



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5312/1  
MLJ/EAW/CMH:all

## 2017 SENATE BILL 768

February 2, 2018 - Introduced by Senators VUKMIR, FEYEN, MARKLEIN, MOULTON, TESTIN, WANGGAARD, DARLING and BEWLEY, cosponsored by Representatives NYGREN, SNYDER, DUCHOW, RODRIGUEZ, PETRYK, NOVAK, ROHRKASTE, PRONSHINSKE, ZIMMERMAN, TUSLER, VANDERMEER, HORLACHER, KRUG, PETERSEN, E. BROOKS, EDMING, BALLWEG, SPIROS, TITTL, TRANEL, KNODL, BORN, SANFELIPPO, SKOWRONSKI, KITCHENS, JAGLER, KOLSTE, GENRICH and BILLINGS. Referred to Joint Committee on Finance.

1     **AN ACT to amend** 48.546 (2); and **to create** 20.435 (5) (bd), 20.437 (1) (bf), 20.455  
2           (2) (cm), 46.47, 48.545 (2) (c), 49.175 (1) (o), 165.25 (11), 165.984 and 961.473  
3           of the statutes; **relating to:** creating a law enforcement agency drug trafficking  
4           response grant program; positions to assist in prosecuting drug-related  
5           offenses; evidence-based programs for substance abuse prevention services for  
6           at-risk youth; victim impact panels; funding for family treatment courts;  
7           grants for county jails to provide nonnarcotic treatment before offender  
8           reentry; and making appropriations.

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### *Analysis by the Legislative Reference Bureau*

This bill creates grant programs related to drug trafficking, evidence-based substance abuse prevention, juvenile and family treatment courts, and drug treatment for inmates of county jails. The bill creates two attorney positions in the Department of Justice to assist the division of criminal investigation in the field offices of Wausau and Appleton and to assist district attorneys in the prosecution of drug-related offenses. The bill also allows a court to order a person who is found guilty of a violation of the Uniform Controlled Substances Act to attend a victim impact panel or similar program as a part of his or her sentence.

This bill appropriates a total of \$2,750,000 of general purpose revenue (GPR) and allocates \$500,000 of federal block grant money in the 2017-19 biennium to the

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grant programs that are established under the bill. The bill appropriates \$1,000,000 of GPR to DOJ for grants to Wisconsin law enforcement agencies to establish new programs related to drug trafficking response, \$1,500,000 of GPR for the Department of Health Services to award grants to counties to provide nonnarcotic drug treatment to inmates of county jails, and \$250,000 of GPR for the Department of Children and Families to award grants to counties or Indian tribes to establish and operate juvenile and family treatment courts. The bill allocates \$500,000 of federal money received under the Temporary Assistance for Needy Families block grant program to the Brighter Futures initiative through DCF to provide grants for new evidence-based substance abuse prevention programs.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*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>2017-18</b>	<b>2018-19</b>
3 <b>20.435 Health services, department of</b>				
4           (5)    MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES				
5            (bd)   Nonnarcotic drug treatment				
6                 grants	GPR	B	750,000	750,000
7 <b>20.437 Children and families, department of</b>				
8           (1)    CHILDREN AND FAMILY SERVICES				
9            (bf)   Family treatment court grants	GPR	A	-0-	250,000
10 <b>20.455 Justice, department of</b>				
11          (2)    LAW ENFORCEMENT SERVICES				
12          (cm)   Law enforcement agency drug				
13                 trafficking response grants	GPR	B	-0-	1,000,000

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1           **SECTION 2.** 20.435 (5) (bd) of the statutes is created to read:

2           20.435 (5) (bd) *Nonnarcotic drug treatment grants.* Biennially, the amounts in  
3 the schedule to provide grants to counties under s. 46.47 (1).

4           **SECTION 3.** 20.437 (1) (bf) of the statutes is created to read:

5           20.437 (1) (bf) *Family treatment court grants.* The amounts in the schedule for  
6 family treatment court grants under s. 48.546.

7           **SECTION 4.** 20.455 (2) (cm) of the statutes is created to read:

8           20.455 (2) (cm) *Law enforcement agency drug trafficking response grants.*  
9 Biennially, the amounts in the schedule to provide grants for Wisconsin law  
10 enforcement agency drug trafficking response under s. 165.984.

11           **SECTION 5.** 46.47 of the statutes is created to read:

12           **46.47 Grants for nonnarcotic drug treatment in county jails.** (1) From  
13 the appropriation account under 20.435 (5) (bd), the department shall award grants  
14 to provide nonnarcotic drug treatment as provided in sub. (2) to counties that meet  
15 all of the following criteria:

16           (a) The county has a county jail.

17           (b) The county has an established drug court, as defined in s. 165.955 (1).

18           (c) The county provides care coordination for inmates exiting county jail.

19           (d) The county has identified how it will use care coordination to ensure that  
20 all program participants are enrolled in Medical Assistance under subch. IV of ch.  
21 49 and will continue to receive treatment after an inmate leaves county jail custody.

22           **(2)** Grant funds awarded under sub. (1) may be used only to provide  
23 nonnarcotic, non-addictive, injectable medically assisted treatment to inmates of  
24 county jails who voluntarily receive the treatment within the 5 days immediately  
25 preceding release from county jail into the community.

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1           **(3)** The department shall provide application procedures for awarding grants  
2 to counties under sub. (1) in accordance with the department's request-for-proposal  
3 procedures.

4           **SECTION 6.** 48.545 (2) (c) of the statutes is created to read:

5           48.545 **(2)** (c) 1. Beginning in fiscal year 2018-19, the department shall  
6 distribute \$500,000 in grants in each fiscal year for programs to provide  
7 evidence-based programs and practices for substance abuse prevention to at-risk  
8 youth and their families.

9           2. Grants under this paragraph may be made to applying nonprofit  
10 corporations or public agencies in a county with a population of 750,000 or more, or  
11 county departments under s. 46.22, 46.23, 51.42, or 51.437 in counties other than a  
12 county having a population of 750,000 or more.

13           3. The department may not award a grant under this paragraph in a county  
14 where the services described under subd. 1. were offered in the preceding fiscal year  
15 unless those services were previously funded by a grant under this paragraph.

16           **SECTION 7.** 48.546 (2) of the statutes, as created by 2017 Wisconsin Act ....  
17 (Assembly Bill 481), is amended to read:

18           48.546 **(2)** The department may make the grants for the programs specified in  
19 sub. (1) within the availability of funding under s. 20.437 (1) ~~(nL)~~ (bf). The  
20 department shall collaborate with the department of health services and the director  
21 of state courts in establishing the grant program under this section.

22           **SECTION 8.** 49.175 (1) (o) of the statutes is created to read:

23           49.175 **(1)** (o) *Evidence-based substance abuse prevention grants.* For grants  
24 awarded under s. 48.545 (2) (c), \$500,000 in fiscal year 2018-19.

25           **SECTION 9.** 165.25 (11) of the statutes is created to read:

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1           165.25 (11) REPORT ON FIELD PROSECUTOR POSITIONS. The department of justice  
2 shall submit an annual report to the joint committee on finance regarding the field  
3 prosecutor attorney positions created under 2017 Wisconsin Act ... (this act), section  
4 13. The report shall describe the activities and assess the effectiveness of the  
5 attorneys in assisting the division of criminal investigation in the field offices of  
6 Wausau and Appleton and in assisting district attorneys in the prosecution of  
7 drug-related offenses.

8           **SECTION 10.** 165.984 of the statutes is created to read:

9           **165.984 Law enforcement drug trafficking response grants.** (1) In this  
10 section, "Wisconsin law enforcement agency" means a governmental unit of one or  
11 more persons employed full time by this state or a political subdivision of this state  
12 for the purpose of preventing and detecting crime and enforcing state laws or local  
13 ordinances, employees of which unit are authorized to make arrests for crimes while  
14 acting within the scope of their authority, and includes a task force administered by  
15 the department of justice that exists to respond to drug crimes.

16           (2) The department of justice shall establish policies and procedures for the  
17 distribution of grants from the appropriation under s. 20.455 (2) (cm) to Wisconsin  
18 law enforcement agencies to fund law enforcement response to drug trafficking.  
19 Notwithstanding s. 227.10 (1), the department need not promulgate the required  
20 policies and procedures as rules under ch. 227.

21           (3) A Wisconsin law enforcement agency may apply to the department of justice  
22 for a grant under this section and shall include a proposed plan of expenditure of the  
23 grant money. The proposed plan of expenditure must specify a new program or  
24 purpose for which the funds will be used. If the proposed plan of expenditure will  
25 result in the agency incurring an ongoing expense that will continue after all grant

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1 funds have been spent, the plan shall include a description of how that expense will  
2 be met when there are no remaining grant funds.

3 (4) The department of justice shall review each application and plan and may  
4 provide grants to an eligible Wisconsin law enforcement agency of not more than  
5 \$50,000 per application and plan and not more than \$100,000 per agency. A grant  
6 may be provided only to fund a new program or purpose within the agency and may  
7 not be provided to supplement an existing program.

8 (5) A Wisconsin law enforcement agency receiving a grant under this section  
9 may use the grant to fund extra training for law enforcement officers, the hiring of  
10 additional officers to investigate drug trafficking, or any other purpose that is  
11 directly related to drug trafficking response and that is not an existing program  
12 within the agency at the time the grant is received.

13 **SECTION 11.** 961.473 of the statutes is created to read:

14 **961.473 Victim impact panels.** If a person pleads guilty to or is found guilty  
15 of a violation of this chapter, the court may order the person to attend a program, such  
16 as a victim impact panel, that demonstrates the adverse effects of substance abuse  
17 on an individual or an individual's family in addition to any forfeiture or penalty  
18 imposed. The court may order the defendant to pay a reasonable fee, based on the  
19 person's ability to pay, to offset the costs of assembling and holding the program  
20 ordered under this section.

21 **SECTION 12. Nonstatutory provisions.**

22 (1) RECONCILIATION PROVISION. If 2017 Wisconsin Act .... (Assembly Bill 481) is  
23 not enacted into law in the 2017 legislative session, then the treatment of sections  
24 20.437 (1) (bf) and 48.546 (2) of the statutes by this act is void.

25 **SECTION 13. Fiscal changes.**

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1           (1) FIELD PROSECUTOR POSITIONS; DRUG-RELATED OFFENSES. In the schedule under  
2 section 20.005 (3) of the statutes for the appropriation to the department of justice  
3 under section 20.455 (1) (a) of the statutes, the dollar amount for fiscal year 2017-18  
4 is increased by \$300,000 to increase the authorized positions for the department by  
5 2.0 GPR attorney project positions to assist the division of criminal investigation in  
6 the field offices of Wausau and Appleton and to assist district attorneys in  
7 prosecuting drug-related offenses. In the schedule under section 20.005 (3) of the  
8 statutes for the appropriation to the department of justice under section 20.455 (1)  
9 (a) of the statutes, the dollar amount for fiscal year 2018-19 is increased by \$300,000  
10 to provide funding for the positions authorized under this subsection.  
11 Notwithstanding section 230.27 (1) of the statutes, the project position authorized  
12 under this subsection shall terminate 5 years from the effective date of this  
13 subsection.

14           **SECTION 14. Effective dates.** This act takes effect on the day after publication,  
15 except as follows:

16           (1) The treatment of sections 20.437 (1) (bf) and 48.546 (2) of the statutes takes  
17 effect on the same day as 2017 Wisconsin Act .... (Assembly Bill 481).

18

(END)