



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRB-1097/2  
EVM:cjs&cde

## 2025 SENATE BILL 862

January 23, 2026 - Introduced by Senators WANGGAARD, TESTIN and FEYEN, cosponsored by Representatives TUSLER, MELOTIK, BEHNKE, PENTERMAN, KNODL, WICHGERS, PIWOWARCZYK, KURTZ, GREEN and NOVAK. Referred to Committee on Transportation and Local Government.

1     **AN ACT** *to repeal* 59.34 (1) (b), 59.34 (1) (c), 59.34 (2) (b) 2. and 83.016; *to*  
2           *renumber* 59.34 (2) (b) 1.; *to amend* 20.505 (1) (ic), 48.06 (2) (a), 59.27 (9),  
3           59.34 (1) (a), 59.38 (5), 59.40 (2) (o), 59.52 (8) (b) 7., 59.54 (5), 63.03 (3) (b),  
4           63.08 (1) (a), 102.29 (11), 118.162 (1) (c), 118.162 (1) (d), 165.92 (4), 341.65 (2)  
5           (g), 342.40 (3) (c), 346.505 (1), 346.70 (1), 895.46 (1) (dm), 938.06 (2) (am) 1.,  
6           938.06 (2) (am) 2., 938.06 (2) (b) 1. and 969.07; *to repeal and recreate* 59.26;  
7           *to create* 59.23 (2) (sm) and 59.265 of the statutes; **relating to:** the  
8           administration of the office of county sheriff and the appointment of county  
9           medical examiners.

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### ***Analysis by the Legislative Reference Bureau***

This bill makes various changes related to the administration of the county sheriff's office. Among the changes, the bill does all of the following:

1. Provides a procedure for temporarily filling a vacancy in the office of sheriff when there is no undersheriff. Under the procedure, the presiding judge of the county's circuit court makes the appointment subject to certain requirements. Under current law, such a vacancy would be filled by the coroner.

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2. Provides procedural requirements related to the appointment of an undersheriff.

3. Specifies that the undersheriff performs the duties of the sheriff when the office of sheriff is vacant or upon incapacity of the sheriff.

4. Provides position protection for sheriff's deputies appointed undersheriff in counties without civil service.

5. Provides that in order for a deputy sheriff accused of misconduct to receive a disciplinary hearing, the deputy sheriff must request such a hearing within two weeks of receiving notice of charges.

6. Removes the prohibition on a deputy sheriff being suspended or dismissed without pay or benefits until the matter that is the subject of the suspension or dismissal is finally resolved.

7. Requires that, if a deputy sheriff was subject to a suspension, demotion, or discharge prior to a final determination of disciplinary charges and the charges are not ultimately sustained or the charges are otherwise withdrawn, the deputy sheriff be reinstated and entitled to pay as though in continuous service.

8. Removes the authority of the county board to establish traffic officer positions outside of the office of the sheriff.

The bill also provides that when the sheriff is a party to an action, the county clerk is responsible for service of process and the performance of duties usually performed by the sheriff related to service of process. Under current law, these duties are performed by the coroner. Also under the bill, a medical examiner is appointed by the county executive or county administrator, if the county has either of these offices, or by the county board, if not. The bill also specifies that a medical examiner is removable at will by the appointing authority.

For further information see the 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.** 20.505 (1) (ic) of the statutes is amended to read:

2           20.505 (1) (ic) *Services to nonstate governmental units.* The amounts in the  
3 schedule for the purpose of funding personnel services to nonstate governmental  
4 units under s. 230.05 (8), including services provided under ss. 49.78 (5) and ~~59.26~~  
5 ~~(8) (a) 59.265 (2)~~. All moneys received from the sale of these services shall be  
6 credited to this appropriation account.

7           **SECTION 2.** 48.06 (2) (a) of the statutes is amended to read:

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1           48.06 (2) (a) In counties having less than 750,000 population, the county  
2 board of supervisors shall authorize the county department or court or both to  
3 provide intake services required by s. 48.067 and the staff needed to carry out the  
4 objectives and provisions of this chapter under s. 48.069. Intake services shall be  
5 provided by employees of the court or county department and may not be  
6 subcontracted to other individuals or agencies, except any county which had intake  
7 services subcontracted from the county sheriff's ~~department~~ office on April 1, 1980,  
8 may continue to subcontract intake services from the county sheriff's ~~department~~  
9 office. Intake workers shall be governed in their intake work, including their  
10 responsibilities for recommending the filing of a petition and entering into an  
11 informal disposition, by general written policies which shall be formulated by the  
12 circuit judges for the county, subject to the approval of the chief judge of the judicial  
13 administrative district.

14           **SECTION 3.** 59.23 (2) (sm) of the statutes is created to read:

15           59.23 (2) (sm) *Service of process when sheriff a party.* When the sheriff is a  
16 party to an action or when the clerk of circuit court addresses process in any action  
17 to the county clerk as provided under s. 59.40 (2) (o), serve and execute process and  
18 perform duties of the sheriff related to service of process. The clerk and the clerk's  
19 sureties are liable in the same manner and to the same extent on the clerk's official  
20 bonds as sheriffs and their sureties are liable when exercising the same powers.

21           **SECTION 4.** 59.26 of the statutes is repealed and recreated to read:

22           **59.26 Sheriff; undersheriff. (1) APPOINTMENT AND REMOVAL.** (a) No later  
23 than 10 days after taking office and no later than 10 days after the occurrence of a  
24 vacancy, the sheriff shall appoint an undersheriff. The undersheriff shall be a

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1 resident of the county and a law enforcement officer or jail officer certified under s.  
2 165.86.

3 (b) An undersheriff may be removed at the pleasure of the sheriff.

4 (c) The appointment or removal of an undersheriff shall be in writing and  
5 shall be filed and recorded with the county clerk.

6 (d) 1. In counties in which the sheriff's office is under civil service, the sheriff  
7 and county shall place on leave of absence a deputy sheriff who is appointed by the  
8 sheriff to the position of undersheriff, upon the deputy's acceptance of the  
9 appointment. A deputy sheriff in a county under civil service who is placed on leave  
10 of absence under this subdivision shall immediately be returned to the position of  
11 deputy sheriff without loss of any rights under the civil service law upon completion  
12 of the appointment unless the deputy sheriff is otherwise disciplined under s.  
13 59.265.

14 2. a. Except as provided in subd. 2. b., in counties in which the sheriff's office  
15 is not under civil service, a deputy sheriff who is appointed undersheriff shall upon  
16 completion of the appointive position be returned to the position of deputy sheriff.  
17 Upon the return to the position of deputy sheriff, the person shall be placed at a  
18 rank determined by the sheriff and paid the same salary and provided the same  
19 tenure and seniority the person would have received had the person not taken the  
20 undersheriff appointment.

21 b. A sheriff may grant a deputy sheriff who is appointed undersheriff a leave  
22 of absence from the position of deputy sheriff. Upon completion of the appointive  
23 position, a person granted a leave of absence under this subdivision 2. b. shall be

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1 returned to the person's former position without loss of any rights under the civil  
2 service law.

3 (2) OFFICE AND DUTIES. (a) The undersheriff shall also be known as the chief  
4 deputy sheriff and shall have the same powers and duties as a deputy sheriff.

5 (b) 1. Upon a vacancy in the office of sheriff, the undersheriff shall act as  
6 sheriff until the vacancy is filled.

7 2. Upon incapacity of the sheriff, the undersheriff shall act as sheriff until the  
8 sheriff returns and is no longer incapacitated or the office of sheriff becomes  
9 vacant. Incapacity under this subdivision shall be determined by either the sheriff  
10 or by the chief judge of the judicial administrative district in which the county is  
11 located. A petition to request the chief judge to declare incapacity shall be initiated  
12 by two-thirds vote of all supervisors entitled to seats on the county board and the  
13 chief judge shall hold any hearing and accept any evidence the chief judge deems  
14 appropriate. Any incapacity declared by the chief judge may be lifted upon  
15 application of the county board or sheriff following presentation of evidence the  
16 chief judge deems appropriate.

17 3. If the office of sheriff becomes vacant and there is no undersheriff, the  
18 county clerk shall submit proof of the vacancy to the presiding judge of the county's  
19 circuit court. The presiding judge shall determine if the office is vacant based on  
20 the submission and, if the office is determined to be vacant, shall appoint a resident  
21 of the county to act as sheriff until the vacancy is filled. The appointment shall be  
22 in writing and shall be filed and recorded in the office of the clerk. Upon receipt of  
23 the filing, the clerk shall notify the appointed person of the appointment. No later  
24 than 10 days after receiving notification of the appointment, the appointee shall

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1 execute and file an official bond in the same amount and approved in the same  
2 manner provided for the sheriff. If the required bond is not executed and filed, the  
3 appointing judge shall appoint another person in the manner provided under this  
4 subdivision.

5 (c) If, on the effective date of this paragraph ... [LRB inserts date], the chief  
6 deputy sheriff is a defined position under an ordinance or a collective bargaining  
7 agreement, a deputy sheriff then serving as chief deputy sheriff shall continue at  
8 the same salary and shall have the same tenure and seniority as to other deputy  
9 sheriffs that the person would have had if the chief deputy sheriff position had  
10 continued to be a civil service position or subject to the protections of a collective  
11 bargaining agreement. Notwithstanding the foregoing, a sheriff in a county  
12 described in this paragraph is not required to appoint the chief deputy sheriff to the  
13 appointive position of undersheriff.

14 **(3) LIMITATION ON BOARD AUTHORITY.** The board may not eliminate the office  
15 of undersheriff and may not assign the appointment of undersheriff to an authority  
16 other than the sheriff.

17 **SECTION 5.** 59.265 of the statutes is created to read:

18 **59.265 Sheriff; deputies. (1) APPOINTMENT AND TENURE.** (a) Not later  
19 than 10 days after taking office, subject to sub. (3), the sheriff shall appoint deputy  
20 sheriffs for the county as follows:

21 1. One for each city and village in the county that has 1,000 or more  
22 inhabitants.

23 2. One for each assembly district in the county, except the district in which the

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1 undersheriff resides, that contains a village having less than 1,000 inhabitants and  
2 does not contain a city or village having more than 1,000 inhabitants.

3 (b) Subject to subs. (2) to (3), and s. 59.22 (2) (c) 1. b., the sheriff may appoint  
4 as many other deputy sheriffs as the sheriff considers proper.

5 (c) Subject to sub. (3), the sheriff may fill vacancies in the office of any  
6 appointee, and may appoint a person to take the place of any deputy sheriff who  
7 becomes incapable of executing the duties of that office.

8 (d) The sheriff or the undersheriff may also deputize in writing other persons  
9 to perform particular acts.

10 (e) Except as provided under sub. (3), a county ordinance, or the terms of an  
11 applicable collective bargaining agreement, a deputy sheriff may be removed at the  
12 pleasure of the sheriff.

13 (f) 1. In this paragraph, "external security check" means a security check of  
14 areas immediately adjacent to a military installation, or of critical concern to the  
15 installation's commander as determined by the commander, for the sole purpose of  
16 protecting the installation's state and federal personnel, assets, and equipment.

17 2. The sheriff or undersheriff may deputize in writing security officers  
18 employed by the department of military affairs, subject to the approval of the  
19 adjutant general or his or her designee, for the purpose of conducting routine  
20 external security checks around military installations in this state. The sheriff or  
21 undersheriff shall specify in writing the jurisdiction of an officer deputized under  
22 this paragraph.

23 3. Subsection (2) (c) does not apply to an individual deputized under subd. 2.

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1 The sheriff or undersheriff may revoke the deputization of a security officer  
2 deputized under subd. 2. at any time in the sheriff or undersheriffs discretion.

3 4. A security officer deputized under subd. 2. is a state employee for all  
4 purposes.

5 (g) Appointments under pars. (a) to (c) and removals under par. (e) and (f)  
6 shall be in writing and be filed and recorded in the office of the clerk.

7 **(2) BOARD AUTHORITY.** (a) In any county with a population of less than  
8 750,000, the board may fix by ordinance the number of deputy sheriffs to be  
9 appointed in that county at not less than that number required by sub. (1) (a) and  
10 may set the salary of those deputies.

11 (b) 1. Subject to sub. (4), the board may provide by ordinance that deputy  
12 sheriff positions be filled by appointment by the sheriff from a list of all persons  
13 with the 3 highest scores for each position based on a competitive examination.

14 2. In an ordinance under subd. 1., the board shall designate that competitive  
15 examinations under subd. 1. be held by a county civil service commission under  
16 subd. 5. or the bureau of merit recruitment and selection in the department of  
17 administration under subd. 4.

18 3. If the board has enacted an ordinance under subd. 1. and the sheriff fills a  
19 deputy sheriff position by promotion, the sheriff shall, subject to sub. (4), make the  
20 appointment to the position from a list of 3 deputy sheriffs who receive the highest  
21 scores in a competitive examination held as designated under subd. 2., except that  
22 the list provided to the sheriff shall include only deputy sheriffs currently employed  
23 in the sheriff's office.

24 4. Upon request of the board, the bureau of merit recruitment and selection

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1 shall conduct examinations according to the methods used in examinations for the  
2 state civil service and, except as provided under subd. 3., shall certify an eligible list  
3 of the names of all persons with the 3 highest scores on that examination for each  
4 position to the sheriff of that county who, subject to sub. (4), shall make an  
5 appointment from that list to fill the position within 10 days after the sheriff  
6 receives the eligibility list. The county shall pay the cost of the examination.

7 5. If the board designates examination by a civil service commission, ss. 63.01  
8 to 63.17, other than ss. 63.03, 63.04 and 63.15 and except the provision governing  
9 minimum compensation of the commissioners, apply so far as consistent with this  
10 subsection.

11 (c) The board of a county enacting an ordinance under par. (b) may provide  
12 that a deputy sheriff at the time of the enactment may retain the position without  
13 taking a competitive examination.

14 (d) 1. A board may establish, by ordinance in connection with the enactment of  
15 an ordinance providing for civil service selection and tenure of deputy sheriffs  
16 under pars. (a) and (b) and sub. (3), a traffic division of the sheriff's office and fix  
17 the number of deputy sheriffs as traffic patrolmen and other employees in the  
18 division.

19 2. An ordinance under this paragraph shall provide that the personnel in the  
20 traffic division of the sheriff's department are appointed and hold their positions in  
21 the manner and under the conditions set forth in pars. (a) and (b) and sub. (3).

22 (e) The board may provide by ordinance for employee grievance procedures  
23 and, subject to sub. (3), disciplinary actions, for hours of work, for tours of duty  
24 according to seniority, and for other administrative regulations.

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1           **(3) DISCIPLINE IN CERTAIN COUNTIES.** In counties that do not have a  
2 countywide civil service system under s. 59.52 (8) or a civil service commission  
3 under s. 63.01, all of the following apply:

4           (a) The board shall create or designate an existing standing committee as the  
5 grievance committee. If the board creates a grievance committee under this  
6 paragraph, the grievance committee shall be appointed in the same manner and at  
7 the same time as standing committees of the board are appointed. The grievance  
8 committee may be made up of members of the board or other electors of the county,  
9 or both. The members of the grievance committee shall be paid in the same manner  
10 as members of other board committees.

11           (b) Persons who are appointed as deputy sheriff may be suspended, demoted,  
12 suspended and demoted, or dismissed only for just cause as determined under par.  
13 (i).

14           (c) If the sheriff or undersheriff or a majority of the members of a civil service  
15 commission for the selection of deputy sheriffs believes that a deputy sheriff has  
16 acted so as to show the deputy sheriff to be incompetent to perform the duties of  
17 deputy sheriff or to have merited suspension, demotion, suspension and demotion,  
18 or dismissal, the sheriff, undersheriff, or civil service commission shall file a  
19 complaint in writing with the grievance committee setting forth specifically the  
20 charges against the deputy sheriff.

21           (d) If the party filing charges under par. (c) is a sheriff or undersheriff, the  
22 sheriff or undersheriff may suspend or demote or suspend and demote the deputy  
23 sheriff at the time the complaint is filed.

24           (e) Upon the filing of a complaint under par. (c), the grievance committee shall

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1 immediately notify the accused deputy sheriff and as soon as practicable furnish  
2 the accused deputy sheriff with a copy of the complaint.

3 (f) If an accused deputy sheriff requests a hearing within 2 weeks of receiving  
4 notice under par. (e) by filing a request with the county clerk, the grievance  
5 committee shall designate a time and place for a hearing on the charges. The time  
6 of the hearing shall be within 3 weeks after the filing of a request under this  
7 paragraph, unless extended by mutual agreement. The grievance committee shall  
8 notify the party that filed the complaint with the grievance committee and the  
9 accused deputy sheriff of the time and place of the hearing.

10 (g) If an accused deputy sheriff does not request a hearing under par. (f), the  
11 grievance committee may take whatever action it considers justified on the basis of  
12 the charges filed and shall issue an order in writing as provided in par. (i).

13 (h) At a hearing on charges filed under par. (c), the grievance committee may  
14 take testimony and any testimony taken shall be transcribed. The chairperson of  
15 the grievance committee shall issue subpoenas for the attendance at a hearing of  
16 any witnesses requested by the accused deputy sheriff. The chairperson of the  
17 grievance committee may maintain order at a hearing and enforce obedience to the  
18 chairperson's lawful requirements. If a person at a hearing acts in a disorderly  
19 manner and persists after notice from the chairperson, the chairperson may order  
20 the person to leave the hearing. If the order to leave is refused the chairperson may  
21 order the sheriff or other person to take the disorderly person into custody until the  
22 hearing is adjourned for that day.

23 (i) At the termination of a hearing under par. (h) or upon expiration of time to  
24 request a hearing under par. (f), the grievance committee shall determine in

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1 writing whether or not there is just cause to sustain the charges. As part of this  
2 determination, the grievance committee may order suspension, demotion,  
3 suspension and demotion, discharge, or reinstatement of the accused deputy  
4 sheriff. The grievance committee shall file its decision with the county clerk. In  
5 making its determination of just cause under this paragraph, the grievance  
6 committee shall apply the following standards, to the extent applicable:

7 1. Whether the deputy sheriff could reasonably be expected to have had  
8 knowledge of the probable consequences of the alleged conduct.

9 2. Whether the rule or order that the deputy sheriff allegedly violated is  
10 reasonable.

11 3. Whether the sheriff, before filing the charge against the deputy sheriff,  
12 made a reasonable effort to discover whether the deputy sheriff did in fact violate a  
13 rule or order.

14 4 Whether the effort described under subd. 3. was fair and objective.

15 5. Whether the sheriff discovered substantial evidence that the deputy sheriff  
16 violated the rule or order as described in the charges filed against the deputy  
17 sheriff.

18 6. Whether the sheriff is applying the rule or order fairly and without  
19 discrimination to the deputy sheriff.

20 7. Whether the proposed discipline reasonably relates to the seriousness of  
21 the alleged violation and to the deputy sheriff's record of service with the sheriff's  
22 office.

23 (j) If an accused deputy sheriff is subject to a suspension, demotion, or  
24 discharge prior to final determination of the charges and the charges are not

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1       sustained under par. (i) or the charges are otherwise withdrawn, the deputy sheriff  
2       shall be reinstated and entitled to pay as though in continuous service.

3               (k) 1. A deputy sheriff subject to an order under par. (i) may appeal from the  
4       order to the circuit court by serving written notice of the appeal on the county clerk  
5       within 10 days after the order is filed.

6               2. No later than 5 days after receiving written notice of the appeal, the  
7       grievance committee shall certify to the clerk of the circuit court of the county in  
8       which the deputy sheriff is employed the record of the proceedings, including all  
9       documents, testimony, and minutes. An action under this paragraph commences  
10      upon receipt of the record by the clerk of circuit court.

11              3. An action under this paragraph shall have precedence over any other civil  
12      cause of a different nature pending in the court.

13              4. Upon application of the deputy sheriff or of the grievance committee, the  
14      court shall fix a date of trial, which shall not be later than 15 days after the  
15      application, unless both parties agree. A trial under this subdivision shall be to the  
16      court and upon the return of the grievance committee, except that the court may  
17      require further return or the taking and return of further evidence by the grievance  
18      committee. The sole question to be determined by the court is whether there is just  
19      cause, as described under par. (i), to issue the order being appealed.

20              5. No costs in an action under this paragraph shall be allowed either party.  
21      The clerk's fees in an action under this paragraph shall be paid by the county.

22              6. If the appealed order of the grievance committee is reversed, the accused  
23      shall be reinstated and entitled to pay as though in continuous service.

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1           (4) EFFECT OF OTHER PROVISIONS. (a) Subsection (3) does not apply to  
2 honorary deputy sheriffs.

3           (b) 1. In counties that have adopted a countywide civil service system under s.  
4 59.52 (8), discipline of deputy sheriffs shall comply with s. 59.52 (8).

5           2. In counties that have established a county civil service commission under s.  
6 63.01, discipline of deputy sheriffs shall comply with s. 63.01.

7           (c) If the a decision of a grievance committee or civil service commission is  
8 adverse to a deputy sheriff and the time for appeal to a circuit court passes without  
9 an appeal being made or the deputy sheriff's appeal to the circuit court is decided  
10 adversely to the deputy sheriff, all pay and benefits received by the deputy sheriff  
11 between the time of his or her suspension or dismissal and the latest of an adverse  
12 ruling by the committee, the commission, or the circuit court or the expiration of the  
13 time for appeal to the circuit court shall be returned to the county, at the request of  
14 the county.

15           (5) OFFICERS AFFECTED BY SERVICE CONTRACT. (a) Notwithstanding s. 59.26  
16 (1) and subs. (1) and (2) and subject to par. (b), if a county provides law enforcement  
17 services to a city or village under ss. 59.03 (2) (e) and 62.13 (2s) and if the sheriff  
18 appoints additional deputies under sub. (2) to provide the services, the sheriff shall,  
19 if the sheriff in the sheriff's sole discretion determines that the former police  
20 officers of the city or village meet the qualifications necessary to be a deputy sheriff,  
21 use a good faith effort to fill the additional deputy positions from the ranks of  
22 former police officers who lost their positions when their department was abolished  
23 under s. 62.13 (2s) (a). With regard to each contract that is entered into under s.

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1 59.03 (2) (e), this provision does not apply on or after the first day of the 25th month  
2 beginning after the contract takes effect in the county.

3 (b) Paragraph (a) applies only to the extent that it is not inconsistent with any  
4 collective bargaining agreement that is in effect between a county and its  
5 employees.

6 **SECTION 6.** 59.27 (9) of the statutes is amended to read:

7 59.27 (9) When the sheriff is required to serve or execute a summons, order,  
8 or judgment, or to do any other act, the sheriff shall be bound to do so in ~~like the~~ the  
9 manner as upon process issued to the sheriff, and shall be equally liable in all  
10 respects for neglect of duty; and if the sheriff is a party the ~~coroner clerk~~ shall  
11 perform the service and all statutes relating to sheriffs shall apply to ~~coroners~~  
12 clerks where the sheriff is a party.

13 **SECTION 7.** 59.34 (1) (a) of the statutes is amended to read:

14 59.34 (1) (a) Participate in inquest proceedings when required by law, except  
15 that in any county with a population of 750,000 or more and all counties which have  
16 instituted the medical examiner system this duty and the powers incident thereto  
17 shall be vested exclusively in the office of the medical examiner. ~~Except as provided~~  
18 ~~under s. 59.38 (5), the board shall appoint the medical examiner.~~ The office of of  
19 coroner or the medical examiner position may be occupied on a full-time or part-  
20 time basis and the ~~officeholder~~ person holding the office or position shall be paid  
21 compensation as the board ~~by ordinance~~ provides. The duties performed by the  
22 county coroner and not vested in the medical examiner shall be performed by the  
23 clerk. The medical examiner may appoint such assistants as the board authorizes.  
24 Whenever requested by the court or district attorney, the medical examiner shall

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1 testify to facts and conclusions disclosed by autopsies performed by him or her, at  
2 his or her direction or in his or her presence; shall make physical examinations and  
3 tests incident to any matter of a criminal nature up for consideration before either  
4 the court or district attorney upon request; shall testify as an expert for either the  
5 court or the state in all matters where the examinations or tests have been made;  
6 and shall perform such other duties of a pathological or medicolegal nature as may  
7 be required.

8 **SECTION 8.** 59.34 (1) (b) of the statutes is repealed.

9 **SECTION 9.** 59.34 (1) (c) of the statutes is repealed.

10 **SECTION 10.** 59.34 (2) (b) 1. of the statutes is renumbered 59.34 (2) (b).

11 **SECTION 11.** 59.34 (2) (b) 2. of the statutes is repealed.

12 **SECTION 12.** 59.38 (5) of the statutes is amended to read:

13 59.38 (5) ~~MEDICAL EXAMINER; APPOINTMENT IN POPULOUS COUNTIES.~~ In a  
14 county with a ~~population of 750,000 or more~~ county executive or county  
15 administrator, the county executive or county administrator shall appoint the  
16 medical examiner in the unclassified service, subject to confirmation by ~~a majority~~  
17 of the board or contract with a qualified person to perform the services of medical  
18 examiner, subject to the approval of the board. In a county without a county  
19 executive or county administrator, the board shall appoint the medical examiner in  
20 the unclassified service or contract with a qualified person to perform the services  
21 of medical examiner. The medical examiner may be dismissed at any time by the  
22 ~~county executive with the concurrence of a majority of the members elect of the~~  
23 ~~board, or by a majority of the members elect of the board with the concurrence of~~  
24 ~~the county executive.~~ ~~If the county executive vetoes an action by the board to~~

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1 ~~dismiss the medical examiner, the board may override the veto by a two-thirds vote~~  
2 ~~of the members elect of the board~~ appointing authority.

3 **SECTION 13.** 59.40 (2) (o) of the statutes is amended to read:

4 59.40 (2) (o) Address process to the ~~coroner~~ county clerk if a party, the party's  
5 agent or the party's attorney files an affidavit that the party believes the sheriff  
6 will not properly perform the sheriff's duty in such action.

7 **SECTION 14.** 59.52 (8) (b) 7. of the statutes is amended to read:

8 59.52 (8) (b) 7. Whether the proposed discipline reasonably relates to the  
9 seriousness of the alleged violation and to the employee's record of service with the  
10 sheriff's ~~department~~ office.

11 **SECTION 15.** 59.54 (5) of the statutes is amended to read:

12 59.54 (5) EMERGENCY SERVICES FOR HEARING AND SPEECH IMPAIRED PERSONS.  
13 In any county having a population of 200,000 or more the board shall install in the  
14 sheriff's ~~department~~ office a teletypewriter which shall be available to receive calls  
15 from hearing and speech impaired persons seeking emergency services. In cities  
16 having a population of 30,000 or more which are not contained in a county having a  
17 population of 200,000 or more, the city shall install a teletypewriter for the  
18 purposes of this subsection in either the police or fire department. If 2 or more  
19 cities having a population of 30,000 or more are contained in one county, the board  
20 shall install the teletypewriter in the sheriff's ~~department~~ office and no  
21 teletypewriter shall be required in the cities.

22 **SECTION 16.** 63.03 (3) (b) of the statutes is amended to read:

23 63.03 (3) (b) Transfer nonelective offices or positions, other than undersheriff,  
24 from the unclassified service under sub. (2) to the classified service.

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1           **SECTION 17.** 63.08 (1) (a) of the statutes is amended to read:

2           63.08 (1) (a) Any applicant for an examination under s. 63.05, other than an  
3 applicant for a deputy sheriff position under s. ~~59.26 (8) (a)~~ 59.265 (2), shall be a  
4 resident of this state before applying for an examination, but the commission may  
5 not require any period of residency in the county for entrance to an examination or  
6 employment in the county. The commission may require an applicant to file a  
7 written application form which bears upon the applicant's fitness for a vacant  
8 position and which the commission deems necessary. For a position offering a  
9 skilled, technical, or professional service, upon a finding that a suitable number of  
10 qualified applicants cannot be obtained from within the state, the commission may  
11 open the examination to residents of other states. Residency in this state may be  
12 waived for an applicant for an examination for a position which requires a license in  
13 a health care field. No question pertaining to political affiliation or religious faith  
14 may be asked of any applicant for an examination.

15           **SECTION 18.** 83.016 of the statutes is repealed.

16           **SECTION 19.** 102.29 (11) of the statutes is amended to read:

17           102.29 (11) No security officer employed by the department of military affairs  
18 who is deputed under s. ~~59.26 (4m)~~ 59.265 (1) (f), who remains an employee of the  
19 state for purposes of worker's compensation coverage while conducting routine  
20 external security checks around military installations in this state, and who has  
21 the right to make a claim for compensation under this chapter may make a claim or  
22 bring an action in tort against the county in which the security officer is conducting  
23 routine external security checks or against the sheriff or undersheriff who deputed  
24 the security officer.

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1           **SECTION 20.** 118.162 (1) (c) of the statutes is amended to read:

2           118.162 (1) (c) A representative of the sheriff's ~~department~~ office, designated  
3 by the sheriff.

4           **SECTION 21.** 118.162 (1) (d) of the statutes is amended to read:

5           118.162 (1) (d) A representative of the local law enforcement agency, other  
6 than the sheriff's ~~department~~ office, with jurisdiction over the county seat,  
7 designated by the chief administrative officer of the law enforcement agency.

8           **SECTION 22.** 165.92 (4) of the statutes is amended to read:

9           165.92 (4) DEPUTIZATION BY SHERIFF. Nothing in this section limits the  
10 authority of a county sheriff to depute a tribal law enforcement officer under s.  
11 ~~59.26(5)~~ 59.265 (1) (d), including the authority to grant law enforcement and arrest  
12 powers outside the territory described in sub. (2) (b). Deputization of a tribal law  
13 enforcement officer by a sheriff shall not limit the powers and duties granted to the  
14 officer by sub. (2).

15           **SECTION 23.** 341.65 (2) (g) of the statutes is amended to read:

16           341.65 (2) (g) Any motor vehicle which is impounded and not disposed of  
17 under par. (f) shall be retained in storage for a minimum period of 10 days after  
18 certified mail notice has been sent to the owner and lienholders of record, if known  
19 or readily ascertainable, to permit reclamation of the motor vehicle after payment  
20 of accrued charges and, for reclamation of the motor vehicle by the owner,  
21 compliance with par. (e). Such notice shall set forth the year, make, model, and  
22 serial number of the motor vehicle and the place where the motor vehicle is being  
23 held, and shall inform the owner and any lienholders of their right to reclaim the  
24 motor vehicle. The notice shall state that the failure of the owner or lienholders to

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1 exercise their rights to reclaim the motor vehicle under this section shall be  
2 considered a waiver of all right, title and interest in the motor vehicle and a consent  
3 to the sale of the motor vehicle. Each retained motor vehicle not reclaimed by its  
4 owner or lienholder may be sold. The municipality or county may dispose of the  
5 motor vehicle by sealed bid or auction sale as provided by ordinance. At such sale  
6 the highest bid for any such motor vehicle shall be accepted unless the same is  
7 considered inadequate by a duly authorized municipal or county representative, in  
8 which event all bids may be rejected. If all bids are rejected or no bid is received, the  
9 municipality or county may either readvertise the sale, adjourn the sale to a  
10 definite date, sell the motor vehicle at a private sale or junk the motor vehicle. Any  
11 interested person may offer bids on each motor vehicle to be sold. If municipal or  
12 county ordinances do not state the procedure to be followed in advertising or  
13 providing public notice of the sale, a public notice shall be posted at the office of the  
14 municipal police department or the office of the county sheriff. The posting of the  
15 notice at the police department or sheriff's ~~department~~ office shall be in the same  
16 form as the certified mail notice sent to the owner or lienholders of record. Upon  
17 sale of a motor vehicle, the municipality or county shall supply the purchaser with  
18 a completed form designed by the department enabling the purchaser to obtain a  
19 regular certificate of title for the motor vehicle. The purchaser shall have 10 days to  
20 remove the motor vehicle from the storage area, but shall pay a reasonable storage  
21 fee established by the municipality or county for each day that the motor vehicle  
22 remains in storage after the 2nd business day subsequent to the sale date. Ten days  
23 after the sale, the purchaser shall forfeit all interest in the motor vehicle and the  
24 motor vehicle shall be considered to be abandoned and may be sold again. Any

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1 listing of motor vehicles to be sold by any municipality or county shall be made  
2 available to any interested person or organization which makes a written request  
3 for such list. The municipality or county may charge a fee for the list.

4 **SECTION 24.** 342.40 (3) (c) of the statutes is amended to read:

5 342.40 (3) (c) Any vehicle which is deemed abandoned by a duly authorized  
6 municipal or county representative and not disposed of under sub. (2) shall be  
7 retained in storage for a minimum period of 10 days after certified mail notice has  
8 been sent to the owner and lienholders of record to permit reclamation of the vehicle  
9 after payment of accrued charges. Such notice shall set forth the year, make, model,  
10 and serial number of the abandoned motor vehicle, the place where the vehicle is  
11 being held, and shall inform the owner and any lienholders of their right to reclaim  
12 the vehicle. The notice shall state that the failure of the owner or lienholders to  
13 exercise their rights to reclaim the vehicle under this section is a waiver of all right,  
14 title, and interest in the vehicle and a consent to the sale or donation of the vehicle.  
15 Each retained vehicle not reclaimed by its owner or lienholder may be sold or  
16 donated to a nonprofit organization. If the vehicle is sold, the municipality or  
17 county may dispose of the vehicle by sealed bid or auction sale as provided by  
18 ordinance. At such sale the highest bid for any such motor vehicle shall be accepted  
19 unless an authorized municipal or county representative finds the bid inadequate,  
20 in which event all bids may be rejected. If all bids are rejected or no bid is received,  
21 the municipality or county may readvertise the sale, adjourn the sale to a definite  
22 date, sell the motor vehicle at a private sale, junk the vehicle, or donate the vehicle  
23 to a nonprofit organization. Any interested person may offer bids on each  
24 abandoned vehicle to be sold. If municipal or county ordinances do not state the

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1 procedure to be followed in advertising or providing public notice of the sale, a  
2 public notice shall be posted at the office of the municipal police department or the  
3 office of the county sheriff. The posting of the notice at the police department or  
4 sheriff's ~~department~~ office shall be in the same form as the certified mail notice  
5 sent to the owner or lienholders of record. Upon sale of an abandoned vehicle, the  
6 municipality or county shall supply the purchaser with a completed form designed  
7 by the department enabling the purchaser to obtain a regular certificate of title for  
8 the vehicle. The purchaser shall have 10 days to remove the vehicle from the  
9 storage area, but shall pay a reasonable storage fee established by the municipality  
10 or county for each day the vehicle remains in storage after the 2nd business day  
11 subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all  
12 interest in the vehicle and the vehicle shall be deemed to be abandoned and may be  
13 sold again or donated to a nonprofit organization. Any listing of vehicles to be sold  
14 by any municipality or county shall be made available to any interested person or  
15 organization which makes a written request for such list. The municipality or  
16 county may charge a fee for the list.

17 **SECTION 25.** 346.505 (1) of the statutes is amended to read:

18 346.505 (1) The legislature finds that parking facilities which are open to use  
19 by the public without a permit, whether publicly or privately owned, are public  
20 places. By enacting this section the legislature intends to ensure that people who  
21 are physically disabled have clear and reasonable access to public places. The  
22 legislature, therefore, urges the police department, sheriff's office, and traffic  
23 departments of every unit of government and each authorized department of the

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1 state to enforce this section vigorously and see that all violations of this section are  
2 promptly prosecuted.

3 **SECTION 26.** 346.70 (1) of the statutes is amended to read:

4 346.70 (1) IMMEDIATE NOTICE OF ACCIDENT. The operator or occupant of a  
5 vehicle involved in an accident resulting in injury to or death of any person, any  
6 damage to state or other government-owned property, except a state or other  
7 government-owned vehicle, to an apparent extent of \$200 or more, or total damage  
8 to property owned by any one person or to a state or other government-owned  
9 vehicle to an apparent extent of \$1,000 or more shall immediately by the quickest  
10 means of communication give notice of such accident to the police department, the  
11 sheriff's ~~department~~ office, or the traffic department of the county or municipality  
12 in which the accident occurred or to a state traffic patrol officer. In this subsection,  
13 "injury" means injury to a person of a physical nature resulting in death or the need  
14 of first aid or attention by a physician or surgeon, whether or not first aid or medical  
15 or surgical treatment was actually received; "total damage to property owned by one  
16 person" means the sum total cost of putting the property damaged in the condition  
17 it was before the accident, if repair thereof is practical, and if not practical, the sum  
18 total cost of replacing such property. For purposes of this subsection if any property  
19 which is damaged is held in a form of joint or multiple ownership, the property shall  
20 be considered to be owned by one person.

21 **SECTION 27.** 895.46 (1) (dm) of the statutes is amended to read:

22 895.46 (1) (dm) All security officers employed by the department of military  
23 affairs who are deputed under s. ~~59.26 (4m)~~ 59.265 (1) (f) are covered by this section  
24 while acting within the scope of their duties assigned under s. ~~59.26 (4m)~~ 59.265 (1)

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1 (f), as if they were state employees acting within the scope of their state  
2 employment.

3 **SECTION 28.** 938.06 (2) (am) 1. of the statutes is amended to read:

4 938.06 (2) (am) 1. A county that had intake services under this chapter  
5 subcontracted from the county sheriff's ~~department~~ office on April 1, 1980, may  
6 continue to subcontract those intake services from the county sheriff's ~~department~~  
7 office.

8 **SECTION 29.** 938.06 (2) (am) 2. of the statutes is amended to read:

9 938.06 (2) (am) 2. A county in which the county sheriff's ~~department~~ office  
10 operates a juvenile detention facility may subcontract intake services under this  
11 chapter from the county sheriff's ~~department~~ office as provided in this subdivision.  
12 If a county subcontracts intake services under this subdivision, employees of the  
13 county sheriff's ~~department~~ office who staff the juvenile detention facility may  
14 make secure custody determinations under s. 938.208 between the hours of 6 p.m.  
15 and 6 a.m. Such a determination shall be reviewed by an intake worker employed  
16 by the court or county department within 24 hours after it is made.

17 **SECTION 30.** 938.06 (2) (b) 1. of the statutes is amended to read:

18 938.06 (2) (b) 1. All intake workers providing services under this chapter who  
19 begin employment after May 15, 1980, excluding county sheriff's ~~department~~ office  
20 employees who provide intake services under par. (am) 2., shall have the  
21 qualifications required to perform entry level case work in a county department.  
22 All intake workers providing services under this chapter who begin employment  
23 after May 15, 1980, including county sheriff's ~~department~~ office employees who  
24 provide intake services under par. (am) 2., shall have successfully completed 30

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1 hours of intake training approved or provided by the department prior to the  
2 completion of the first 6 months of employment in the position. The department  
3 shall monitor compliance with this subdivision according to rules promulgated by  
4 the department.

5 **SECTION 31.** 969.07 of the statutes is amended to read:

6 **969.07 Taking of bail by law enforcement officer.** When bail has been  
7 set for a particular defendant, any law enforcement officer may take bail in  
8 accordance with s. 969.02 and release the defendant to appear in accordance with  
9 the conditions of the appearance bond. Bail shall not be required of a defendant  
10 who has been cited for commission of a misdemeanor in accordance with s. 968.085.  
11 The law enforcement officer shall give a receipt to the defendant for the bail so  
12 taken and within a reasonable time deposit the bail with the clerk of court before  
13 whom the defendant is to appear. Bail taken by a law enforcement officer may be  
14 taken only at a sheriff's office or police station. The receipts shall be numbered  
15 serially and shall be in triplicate, one copy for the defendant, one copy to be filed  
16 with the clerk and one copy to be filed with the police department or sheriff's  
17 ~~department~~ which office that takes the bail. This section does not require the  
18 release of a defendant from custody when an officer is of the opinion that the  
19 defendant is not in a fit condition to care for his or her own safety or would  
20 constitute, because of his or her physical condition, a danger to the safety of others.  
21 If a defendant is not released under this section, s. 970.01 shall apply.

22

(END)