



## 2017 ASSEMBLY BILL 38

January 20, 2017 - Introduced by Representatives KESSLER, CROWLEY, BROSTOFF, BERCEAU and OHNSTAD, cosponsored by Senators L. TAYLOR and C. LARSON. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to create* 66.0414 of the statutes; **relating to:** limiting the authority of  
2             a law enforcement officer to arrest someone for sleeping or camping in a county  
3             park, authorizing local ordinances to prohibit overnight sleeping or camping in  
4             a county park, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, and subject to a number of exceptions, no state or local law enforcement officer may arrest a person, without a warrant, who is suspected of sleeping in an area of a county park in which the county has prohibited overnight sleeping or overnight camping. The exceptions include situations where the law enforcement officer knows the person is wanted for arrest on charges unrelated to sleeping or camping in a county park or the officer reasonably believes the person is a threat to public health or safety for reasons unrelated to sleeping or camping in a county park.

The bill authorizes a city, village, town, or county to enact and enforce an ordinance prohibiting a person from sleeping in a county park in an area designated by the political subdivision as an area in which overnight sleeping or camping is prohibited, but the ordinance must specify that the penalty for violating such an ordinance is a forfeiture of not less than \$10 nor more than \$200, plus costs. The ordinance must also specify that a person who is convicted of violating such an ordinance and does not pay the forfeiture may be sentenced to a term of not more than 90 days in the county jail or county house of corrections.

**ASSEMBLY BILL 38**

If a political subdivision has in effect on the effective date an ordinance that is inconsistent with the provisions contained in the bill, the ordinance does not apply and may not be enforced.

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

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

1           **SECTION 1.** 66.0414 of the statutes is created to read:

2           **66.0414 Law enforcement in county parks.** (1) In this section:

3           (a) "Law enforcement officer" means any person employed by the state or any  
4 political subdivision for the purpose of detecting and preventing crime and enforcing  
5 laws or ordinances and who is authorized to make arrests for violations of the laws  
6 or ordinances the person is employed to enforce, whether that enforcement authority  
7 extends to all laws or ordinances or is limited to specific laws or ordinances.

8           (b) "Political subdivision" means any city, village, town, or county.

9           **(2)** Except as provided in sub. (3), and subject to subs. (4) and (5), no law  
10 enforcement officer may, without a warrant, arrest any person who is suspected of  
11 sleeping in a county park in an area that the county has designated as an area in  
12 which overnight sleeping or overnight camping is prohibited.

13           **(3)** The limitation on arrest in sub. (2) does not apply if any of the following  
14 apply to the person suspected of sleeping in a county park:

15           (a) The law enforcement officer knows that the person is wanted for arrest on  
16 other charges unrelated to overnight sleeping or camping in a county park.

17           (b) The law enforcement officer reasonably believes that the person poses a  
18 threat to public health or safety that is unrelated to sleeping or camping in a county  
19 park.

