



2025 SENATE BILL 25

February 5, 2025 - Introduced by Senators HUTTON, BRADLEY, WANGGAARD, FEYEN, NASS, TOMCZYK and TESTIN, cosponsored by Representatives MOSES, DUCHOW, DITTRICH, PIWOWARCZYK, ARMSTRONG, BROOKS, DONOVAN, B. JACOBSON, PENTERMAN, MURPHY, TUCKER, WICHGERS and BEHNKE. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to renumber* 968.02 (3) and 968.26 (2) (d); *to create* 968.02 (3) (b) and
2 968.26 (2) (d) 2. of the statutes; **relating to:** court-issued criminal complaints
3 in officer-involved deaths.

Analysis by the Legislative Reference Bureau

Under current law, a district attorney has the discretion as to whether or not to issue a complaint to charge a person with a crime. Current law also provides that, if a district attorney refuses to issue a complaint against a person, a judge may conduct a hearing to determine if there is probable cause to believe that the person committed a crime and, if so, issue a complaint.

Under this bill, when there is an officer-involved death, which is a death that results directly from an action or an omission of a law enforcement officer, and the district attorney determined there was no basis to prosecute the officer, a court may not issue a complaint against the involved officer unless there is new or unused evidence presented.

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

4 **SECTION 1.** 968.02 (3) of the statutes is renumbered 968.02 (3) (a).

SENATE BILL 25**SECTION 2**

SECTION 2. 968.02 (3) (b) of the statutes is created to read:

968.02 **(3)** (b) Notwithstanding par. (a), unless there is new or unused evidence presented, a circuit court may not permit the filing of a complaint against a law enforcement officer who is involved in an officer-involved death, as defined in s. 175.47 (1) (c), if a district attorney determines there is no basis to prosecute the officer.

SECTION 3. 968.26 (2) (d) of the statutes is renumbered 968.26 (2) (d) 1.

SECTION 4. 968.26 (2) (d) 2. of the statutes is created to read:

968.26 **(2)** (d) 2. Notwithstanding subd. 1., unless there is new or unused evidence presented, the judge may not issue a complaint against a law enforcement officer who is involved in an officer-involved death, as defined in s. 175.47 (1) (c), if the district attorney determines there is no basis to prosecute the officer.

SECTION 5. Initial applicability.

(1) This act first applies to determinations made by a district attorney on the effective date of this subsection.

(END)