



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-3408/1  
MLJ:kjf

## 2021 ASSEMBLY BILL 331

May 18, 2021 - Introduced by Representatives STEINEKE, STUBBS, ARMSTRONG, BALDEH, CABRAL-GUEVARA, CABRERA, DUCHOW, EDMING, GOYKE, GUNDRUM, KITCHENS, KRUG, KURTZ, LOUDENBECK, MACCO, MILROY, MOSES, MURSAU, NOVAK, PETRYK, SCHRAA, SPIROS, STEFFEN, TRANEL, WITTKE and ZIMMERMAN, cosponsored by Senators COWLES, L. TAYLOR, WANGGAARD and BALLWEG. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to create* 165.85 (4) (a) 5m. of the statutes; **relating to:** requiring  
2           prospective law enforcement officers to complete a psychological examination  
3           prior to employment as a law enforcement officer and granting rule-making  
4           authority.

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### *Analysis by the Legislative Reference Bureau*

This bill adds to the responsibilities of the Law Enforcement Standards Board (LESB). Under current law, the LESB must establish the minimum education and training standards for admission to employment as a law enforcement officer, establish minimum curriculum requirements for preparatory courses and programs, establish minimum curriculum requirements for recertification and advanced courses, and develop criteria for annual recertification training relating to police pursuit and handgun operation qualification. Additionally, the LESB is required to certify law enforcement officers following their preparatory training program and annually recertify officers who have completed their recertification training, and also to decertify officers for a variety of reasons.

This bill provides that the LESB must require, prior to employment on a full-time basis as a law enforcement officer, that an individual submit to a psychological examination to determine the individual's suitability to perform the duties of an officer. The LESB must promulgate administrative rules to govern the administration and interpretation of such psychological examinations, including the type of test to be used and the time limits on such an examination's applicability. The examination must be paid for by the prospective employer. The records associated

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with the examination must be kept confidential and are not subject to public disclosure, but may be disclosed by the prospective employer to other prospective employers.

For further information see the state 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.** 165.85 (4) (a) 5m. of the statutes is created to read:

2           165.85 (4) (a) 5m. a. Beginning on the first day of the 13th month after the  
3 effective date of this subd. 5m. a. .... [LRB inserts date], before a person may  
4 commence employment on a full-time basis as a law enforcement officer, that person  
5 shall submit to a psychological examination to determine the person's suitability to  
6 perform the duties of a law enforcement officer.

7           b. The board shall promulgate rules to govern the administration and  
8 interpretation of psychological examinations under subd. 5m. a., including the type  
9 of examination to be used and the period of time for which the results of an  
10 examination shall be determinative of an applicant's eligibility to be employed on a  
11 full-time basis as a law enforcement officer.

12           c. The psychological examination under subd. 5m. a. shall be coordinated by  
13 and at the expense of the prospective employer. The results of the examination shall  
14 be disclosed to the prospective employer and to the board.

15           d. No person who has been found, after a psychological examination under  
16 subd. 5m. a., to be unsuitable to perform the duties of a law enforcement officer, may  
17 be employed on a full-time basis as a law enforcement officer.

18           e. The prospective employer and the board shall keep confidential any record  
19 of an examination received under subd. 5m. a. and any such record is not open to

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1 public inspection, copying, or disclosure under s. 19.35, but the prospective employer  
2 or the board may disclose such a record to another interviewing agency or allow an  
3 interviewing agency to review the record at the offices of the prospective employer  
4 or the board. No law enforcement agency may enter into a nondisclosure agreement  
5 preventing an interviewing law enforcement agency from viewing results of a  
6 psychological examination under subd. 5m. a. after the effective date of this subd.  
7 5m. e. .... [LRB inserts date].

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**(END)**