



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 768

**Assembly
Amendment 1**

Memo published: February 25, 2014

Contact: Anna Henning, Staff Attorney (266-0292)

2013 Assembly Bill 768 relates to authorizing Marquette University to create a police department.

2013 ASSEMBLY BILL 768

Assembly Bill 768 authorizes Marquette University to enter into an agreement with the state Attorney General and the City of Milwaukee to establish a university police department. Subject to the terms of the agreement, the bill provides police officers in such a department with the same powers as law enforcement officers employed by the City of Milwaukee. The bill specifies that those powers exist concurrently with other law enforcement officers' powers. The bill also requires the university police department to take certain actions, specifies that a university police officer is a "peace officer" under Wisconsin law, and sets forth the circumstances in which the university police department may be held liable.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes three changes to the bill. First, the bill authorizes Marquette University to enter into an agreement with the state Attorney General and the City of Milwaukee. Instead, the amendment authorizes Marquette University to enter into an agreement with either the state Attorney General or the City of Milwaukee Police Department.

Second, the amendment makes an agreement to create a university police department under the bill subject to review by the Board of Fire and Police Commissioners for the City of Milwaukee.

Finally, the amendment modifies a provision relating to the payment of judgments in cases where a court finds the state or a political subdivision liable for acts or omissions of a Marquette University police officer. The bill requires Marquette University to indemnify the

state or a political subdivision against any liability for acts or omissions of a Marquette University police officer. Instead, the amendment requires Marquette University to pay any judgment in which the university and the state or a political subdivision are held jointly and severally liable, and to reimburse the state or political subdivision for all reasonable attorney's fees and expenses incurred in defending such actions.

BILL HISTORY

Representative Kooyenga offered Assembly Amendment 1 to 2013 Assembly Bill 768 on February 14, 2014. On February 17, 2014, the Assembly Committee on State Affairs and Government Operations voted to recommend the adoption of Assembly Amendment 1 on a vote of Ayes, 13; Noes, 0; and Absent; 3. On the same day, the committee voted to recommend passage of the bill, as amended, on a vote of Ayes, 12; Noes, 1; and Absent, 3. The Assembly voted to adopt the amendment and to pass the bill, as amended, by voice votes on February 20, 2014.

AH;jal