b) may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

**(5) WHISTLEBLOWER PROTECTIONS.** No law enforcement officer may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer reported, or is believed to have reported, any noncompliant use of force as required under sub. (3) or (4); intervened to prevent or stop a noncompliant use of force as required under sub. (4); initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a noncompliant use of force; or provided any information, or is believed to have provided any information, about noncompliant use of force as required under sub. (3) or (4).

**SECTION 2m. Effective date.**

(1) This act takes effect on January 1, 2022.

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