



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-4546/1  
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## 2015 SENATE BILL 756

February 17, 2016 - Introduced by Senator C. LARSON, cosponsored by Representatives BARNES, JOHNSON, BERCEAU, POPE, SPREITZER and GOYKE. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT** *to create* 165.847 and 968.257 of the statutes; **relating to:** collecting and  
2             analyzing data related to certain strip searches.

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### *Analysis by the Legislative Reference Bureau*

This bill requires law enforcement officers who perform strip searches on jail detainees to provide information related to the searches to the Department of Justice. Under the bill, each law enforcement officer must make a record of each time he or she performs or directs another person to perform a strip search on a jail detainee who remains confined in the jail for fewer than 12 hours. The record must contain a notation of the detainee's race, age, and gender, the reason he or she was arrested, including any criminal charge filed against him or her, the reason he or she was detained in jail, and the reason he or she was released from detention.

Under the bill, each law enforcement agency forwards the records to the Department of Justice for analysis on whether the practice of strip searches of detainees who are held for fewer than 12 hours in jail affects members of racial minorities disproportionately. The bill requires the Department of Justice to release its analysis and findings to the governor, the legislature, and the director of state courts.

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:***

**SENATE BILL 756****SECTION 1**

1           **SECTION 1.** 165.847 of the statutes is created to read:

2           **165.847 Strip searches; data and analysis. (1)** The department of justice  
3 shall analyze the records submitted to it under s. 968.257 to determine all of the  
4 following:

5           (a) Whether the number of strip searches performed on persons who are  
6 members of a racial minority is disproportionate to the number of strip searches  
7 performed on persons who are not members of a racial minority.

8           (b) Whether strip searches are performed on persons who are members of a  
9 racial minority for different reasons than strip searches performed on persons who  
10 are not members of a racial minority.

11           (c) Whether the reasons for conducting a strip search affect persons who are  
12 members of a racial minority disproportionately to persons who are not members of  
13 a racial minority.

14           **(2)** On or before July 1, 2017, and annually thereafter, the department shall  
15 submit a report of its analysis under sub. (1) to the legislature under s. 13.172 (2),  
16 to the governor, and to the director of state courts.

17           **SECTION 2.** 968.257 of the statutes is created to read:

18           **968.257 Reports; strip searches. (1)** A law enforcement officer who  
19 performs or who directs another person to perform a strip search on a detainee, as  
20 defined in s. 968.255 (1) (a) 5., who is incarcerated, imprisoned, or otherwise detained  
21 in a jail or prison for fewer than 12 hours shall keep a record of the strip search. Each  
22 record shall contain all of the following:

23           (a) The detainee's residential zip code.

24           (b) The detainee's age.

25           (c) The detainee's gender.

**SENATE BILL 756**

1           (d) The detainee's race or ethnicity. The detainee's race or ethnicity shall be the  
2           race or ethnicity identified on the detainee's operator's license or identification card.  
3           If the detainee does not have an operator's license or an identification card that  
4           identifies his or her race or ethnicity, the law enforcement officer shall determine the  
5           detainee's race or ethnicity.

6           (e) Whether any contraband was discovered pursuant to the strip search. If  
7           contraband was discovered, a description of the contraband.

8           (f) The reason the detainee was arrested, including any criminal charges filed  
9           against the detainee.

10          (g) The reason the detainee was incarcerated, imprisoned, or otherwise  
11          detained.

12          (h) The number of hours for which the detainee was incarcerated, imprisoned,  
13          or otherwise detained.

14          (i) The reason the detainee was released from incarceration, imprisonment, or  
15          other detention.

16          **(2)** Each law enforcement agency shall monthly submit all records generated  
17          under sub. (1) to the department of justice for analysis under s. 165.847.

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(END)