

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - sentencing

Extra Copies: MGD

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN5501,

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**Topic:**

Misdemeanor offender diversion program

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rryan 06/17/2001	jdyer 06/17/2001	kfollet 06/17/2001	_____	lrb_docadmin 06/17/2001		

FE Sent For:

<END>

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/1	rryan	11/17 jld	kjl 6/17	kjl/self 6/17			

FE Sent For:

<END>

ADMINISTRATION – OFFICE OF JUSTICE ASSISTANCE  
Misdemeanor Offender Diversion Program  
[Re: LFB Paper #192, Motion #1581]

25501

**Motion:**

Require that non-profit community based organizations participate in the working group set up by LFB Paper 192 and Motion #1581. A definition of community based organizations for this purpose would be those that have experience in identifying offender rehabilitative needs, treating those needs, and facilitating reintegration into the community.

Further, require that the proposal address, at minimum, alternative charging and sentencing options for non-violent drug and property crimes. In addition, require the working group to consider low-level felonies in addition to misdemeanors in creating its proposal.

**Explanation:**

The Governor's proposed working group includes the State Public Defender, the Director of State Courts, and the Wisconsin District Attorneys Association. Community-based organizations, such as the Benedict Center in Milwaukee, WI, could provide key assistance in the development of a proposal for a misdemeanor offender diversion program. Many community-based organizations currently operate such programs.

Further, this working group will be a valuable tool for addressing many of the problems and inequities in our criminal justice system, particularly in the areas of charging and sentencing. The current proposal requires the group to "develop alternative charging and sentencing options for misdemeanor crimes in order to divert misdemeanor offenders from imprisonment, and submit a proposal describing recommended options to DOA by July 1, 2002. The proposal would be required to address, among other topics, alternative charging and sentencing options for non-violent crimes against property".

This motion would expand that which the working group will address to include not only non-violent property misdemeanors, but non-violent drug crimes, as well. Further, this motion calls for the consideration of low-level, non-violent felonies, as well.

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Fiscal Effect: \$0

MGD

Representative Kaufert  
Representative Huber

**ADMINISTRATION—OFFICE OF JUSTICE ASSISTANCE**

**Byrne and Matching Penalty Assessment Funds**

[LFB Paper #192, Alternative 1]

**Motion:**

Move to modify alternative 1 as follows: (a) delete the GLECC set-aside for unspecified projects by \$262,500 FED and \$52,500 PR annually; (b) delete \$200,000 FED and \$40,000 PR annually of funding for the purchase of in-car cameras; and (c) reduce funding in 2002-03 for the initial implementation of a misdemeanor offender diversion program developed by SPD in consultation with the Director of State Court and the WDAA by \$101,500 FED and \$33,800 PR, and provide that prior to implementation of a misdemeanor offender diversion program, the program proposal be approved by the Joint Committee on Finance under a passive review process. In addition, retain separate penalty assessment match appropriations for state and local Byrne funds.

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**Note:**

[Change to Bill: -\$1,612,900 FED and -\$1,958,600 PR]

**Motion #1581**

**Ryan, Robin**

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**From:** Keckhaver, John  
**Sent:** June 17, 2001 11:03 AM  
**To:** Ryan, Robin  
**Subject:** RE: CN 5501

Yes to the 2nd paragraph.

-----Original Message-----

**From:** Ryan, Robin  
**Sent:** Saturday, June 16, 2001 7:36 PM  
**To:** Keckhaver, John  
**Subject:** CN 5501

One of the items in this motion requires the work group that develops a misdemeanor diversion program to address "low-level felonies." What are "low-level felonies?"

The lowest classified felony is a Class E felony, punishable by imprisonment not to exceed 5 years (imprisonment here means time in prison and on extended supervision). Should this motion refer to crimes punishable by 5 years imprisonment or less?

06/17/2001



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1045/1

RLR:.....

*JLd*

SDC:.....Keckhaver – CN5501, Misdemeanor offender diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

*✓ substitute amendment*

1 At the locations indicated, amend the ~~bill~~ as follows:

2 1. Page 1348, line 10: delete lines 10 to 12 and substitute *✓*

3 *no \$* "consultation with private *✓* community-based organizations that have  
4 experience identifying and serving the rehabilitation needs of offenders and  
5 reintegrating offenders into the community, the director of state courts, and the  
6 Wisconsin District Attorneys Association, *✓* shall develop alternative charging and  
7 sentencing options for misdemeanor crimes and for felony crimes that are  
8 punishable by a maximum bifurcated sentence of *✓* 5 years imprisonment in order to  
9 divert offenders from imprisonment." *✓*



SDC:.....Keckhaver - CN5501, Misdemeanor offender diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55**

1           At the locations indicated, amend the substitute amendment as follows:

2           **1.** Page 1348, line 10: delete lines 10 to 12 and substitute “consultation with  
3 private community-based organizations that have experience identifying and  
4 serving the rehabilitation needs of offenders and reintegrating offenders into the  
5 community, the director of state courts, and the Wisconsin District Attorneys  
6 Association, shall develop alternative charging and sentencing options for  
7 misdemeanor crimes and for felony crimes that are punishable by a maximum  
8 bifurcated sentence of 5 years imprisonment in order to divert offenders from  
9 imprisonment.”.

