



## 2013 ASSEMBLY BILL 918

April 3, 2014 - Introduced by Representatives GOYKE, HESSELBEIN, KOLSTE, C. TAYLOR, SARGENT, RINGHAND, SINICKI, MILROY, BEWLEY, RICHARDS, SHANKLAND, HEBL, BERCEAU, YOUNG, OHNSTAD, BARNES, WACHS, GENRICH, PASCH and ZEPNICK, cosponsored by Senators RISSER, L. TAYLOR, VINEHOUT, HARRIS and LASSA. Referred to Committee on Veterans.

1 **AN ACT to create** 20.485 (2) (tg) and 45.46 of the statutes; **relating to:**  
2 establishment of a veterans court grant program and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Justice administers a program that provides grants to counties to work with persons, other than violent offenders, who have been charged with or convicted of crimes and who abuse alcohol or drugs with the goal of providing them alternatives to incarceration such as deferred prosecution and counseling based on the principles of restorative justice. Under current law, a violent offender is one who has one or more prior convictions for a felony involving the use or attempted use of force with the intent to cause death or seriously bodily harm and is now being charged with, or has now been convicted of, a similar offense.

A county receiving a grant must provide persons participating in the program with social services, including treatment for substance abuse, mental health treatment, and assistance in finding employment and housing. Under current law, a county must provide matching funds that are equal to 25 percent of the amount of the grant for the program, and a person participating in the program must pay a reasonable amount for any substance use or mental health treatment he or she receives in the program, based on his or her income and available assets.

This bill creates a similar grant program to be administered by the Department of Veterans Affairs for veterans who have been charged with or convicted of crimes

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and who are not violent offenders. Under this program, the veteran participating in the program need not abuse alcohol or drugs in order to be eligible.

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

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

	<b>2013-14</b>	<b>2014-15</b>
3		
4 <b>20.485 Veterans Affairs, department of</b>		
5   (2)   LOANS AND AIDS TO VETERANS		
6   (tg)   Veterans court program                            SEG    B            125,000            125,000		

7           **SECTION 2.** 20.485 (2) (tg) of the statutes is created to read:  
8           20.485 **(2)** (tg) *Veterans court program.* Biennially, the amounts in the schedule  
9 for the veterans court program under s. 45.46.

10           **SECTION 3.** 45.46 of the statutes is created to read:

11           **45.46 Alternatives to incarceration grant program. (1) DEFINITION.** In  
12 this section, “violent offender” means a person to whom one of the following applies:

13           (a) The person has been charged with or convicted of an offense in a pending  
14 case and, during the course of the offense, the person carried, possessed, or used a  
15 dangerous weapon; the person used force against another person; or a person died  
16 or suffered serious bodily harm.

17           (b) The person has one or more prior convictions for a felony involving the use  
18 or attempted use of force against another person with the intent to cause death or  
19 serious bodily harm.

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1           **(2)** Program; projects. The department shall provide grants to counties to  
2           enable them to establish and operate a program for veterans who are charged with  
3           or convicted of crimes. The program shall include a suspended and deferred  
4           prosecution project for veterans and a project based on principles of restorative  
5           justice that provide alternatives to prosecution and incarceration for such veterans.  
6           The department shall provide the grants from the appropriation under s. 20.485 (2)  
7           (tg).

8           **(3)** ELIGIBILITY. A county shall be eligible for a grant to establish a program  
9           under this section if all of the following apply:

10           (a) The program is designed to meet the needs of veterans who, in that county,  
11           may be or have been charged with or who have been convicted of a crime.

12           (b) The program is designed to promote public safety, reduce prison and jail  
13           populations, reduce prosecution and incarceration costs, reduce recidivism, and  
14           improve the welfare of veterans' families by meeting the comprehensive needs of  
15           veterans.

16           (c) The program will provide services to veterans that are consistent with  
17           evidence-based practices in substance abuse treatment and mental health  
18           treatment, as determined by the department of health services.

19           (d) The program will provide mental health treatment services and treatment  
20           for substance abuse through providers that are certified by the department of health  
21           services.

22           (e) The program will provide holistic treatment to veterans participating in the  
23           program and will provide them services that may be needed, as determined under  
24           the program, to do all of the following:

25           1. Eliminate or reduce their substance abuse.

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1           2. Improve their mental health.

2           3. Help them achieve gainful employment.

3           4. Provide opportunities for their education or training.

4           5. Provide them stable housing.

5           6. Facilitate family reunification.

6           7. Help them address issues regarding payment of family support and other  
7 court-ordered obligations.

8           (f) The program will provide intensive case management.

9           (g) The program will use graduated sanctions and incentives to promote  
10 successful treatment for substance abuse.

11           (h) The program is designed to integrate all mental health services provided  
12 by state and local government agencies and other organizations to a veteran  
13 participating in the program. The program shall require regular communication  
14 among all of the following persons:

15           1. The veteran's case manager.

16           2. Any person providing services to the veteran for treatment of substance  
17 abuse or for mental health treatment.

18           3. Any person who is designated under the program to monitor the veteran's  
19 compliance with his or her obligations under the program.

20           4. Any probation, extended supervision, and parole agent the veteran may  
21 have.

22           5. Any other person who is providing other social services to the veteran.

23           (i) The program will have specific eligibility criteria that shall specify that a  
24 violent offender is not eligible to participate in the program.

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1 (j) The program will require a veteran to pay a reasonable amount for any  
2 substance abuse or mental health treatment he or she receives in the program, based  
3 on his or her income and available assets.

4 (k) The program will assist a veteran in pursuing and using all possible  
5 resources available through insurance and federal, state, and local aid programs,  
6 including cash, vouchers, and direct services, to assist in payment for any treatment  
7 for substance abuse or for any mental health treatment he or she receives in the  
8 program.

9 (L) The program will be developed with input from, and implemented in  
10 collaboration with, all of the following:

11 1. One or more circuit court judges, the district attorney, the state public  
12 defender, and local law enforcement officials who serve the county.

13 2. Each county agency that is responsible for providing social services,  
14 including services relating to substance abuse, child welfare, mental health, and the  
15 Wisconsin Works program.

16 3. The department of corrections, the department of children and families, and  
17 the department of health services.

18 4. Private social services agencies that provide services to veterans in the  
19 county.

20 5. Entities that provide substance abuse treatment to veterans in the county.

21 (m) The county complies with other eligibility requirements established by the  
22 department to promote the objectives listed in pars. (a) and (b).

23 **(4) JOINT APPLICATIONS.** Two or more counties may jointly apply for and receive  
24 a grant under this section. If counties submit a joint application, they shall include  
25 with their application a written agreement specifying the role of each county in

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1 developing, administering, and evaluating the program. Each county receiving the  
2 grant shall provide the input and collaboration required under sub. (3) (L), and each  
3 county shall have its own separate representatives, as required under sub. (7) (a) 1.  
4 to 6., on the oversight committee.

5 **(5) AWARDING OF GRANTS.** (a) The department shall award grants under this  
6 section to counties on a competitive basis. A county may apply for a grant under this  
7 section regardless of whether the county has received a grant previously under this  
8 section.

9 (b) The department shall inform any county that is applying for a grant under  
10 this section whether the county meets the requirements established under sub. (3),  
11 regardless of whether the county receives a grant.

12 (c) Any county that receives a grant under this section shall provide matching  
13 funds that are equal to 25 percent of the amount of the grant. The department shall  
14 assist the county in obtaining funding from other sources for its program.

15 **(6) CONTRACTS.** In implementing a program that meets the requirements of  
16 sub. (3), a county may contract with, or provide funding to, a religious organization  
17 under s. 59.54 (27).

18 **(7) OVERSIGHT.** (a) A county that receives a grant under this section shall create  
19 an oversight committee to advise the county in administering and evaluating its  
20 program. Each committee shall consist of all of the following representatives:

21 1. A circuit court judge, the district attorney or his or her designee, and the state  
22 public defender or his or her designee.

23 2. The chairperson of the county board of supervisors or his or her designee.

24 3. A representative of each county agency that provides input under sub. (3)

25 (L) 2.

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1           4. A person representing the private social services agencies that provide input  
2 under sub. (3) (L) 4.

3           5. A person representing the entities that provide substance abuse treatment  
4 under sub. (3) (L) 5.

5           6. A county law enforcement officer.

6           (b) The chairperson of the county board of supervisors shall appoint the  
7 representatives specified par. (a) 4., 5., and 6. to the oversight committee.

8           (c) If the state public defender appoints a designee, he or she shall appoint an  
9 attorney who is an employee of the state public defender and who represents  
10 defendants in the county.

11           (d) A county that receives a grant under this section shall comply with any state  
12 audits and shall submit an annual report to the department and to the oversight  
13 committee created under par. (a) regarding the impact of the program on jail and  
14 prison populations and its progress in attaining the objectives specified in sub. (3)  
15 (b) and (e).

16           (e) Every 2 years the department shall evaluate the grant program under this  
17 section.

18           **(8) TESTS FOR SUBSTANCE ABUSE.** In a program funded by a grant under this  
19 section, if urine collection for the purposes of a test for substance abuse results in the  
20 exposure of the genitals, pubic area, buttock, or anus of a veteran who is a participant  
21 in the program, all of the following shall apply:

22           (a) The person conducting the urine collection for purposes of the test is of the  
23 same sex as the participant.

24           (b) During the urine collection, the participant may not be visible to any person  
25 who is not conducting the urine collection.

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1 (c) The urine collection is not recorded through a visual or sound recording.

2 (d) The participant's genitals, pubic area, buttock, and anus are not subject to  
3 any physical inspection beyond observation of the urine collection.

4 (e) All staff of the program strive to preserve the dignity of the participant  
5 during the test.

6 **SECTION 4. Fiscal changes.**

7 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
8 to the department of veterans affairs under section 20.485 (2) (tf) of the statutes, as  
9 affected by the acts of 2013, the dollar amount is decreased by \$250,000 for the first  
10 fiscal year of the fiscal biennium in which this subsection takes effect to provide  
11 funding for the veterans court grant program established under section 45.46 of the  
12 statutes, as created by this act.

13 (END)