

1 in which the act occurred does not have a compensation of victims of crimes law which
2 covers the injury or death suffered by the person.

3 **SECTION 3841.** 949.04 (1) (intro.) of the statutes is amended to read:

4 949.04 (1) ELIGIBILITY. (intro.) Any person may apply for an award under this
5 ~~chapter~~ subchapter.

6 **SECTION 3842.** 949.04 (2) of the statutes is amended to read:

7 949.04 (2) FORMS. The department shall prescribe application forms for awards
8 under this ~~chapter~~ subchapter and shall furnish law enforcement agencies with the
9 forms. The law enforcement agency investigating a crime shall provide forms to each
10 person who may be eligible to file a claim under this subchapter.

11 **SECTION 3843.** 949.06 (1) (intro.) of the statutes is amended to read:

12 949.06 (1) (intro.) In accordance with this ~~chapter~~ subchapter, the department
13 shall make awards, as appropriate, for any of the following economic losses incurred
14 as a direct result of an injury:

15 **SECTION 3844.** 949.06 (1m) (b) of the statutes is amended to read:

16 949.06 (1m) (b) In accordance with this ~~chapter~~ subchapter, the department
17 shall make awards, as appropriate, to persons who, immediately prior to the crime,
18 lived in the same household with and to family members of a victim of s. 940.01,
19 940.02, 940.05, 940.06, 940.07, 940.08 or 940.09 for any of the economic losses
20 specified in sub. (1) as a result of the person's or family member's reaction to the
21 death. A dependent may recover both under sub. (1) and this subsection, subject to
22 the limitation under sub. (2).

23 **SECTION 3845.** 949.06 (3) (f) of the statutes is created to read:

24 949.06 (3) (f) From an award under s. 949.26.

25 **SECTION 3846.** 949.06 (4) (b) of the statutes is amended to read:

1 949.06 (4) (b) The department may suspend proceedings under this ~~chapter~~
2 subchapter for a period it deems appropriate on the grounds that a prosecution for
3 an offense arising out of the act or omission has been commenced or is imminent.

4 **SECTION 3847.** 949.09 of the statutes is amended to read:

5 **949.09 Effect of conviction.** If any person has been convicted of any offense
6 with respect to an act or omission on which a claim under this ~~chapter~~ subchapter
7 is based, proof of that conviction shall be taken as conclusive evidence that the
8 offense has been committed, unless an appeal or any proceeding with regard thereto
9 is pending.

10 **SECTION 3848.** 949.11 (1) of the statutes is amended to read:

11 949.11 (1) The procedure of ch. 227 for contested cases applies to hearings
12 under this ~~chapter~~ subchapter except as otherwise provided in this section and ss.
13 949.12 and 949.14.

14 **SECTION 3849.** 949.11 (2) of the statutes is amended to read:

15 949.11 (2) The division of hearings and appeals in the department of
16 administration shall appoint hearing examiners to make findings and orders under
17 s. 227.46 and this ~~chapter~~ subchapter.

18 **SECTION 3850.** 949.115 of the statutes is amended to read:

19 **949.115 Subpoenas.** The department or any of its authorized agents may
20 issue subpoenas for persons or records for any investigation or hearing conducted
21 under this ~~chapter~~ subchapter and may enforce compliance with such subpoenas as
22 provided in s. 885.12.

23 **SECTION 3851.** 949.12 of the statutes is amended to read:

24 **949.12 Condition of claimant.** There is no privilege, except privileges
25 arising from the attorney-client relationship, as to communications or records

1 relevant to an issue of the physical, mental or emotional condition of the claimant
2 or victim in a proceeding under this ~~chapter~~ subchapter in which that condition is
3 an element.

4 **SECTION 3852.** 949.13 of the statutes is amended to read:

5 **949.13 Agency cooperation.** Upon request by the department, any state or
6 local agency, including a district attorney or law enforcement agency, shall make
7 available all reports, files and other appropriate information which the department
8 requests in order to make a determination that a person is eligible for an award
9 under this ~~chapter~~ subchapter.

10 **SECTION 3853.** 949.15 (1) of the statutes is amended to read:

11 949.15 (1) Whenever the department orders the payment of an award under
12 this ~~chapter~~ subchapter as a result of the occurrence of an event that creates a cause
13 of action on the part of a claimant against any person, the department is subrogated
14 to the rights of the claimant and may bring an action against the person for the
15 amount of the damages sustained by the claimant. If an amount greater than that
16 paid under the award order is recovered and collected in any such action, the
17 department shall pay the balance to the claimant. If the person responsible for the
18 injury or death has previously made restitution payments to the general fund under
19 s. 973.20, any judgment obtained by the department under this section shall be
20 reduced by the amount of the restitution payments to the general fund.

21 **SECTION 3854.** 949.16 of the statutes is amended to read:

22 **949.16 Confidentiality of records.** The record of a proceeding before an
23 examiner or the department under this ~~chapter~~ subchapter is a public record. Any
24 record or report obtained by an examiner or the department, the confidentiality of
25 which is protected by any other law or rule, shall remain confidential.

1 (1) "Cooperate with a law enforcement agency" means to report a sex offense
2 to a law enforcement agency or to aid a law enforcement agency in the investigation
3 of a sex offense.

4 (2) "Department" means the department of justice.

5 (3) "Examination costs" means the costs of an examination that is done to
6 gather evidence regarding a sex offense, any procedure during that examination
7 process that tests for or prevents a sexually transmitted disease, and any medication
8 provided or prescribed, during that examination process, that prevents or treats a
9 sexually transmitted disease that the person performing the examination or
10 procedure believes could be a consequence of the sex offense. "Examination costs"
11 does not include any processing or administrative costs, attorney fees, or other
12 expenses.

13 (4) "Guardian of the victim" means one of the following:

14 1. If the victim is under 18 years of age, the parent, guardian, or legal custodian
15 of the victim.

16 2. If the victim has been determined to be incompetent under ch. 54, the
17 guardian of the victim.

18 (5) "Health care provider" means any person providing health care services.

19 (6) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

20 (7) "Sex offense" means an act committed in the state that, if committed by a
21 competent adult, would be a violation, or an attempted violation, of s. 940.225,
22 948.02, 948.025, 948.05, 948.06, 948.08, or 948.09.

23 (8) "Sexually transmitted disease" has the meaning given in s. 252.11 (1).

24 (9) "Victim" means a person against whom a sex offense has been committed.

1 **949.22 Administration.** The department shall administer this subchapter.
2 The department shall appoint a program director to assist in administering this
3 subchapter. The department shall promulgate rules for the implementation and
4 operation of this subchapter. The rules shall include procedures to ensure that any
5 limitation of an award is calculated in a fair and equitable manner.

6 **949.24 Application for award. (1) ELIGIBILITY.** Any health care provider who
7 conducts an examination to gather evidence regarding a sex offense may apply for
8 an award under this subchapter.

9 **(2) FORMS.** The department shall prescribe application forms for awards under
10 this subchapter and shall furnish health care providers with the forms.

11 **(3) MEDICAL RECORDS.** An applicant shall submit to the department reports
12 from any physician, physician's assistant, or nurse who treated or examined the
13 victim to gather evidence regarding a sex offense, performed any procedure during
14 that treatment or examination that tests for or prevents a sexually transmitted
15 disease, or provided or prescribed any medication to prevent or treat a sexually
16 transmitted disease. The applicant may not submit to the department any other
17 records than those pertaining to the examination, treatment, procedure, or
18 medication for which the applicant is seeking an award.

19 **949.26 Computation of awards. (1)** Except as provided in sub. (1m), the
20 department shall make an award under this section to a health care provider who
21 conducts an examination to gather evidence regarding a sex offense to reimburse the
22 health care provider only for the examination costs, as follows:

23 (a) If, under sub. (2) (b), the health care provider is not authorized to seek
24 payment from insurance or another available source of payment, the award shall be

1 the examination costs, regardless of whether the victim, or any guardian of the
2 victim, cooperates with a law enforcement agency regarding the sex offense.

3 (b) If, under sub. (2) (b), the health care provider is authorized to seek payment
4 from insurance or another available source of payment and the victim, or any
5 guardian of the victim, does not cooperate with a law enforcement agency regarding
6 the sex offense, the award shall be the examination costs, reduced by any payment
7 to be received as a result of the authorization under sub. (2) (b).

8 (1m) The department may not make an award under this section if, under sub.
9 (2) (b), the health care provider is authorized to seek payment and the victim, or any
10 guardian of the victim, cooperates with a law enforcement agency.

11 (2) (a) A health care provider seeking an award under this section may not seek
12 payment for any examination costs from the victim or any guardian of the victim.

13 (b) A health care provider seeking an award under this section may not seek
14 payment for any examination costs from insurance or another available source of
15 payment unless the victim or any guardian of the victim authorizes the health care
16 provider to seek payment.

17 (3) The department may not refuse to make an award under this section
18 because the victim or the guardian of the victim does not cooperate with a law
19 enforcement agency regarding the sex offense, or due to lack of an investigation or
20 prosecution of the sex offense.

21 **949.28 Limitations on awards.** (1) No order for the payment of an award
22 under this subchapter may be made unless the application was made within one year
23 after the date of the examination. The department may waive the one-year
24 requirement under this subsection in the interest of justice.

1 (2) The department may not make an award under this subchapter that
2 exceeds the examination costs of the victim.

3 (3) The department may not make an award under this subchapter for any part
4 of the examination costs of the victim for which the health care provider seeking the
5 award has received compensation from any other source.

6 **949.31 Hearings.** (1) The procedure of ch. 227 for contested cases applies to
7 hearings under this subchapter except as otherwise provided in this section and s.
8 949.32.

9 (2) The division of hearings and appeals in the department of administration
10 shall appoint hearing examiners to make findings and orders under s. 227.46 and
11 this subchapter.

12 (3) All hearings shall be open to the public unless in a particular case the
13 examiner determines that the hearing, or a portion of the hearing, shall be held in
14 private having regard to the fact that the offender has not been convicted or to the
15 interest of the victim.

16 **949.315 Subpoenas.** The department or any of its authorized agents may
17 issue subpoenas for persons or records for any investigation or hearing conducted
18 under this subchapter and may enforce compliance with such subpoenas as provided
19 in s. 885.12.

20 **949.32 Condition of victim.** There is no privilege, except privileges arising
21 from the attorney-client relationship, as to communications or records relevant to
22 an issue of the physical condition of the victim in a proceeding under this subchapter
23 in which that condition is an element.

24 **949.33 Agency cooperation.** Upon request by the department, any state or
25 local agency, including a district attorney or law enforcement agency, shall make

1 available all reports, files, and other appropriate information which the department
2 requests in order to make a determination that a health care provider is eligible for
3 an award under this subchapter.

4 **949.36 Confidentiality.** If a health care provider seeks an award under this
5 subchapter, any personally identifiable information, as defined in s. 19.62 (5), of the
6 victim who received the examination shall remain confidential unless written
7 consent for the release of any personally identifiable information is provided by one
8 of the following:

9 (1) Except as provided under sub. (2), the victim.

10 (2) If there is a guardian of the victim, the guardian of the victim.

11 **949.37 Offenses. (1) PROHIBITION.** In connection with an award under this
12 subchapter, no person may do any of the following:

13 (a) Submit a fraudulent application or claim for an award.

14 (b) Intentionally make or cause to be made any false statement or
15 representation of a material fact.

16 (c) Intentionally conceal or fail to disclose information affecting the amount of
17 or the initial or continued right to any such award when reasonably requested to
18 provide such information by the department.

19 (2) **PENALTIES.** Any person who violates this section shall be fined not more than
20 \$500 or imprisoned not more than 6 months or both. The person shall forfeit any
21 benefit received and shall reimburse the state for payments received.

22 (3) **DAMAGES.** The state has a civil cause of action for relief against any person
23 who violates this section for the amount of damages that the state sustained by
24 reason of the violation and, in addition, for punitive damages not more than double

1 the amount of damages that the state may have sustained, together with interest,
2 and the cost of the suit.

3 (4) ACTION. The attorney general may bring any action and has such powers
4 as may be necessary to enforce this section.

5 **949.38 Report by the department.** The department's biennial report under
6 s. 15.04 (1) (d) shall include a report of its activities under this subchapter including
7 all of the following:

8 (1) An explanation of the procedures for filing and processing claims under this
9 subchapter.

10 (2) A description of the programs and policies instituted to promote awareness
11 about the awards under this subchapter.

12 (3) An analysis of future needs and suggested program improvements.

13 (4) A copy of the forms used under this subchapter.

14 (5) A complete statistical analysis of the cases handled under this subchapter,
15 including all of the following:

16 (a) The number of claims filed.

17 (b) The number of claims approved and the amount of each award.

18 (c) The number of claims denied and the reasons for rejection.

19 (d) A breakdown of claims by geographic area and month.

20 **SECTION 3862.** 950.04 (1v) (f) of the statutes is amended to read:

21 950.04 (1v) (f) To have the parole earned release review commission make a
22 reasonable attempt to notify the victim of applications for parole, release to extended
23 supervision, or termination of extended supervision, as provided under s. 304.06 (1).

24 **SECTION 3863.** 950.04 (1v) (rm) of the statutes is amended to read:

25 950.04 (1v) (rm) To compensation, as provided under subch. I of ch. 949.

1 **SECTION 3864.** 950.08 (2g) (b) of the statutes is amended to read:

2 950.08 (2g) (b) The availability of compensation under subch. I of ch. 949 and
3 the address and telephone number at which to contact the department for
4 information concerning compensation under subch. I of ch. 949.

5 **SECTION 3865.** 950.08 (2r) (d) of the statutes is amended to read:

6 950.08 (2r) (d) The availability of compensation under subch. I of ch. 949,
7 including information concerning eligibility for compensation and the procedure for
8 applying for compensation.

9 **SECTION 3866.** 961.41 (5) (c) of the statutes, as affected by 2005 Wisconsin Act
10 25, is amended to read:

11 961.41 (5) (c) 1. ~~Two-thirds~~ The first \$850,000 plus two-thirds of all moneys
12 in excess of \$1,275,000 collected in each fiscal year from drug surcharges under this
13 subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

14 2. ~~One-third of all~~ All moneys in excess of \$850,000 and up to \$1,275,000 plus
15 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug
16 surcharges under this subsection shall be credited to the appropriation account
17 under s. 20.505 (6) (ku).

18 **SECTION 3869.** 967.06 of the statutes is renumbered 967.06 (1) and amended
19 to read:

20 967.06 (1) As soon as practicable after a person has been detained or arrested
21 in connection with any offense ~~which~~ that is punishable by incarceration, or in
22 connection with any civil commitment proceeding, or in any other situation in which
23 a person is entitled to counsel regardless of ability to pay under the constitution or
24 laws of the United States or this state, the person shall be informed of his or her right
25 to counsel. ~~Persons~~

1 (2) (a) Except as provided in par. (b), a person entitled to counsel under sub.
2 (1) who indicate indicates at any time that they wish he or she wants to be
3 represented by a lawyer, and who claim that they are claims that he or she is not able
4 to pay in full for a lawyer's services, shall immediately be permitted to contact the
5 authority for indigency determinations specified under s. 977.07 (1). The authority
6 for indigency determination in each county shall have daily telephone access to the
7 county jail in order to identify all persons who are being held in the jail. The jail
8 personnel shall provide by phone information requested by the authority.

9 (3) In any case in which the state public defender provides representation to
10 an indigent person, the public defender may request that the applicable court
11 reporter or clerk of circuit court prepare and transmit any transcript or court record.
12 The request shall be complied with. The state public defender shall, from the
13 appropriation under s. 20.550 (1) (f), compensate the court reporter or clerk of circuit
14 court for the cost of preparing, handling, duplicating, and mailing the documents.

15 **SECTION 3870.** 967.06 (2) (b) of the statutes is created to read:

16 967.06 (2) (b) If the person indicating that he or she wants to be represented
17 by a lawyer is detained under ch. 48, 51, 55, or 938, the person shall be referred for
18 appointment of counsel as provided under s. 48.23 (4), 51.60, 55.105, or 938.23 (4),
19 whichever is applicable.

20 **SECTION 3871.** 971.14 (3) (d) of the statutes is amended to read:

21 971.14 (3) (d) If the examiner reports that the defendant lacks competency, the
22 examiner's opinion regarding the likelihood that the defendant, if provided
23 treatment, may be restored to competency within the time period permitted under
24 sub. (5) (a). The examiner shall provide an opinion as to whether the individual's
25 treatment should occur in an inpatient facility designated by the department of

1 health and family services, or should be conducted in a jail or a locked unit of a facility
2 that has entered into a voluntary agreement with the state to serve as a location for
3 treatment, or as a condition of bail or bond.

4 **SECTION 3872.** 971.14 (5) (a) of the statutes is amended to read:

5 971.14 (5) (a) If the court determines that the defendant is not competent but
6 is likely to become competent within the period specified in this paragraph if
7 provided with appropriate treatment, the court shall suspend the proceedings and
8 commit the defendant to the custody of the department of health and family services
9 for placement in an appropriate institution for the department to determine whether
10 treatment shall occur in an appropriate institution designated by the department,
11 or in a community-based treatment conducted in a jail or a locked unit of a facility
12 that has entered into a voluntary agreement with the state to serve as a location for
13 treatment, or as a condition of bail or bond, for a period of time not to exceed 12
14 months, or the maximum sentence specified for the most serious offense with which
15 the defendant is charged, whichever is less. Under this subsection, the department
16 of health and family services may commence services to a person in jail but shall, as
17 soon as possible, transfer that person to an institution or provide services to the
18 person in a nonjail setting consistent with this subsection. Days spent in
19 commitment under this paragraph are considered days spent in custody under s.
20 973.155.

21 **SECTION 3873.** 971.14 (5) (b) of the statutes is amended to read:

22 971.14 (5) (b) The defendant shall be periodically reexamined by the treatment
23 facility department of health and family services examiners. Written reports of
24 examination shall be furnished to the court 3 months after commitment, 6 months
25 after commitment, 9 months after commitment and within 30 days prior to the

1 expiration of commitment. Each report shall indicate either that the defendant has
2 become competent, that the defendant remains incompetent but that attainment of
3 competency is likely within the remaining commitment period, or that the defendant
4 has not made such progress that attainment of competency is likely within the
5 remaining commitment period. Any report indicating such a lack of sufficient
6 progress shall include the examiner's opinion regarding whether the defendant is
7 mentally ill, alcoholic, drug dependent, developmentally disabled or infirm because
8 of aging or other like incapacities.

9 **SECTION 3874.** 971.14 (5) (c) of the statutes is amended to read:

10 971.14 (5) (c) Upon receiving a report under par. (b), indicating the defendant
11 has regained competency or is not competent and unlikely to become competent in
12 the remaining commitment period, the court shall hold a hearing within 14 days of
13 receipt of the report and the court shall proceed under sub. (4). If the court
14 determines that the defendant has become competent, the defendant shall be
15 discharged from commitment and the criminal proceeding shall be resumed. If the
16 court determines that the defendant is making sufficient progress toward becoming
17 competent, the commitment shall continue.

18 **SECTION 3875.** 971.17 (3) (e) of the statutes is amended to read:

19 971.17 (3) (e) An order for conditional release places the person in the custody
20 and control of the department of health and family services. A conditionally released
21 person is subject to the conditions set by the court and to the rules of the department
22 of health and family services. Before a person is conditionally released by the court
23 under this subsection, the court shall so notify the municipal police department and
24 county sheriff for the area where the person will be residing. The notification
25 requirement under this paragraph does not apply if a municipal department or

1 county sheriff submits to the court a written statement waiving the right to be
2 notified. If the department of health and family services alleges that a released
3 person has violated any condition or rule, or that the safety of the person or others
4 requires that conditional release be revoked, he or she may be taken into custody
5 under the rules of the department. The department of health and family services
6 shall submit a statement showing probable cause of the detention and a petition to
7 revoke the order for conditional release to the committing court and the regional
8 office of the state public defender responsible for handling cases in the county where
9 the committing court is located within 48 72 hours after the detention, excluding
10 Saturdays, Sundays, and legal holidays. The court shall hear the petition within 30
11 days, unless the hearing or time deadline is waived by the detained person. Pending
12 the revocation hearing, the department of health and family services may detain the
13 person in a jail or in a hospital, center or facility specified by s. 51.15 (2). The state
14 has the burden of proving by clear and convincing evidence that any rule or condition
15 of release has been violated, or that the safety of the person or others requires that
16 conditional release be revoked. If the court determines after hearing that any rule
17 or condition of release has been violated, or that the safety of the person or others
18 requires that conditional release be revoked, it may revoke the order for conditional
19 release and order that the released person be placed in an appropriate institution
20 under s. 51.37 (3) until the expiration of the commitment or until again conditionally
21 released under this section.

22 **SECTION 3876.** 971.23 (10) of the statutes is amended to read:

23 971.23 (10) PAYMENT OF ~~PHOTOCOPY~~ COPYING COSTS IN CASES INVOLVING INDIGENT
24 DEFENDANTS. When the state public defender or a private attorney appointed under
25 s. 977.08 requests ~~photocopies~~ copies, in any format, of any item that is discoverable

1 under this section, the state public defender shall pay any fee charged for the
2 photocopies copies from the appropriation under s. 20.550 (1) (f). If the person
3 providing photocopies copies under this section charges the state public defender a
4 fee for the photocopies copies, the fee may not exceed the actual, necessary, and direct
5 cost of photocopying providing the copies.

6 **SECTION 3877.** 973.01 (4) of the statutes is amended to read:

7 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
8 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
9 confinement in prison portion of the sentence without reduction for good behavior.
10 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
11 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
12 304.06 (1) (b), or 973.195 (1r).

13 **SECTION 3878.** 973.01 (7) of the statutes is amended to read:

14 973.01 (7) NO DISCHARGE. The department of corrections may not discharge a
15 person who is serving a bifurcated sentence from custody, control and supervision
16 until the person has served the entire bifurcated sentence, except as provided in s.
17 304.06 (1) (b). ✓

18 **SECTION 3879d.** 973.017 (2) (a) of the statutes is amended to read:

19 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted by
20 the sentencing commission under s. 973.30 created under 2001 Wisconsin Act 109,
21 or, if the sentencing commission has not adopted a guideline for the offense, any
22 applicable temporary sentencing guideline adopted by the criminal penalties study
23 committee created under 1997 Wisconsin Act 283.

24 **SECTION 3880.** 973.045 (1) (intro.) of the statutes is amended to read:

1 973.045 (1) (intro.) ~~Except as provided in sub. (1m), if~~ If a court imposes a
2 sentence or places a person on probation, the court shall impose a crime victim and
3 witness assistance surcharge calculated as follows:

4 **SECTION 3881.** 973.045 (1m) of the statutes is repealed and recreated to read:

5 973.045 (1m) (a) In this subsection, "civil offense" means an offense punishable
6 by a forfeiture.

7 (b) If all of the following apply, the court shall impose a crime victim and witness
8 assistance surcharge in addition to any forfeiture that it imposes:

9 1. The person is charged with one or more crimes in a complaint.

10 2. As a result of the complaint being amended, the person is charged with a civil
11 offense in lieu of one of those crimes.

12 3. The court finds that the person committed that civil offense on or after the
13 effective date of this subdivision [revisor inserts date].

14 (c) The amount of the surcharge imposed under par. (b) shall be the amount
15 specified in sub. (1) (a) or (b), depending on whether the crime that was the subject
16 of the amendment under par. (b) 2. was a misdemeanor or a felony.

17 **SECTION 3882.** 973.045 (1r) (b) of the statutes is created to read:

18 973.045 (1r) (b) The entire amount of any surcharge imposed under sub. (1m)
19 shall be allocated to part A.

20 **SECTION 3883.** 973.045 (2m) of the statutes is created to read:

21 973.045 (2m) The secretary of administration shall credit part A of the crime
22 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and
23 part B to the appropriation account under s. 20.455 (5) (gc).

24 **SECTION 3884.** 973.045 (3) (a) of the statutes is renumbered 973.045 (1r) (a),
25 and 973.045 (1r) (a) (intro.), as renumbered, is amended to read:

1 973.045 (~~1r~~) (a) (intro.) The clerk shall record the any crime victim and witness
2 surcharge imposed under sub. (1) in 2 parts. Part A is the portion that the secretary
3 of administration shall credit to the appropriation account under s. 20.455 (5) (g) and
4 part B is the portion that the secretary of administration shall credit to the
5 appropriation account under s. 20.455 (5) (ge), as follows:

6 **SECTION 3885.** 973.05 (2m) (r) of the statutes is amended to read:

7 973.05 (**2m**) (r) To payment of the enforcement surcharge under s. ~~253.06~~ 49.17
8 (4) (c) until paid in full.

9 **SECTION 3885m.** 973.055 (1) (intro.) of the statutes is amended to read:

10 973.055 (**1**) (intro.) If a court imposes a sentence on an adult person or places
11 an adult person on probation, regardless of whether any fine is imposed, the court
12 shall impose a domestic abuse surcharge under ch. 814 of \$75 \$100 for each offense
13 if:

14 **SECTION 3886.** 973.055 (3) of the statutes is amended to read:

15 973.055 (**3**) All moneys collected from domestic abuse surcharges shall be
16 deposited by the secretary of administration in s. ~~20.435 (3)~~ 20.437 (1) (hh) and
17 utilized in accordance with s. ~~46.95~~ 49.165.

18 **SECTION 3887.** 973.09 (1) (b) of the statutes is amended to read:

19 973.09 (**1**) (b) If the court places the person on probation, the court shall order
20 the person to pay restitution under s. 973.20, unless the court finds there is
21 substantial reason not to order restitution as a condition of probation. If the court
22 does not require restitution to be paid to a victim, the court shall state its reason on
23 the record. If the court does require restitution, it shall notify the department of
24 justice of its decision if the victim may be eligible for compensation under subch. I
25 of ch. 949.

1 **SECTION 3888.** 973.195 (1g) of the statutes is repealed.

2 **SECTION 3889.** 973.195 (1r) (a) of the statutes is amended to read:

3 973.195 (1r) (a) An inmate who is serving a sentence imposed under s. 973.01
4 for a ~~crime other than a Class B Class C to Class E~~ felony may petition the sentencing
5 court to adjust the sentence if the inmate has served at least ~~the applicable~~
6 percentage 85 percent of the term of confinement in prison portion of the sentence.
7 If an inmate is subject to more than one sentence imposed under this section, the
8 sentences shall be treated individually for purposes of sentence adjustment under
9 this subsection.

10 **SECTION 3890.** 973.195 (1r) (d) of the statutes is amended to read:

11 973.195 (1r) (d) If the sentence for which the inmate seeks adjustment is for
12 an offense under s. 940.225 (2) ~~or (3)~~, 948.02 (2), 948.08, or 948.085, and the district
13 attorney does not object to the petition within 10 days of receiving notice under par.
14 (c), the district attorney shall notify the victim, as defined under s. 950.02 (4), of the
15 inmate's petition. The notice to the victim shall include information on the sentence
16 adjustment petition process under this subsection, including information on how to
17 object to the inmate's petition. If the victim objects to adjustment of the inmate's
18 sentence within 45 days of the date on which the district attorney received notice
19 under par. (c), the court shall deny the inmate's petition.

20 **SECTION 3891.** 973.20 (9) (a) of the statutes is amended to read:

21 973.20 (9) (a) If a crime victim is paid an award under subch. I of ch. 949 for
22 any loss arising out of a criminal act, the state is subrogated to the rights of the victim
23 to any restitution required by the court. The rights of the state are subordinate to
24 the claims of victims who have suffered a loss arising out of the offenses or any
25 transaction which is part of the same continuous scheme of criminal activity.

1 **SECTION 3892.** 973.20 (9) (b) of the statutes is amended to read:

2 973.20 (9) (b) When restitution is ordered, the court shall inquire to see if an
3 award has been made under subch. I of ch. 949 and if the department of justice is
4 subrogated to the cause of action under s. 949.15. If the restitution ordered is less
5 than or equal to the award under subch. I of ch. 949, the restitution shall be ~~paid only~~
6 ~~to the general fund~~ credited to the appropriation account under s. 20.455 (5) (hh).
7 If the restitution ordered is greater than the award under subch. I of ch. 949, the
8 ~~general fund shall receive~~ an amount equal to the award under subch. I of ch. 949
9 ~~shall be credited to the appropriation account under s. 20.455 (5) (hh)~~ and the balance
10 shall be paid to the victim.

11
12 **SECTION 3893.** 973.30 of the statutes is repealed. ✓

13 **SECTION 3907.** 974.07 (4) (b) of the statutes is amended to read:

14 974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing
15 addresses from completed information cards submitted by victims under ss. 51.37
16 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f),
17 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections,
18 the parole earned release review commission, and the department of health and
19 family services shall, upon request, assist clerks of court in obtaining information
20 regarding the mailing address of victims for the purpose of sending copies of motions
21 and notices of hearings under par. (a).

22 **SECTION 3908.** 976.03 (23) (c) of the statutes is amended to read:

23 976.03 (23) (c) The application shall be verified by affidavit, shall be executed
24 in duplicate and shall be accompanied by 2 certified copies of the indictment
25 returned, or information and affidavit filed, or of the complaint made to a judge,

1 stating the offense with which the accused is charged, or of the judgment of
2 conviction or of the sentence. The prosecuting officer, parole earned release review
3 commission, warden or sheriff may also attach such further affidavits and other
4 documents in duplicate as he, she or it deems proper to be submitted with the
5 application. One copy of the application, with the action of the governor indicated
6 by endorsement thereon, and one of the certified copies of the indictment, complaint,
7 information and affidavits, or of the judgment of conviction or of the sentence shall
8 be filed in the office of the governor to remain of record in that office. The other copies
9 of all papers shall be forwarded with the governor's requisition. ✓

10 **SECTION 3909.** 977.02 (2m) of the statutes is amended to read:

11 977.02 (2m) Promulgate rules regarding eligibility for legal services under this
12 chapter, including legal services for children persons who are entitled to be
13 represented by counsel without a determination of indigency, as provided in s. 48.23
14 (4), 51.60, 55.105, or 938.23 (4).

15 **SECTION 3910.** 977.02 (3) of the statutes is amended to read:

16 977.02 (3) Promulgate rules regarding the determination of indigency of
17 persons entitled to be represented by counsel, other than children persons who are
18 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23,
19 including the time period in which the determination must be made and the criteria
20 to be used to determine indigency and partial indigency.

21 **SECTION 3911.** 977.05 (4) (gm) of the statutes is amended to read:

22 977.05 (4) (gm) In accordance with the standards under pars. (h) and (i), accept
23 referrals from judges and courts for the provision of legal services without a
24 determination of indigency of children persons who are entitled to be represented by
25 counsel under s. 48.23, 51.60, 55.105, or 938.23, appoint counsel in accordance with

1 contracts and policies of the board, and inform the referring judge or court of the
2 name and address of the specific attorney who has been assigned to the case.

3 **SECTION 3912.** 977.05 (4) (h) of the statutes is amended to read:

4 977.05 (4) (h) Accept requests for legal services from ~~children~~ persons who are
5 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23 and
6 from indigent persons who are entitled to be represented by counsel under s. 967.06
7 or who are otherwise so entitled under the constitution or laws of the United States
8 or this state and provide such persons with legal services when, in the discretion of
9 the state public defender, such provision of legal services is appropriate.

10 **SECTION 3913.** 977.05 (4) (i) 8. of the statutes is amended to read:

11 977.05 (4) (i) 8. Cases involving individuals who are subject to petitions for
12 protective placement or involuntary administration of psychotropic medication
13 under ch. 55.

14 **SECTION 3914.** 977.06 (2) (a) of the statutes is amended to read:

15 977.06 (2) (a) A person seeking to have counsel assigned for him or her under
16 s. 977.08, other than a ~~child~~ person who is entitled to be represented by counsel under
17 s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that he or she has
18 not disposed of any assets for the purpose of qualifying for that assignment of
19 counsel. If the representative or authority making the indigency determination
20 finds that any asset was disposed of for less than its fair market value for the purpose
21 of obtaining that assignment of counsel, the asset shall be counted under s. 977.07
22 (2) at its fair market value at the time it was disposed of, minus the amount of
23 compensation received for the asset.

24 **SECTION 3915.** 977.06 (2) (am) of the statutes is amended to read:

1 977.06 (2) (am) A person seeking to have counsel assigned for him or her under
2 s. 977.08, other than a ~~child~~ person who is entitled to be represented by counsel under
3 s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that the
4 information that he or she has given to determine eligibility for assignment of
5 counsel he or she believes to be true and that he or she is informed that he or she is
6 subject to the penalty under par. (b).

7 **SECTION 3916.** 977.06 (4) (bm) of the statutes is amended to read:

8 977.06 (4) (bm) In response to a request for information under s. 49.22 (2m)
9 made by the department of ~~workforce development~~ children and families or a county
10 child support agency under s. 59.53 (5), the state public defender shall provide the
11 name and address of an individual, the name and address of the individual's
12 employer and financial information related to the individual, if the name, address
13 or financial information is included in any statement, affidavit or other information
14 provided by the individual regarding financial eligibility under s. 977.07 and if, at
15 the time the request for information is made, the individual is represented by the
16 state public defender or by counsel assigned under s. 977.08.

17 **SECTION 3917.** 977.07 (1) (a) of the statutes is amended to read:

18 977.07 (1) (a) Determination of indigency for persons entitled to counsel shall
19 be made as soon as possible and shall be in accordance with the rules promulgated
20 by the board under s. 977.02 (3) and the system established under s. 977.06. No
21 determination of indigency is required for a ~~child~~ person who is entitled to be
22 represented by counsel under s. 48.23, 51.60, 55.105, or 938.23.

23 **SECTION 3918.** 977.07 (1) (c) of the statutes is amended to read:

24 977.07 (1) (c) For all referrals made under ss. 809.107, 809.30, 974.06 (3) (b)
25 and 974.07 (11), except a referral of a ~~child~~ person who is entitled to be represented

1 by counsel under s. 48.23, 51.60, 55.105, or 938.23, a representative of the state
2 public defender shall determine indigency. For referrals made under ss. 809.107,
3 809.30 and 974.06 (3) (b), except a referral of a child person who is entitled to be
4 represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, the representative
5 of the state public defender may, unless a request for redetermination has been filed
6 under s. 809.30 (2) (d) or the person's request for representation states that his or her
7 financial circumstances have materially improved, rely upon a determination of
8 indigency made for purposes of trial representation under this section.

9 **SECTION 3919.** 977.075 (1g) of the statutes is created to read:

10 977.075 (1g) In this section, "client responsible for payment" means a client of
11 the state public defender other than a client entitled to legal representation without
12 a determination of indigency.

13 **SECTION 3920.** 977.075 (3) of the statutes is amended to read:

14 977.075 (3) The board shall establish by rule a fee schedule that sets the
15 amount that a ~~person, other than a parent subject to s. 48.275 (2) (b) or 938.275 (2)~~
16 ~~(b), who is~~ client responsible for payment for legal representation shall pay for the
17 cost of the legal representation if the ~~person~~ client does not pay the applicable
18 discount fee under sub. (3m). The schedule shall establish a fee for a given type of
19 case, and the fee for a given type of case shall be based on the average cost, as
20 determined by the board, for representation for that type of case.

21 **SECTION 3921.** 977.075 (3m) of the statutes is amended to read:

22 977.075 (3m) The board shall establish by rule a fee schedule that sets the
23 discount amount that a ~~person, other than a parent subject to s. 48.275 (2) (b) or~~
24 ~~938.275 (2) (b), who is~~ client responsible for payment for legal representation, may
25 pay during a time period established by rule instead of paying the applicable fee

1 under sub. (3). The fee schedule shall establish a discount fee for each type of case
2 included in the schedule under sub. (3). If a ~~person~~ client responsible for payment
3 pays the applicable discount fee within the time period established under this
4 section, the ~~person~~ client may not be held liable for any additional payment for
5 counsel.

6 **SECTION 3922.** 977.075 (4) of the statutes is created to read:

7 977.075 (4) The board shall establish by rule a fee schedule that sets the
8 maximum amount that a parent subject to s. 48.275 (2) (b) or 938.275 (2) (b) shall pay
9 as reimbursement for legal services and sets the maximum amount that a person
10 subject to s. 51.605 or 55.107 shall pay as reimbursement for legal services. The
11 maximum amounts under this subsection shall be based on the average cost, as
12 determined by the board, for each applicable type of case.

13 **SECTION 3923.** 977.08 (1) of the statutes is amended to read:

14 977.08 (1) If the representative or the authority for indigency determinations
15 specified under s. 977.07 (1) refers a case to or within the office of the state public
16 defender or if a case is referred under s. 48.23 (4), 51.60, 55.105, or 938.23 (4), the
17 state public defender shall assign counsel according to subs. (3) and (4). If a
18 defendant makes a request for change of attorney assignment, the change of attorney
19 must be approved by the circuit court.

20 **SECTION 3924.** 977.08 (2) (intro.) of the statutes is amended to read:

21 977.08 (2) (intro.) All attorneys in a county shall be notified in writing by the
22 state public defender that a set of lists is being prepared of attorneys willing to
23 represent ~~children~~ persons referred under s. 48.23 (4), 51.60, 55.105, or 938.23 (4)
24 and indigent clients in the following:

25 **SECTION 3925.** 977.08 (2) (d) of the statutes is repealed.

1 **SECTION 3926.** 977.085 (3) of the statutes is amended to read:

2 977.085 (3) The board shall provide quarterly reports to the joint committee
3 on finance on the status of reimbursement for or recoupment of payments under ss.
4 48.275, 51.605, 55.107, 757.66, 938.275, 977.06, 977.07 (2), 977.075 and 977.076,
5 including the amount of revenue generated by reimbursement and recoupment. The
6 quarterly reports shall include any alternative means suggested by the board to
7 improve reimbursement and recoupment procedures and to increase the amount of
8 revenue generated. The department of justice, district attorneys, circuit courts and
9 applicable county agencies shall cooperate by providing any necessary information
10 to the state public defender.

11 **SECTION 3926p.** 978.01 (2) (b) of the statutes is amended to read:

12 978.01 (2) (b) A district attorney serves on a part-time basis if his or her
13 prosecutorial unit consists of Buffalo, Florence, or Pepin, ~~Trempealeau or Vernon~~
14 county.

15 **SECTION 3927.** 978.05 (4m) of the statutes is amended to read:

16 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments
17 of ~~workforce development~~ children and families and health and family services
18 regarding the fraud investigation programs under ss. 49.197 (1m) and 49.845 (1).

19 **SECTION 3928.** 980.036 (10) of the statutes is amended to read:

20 980.036 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT
21 RESPONDENTS. When the state public defender or a private attorney appointed under
22 s. 977.08 requests ~~photocopies~~ copies, in any format, of any item that is discoverable
23 under this section, the state public defender shall pay any fee charged for the
24 ~~photocopies~~ copies from the appropriation under s. 20.550 (1) (a). If the person
25 providing ~~photocopies~~ copies under this section charges the state public defender a

1 fee for the photocopies copies, the fee may not exceed the actual, necessary, and,
2 direct cost of photocopying providing the copies.

3 **SECTION 3929.** 980.08 (9) of the statutes, as created by 2005 Wisconsin Act 431,
4 is renumbered 980.08 (9) (a).

5 **SECTION 3930.** 980.08 (9) (b) of the statutes is created to read:

6 980.08 (9) (b) The department of corrections may contract for the escort
7 services under par. (a).

8 **SECTION 3931.** 985.01 (1g) of the statutes is amended to read:

9 985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and
10 includes a family long-term care district board under s. 46.2895.

11 **SECTION 3932.** 985.01 (3) of the statutes is amended to read:

12 985.01 (3) "Municipality" has the meaning in s. 345.05 (1) (c) and includes a
13 family long-term care district under s. 46.2895.

14 **SECTION 3934.** 995.67 (1) (a) of the statutes is amended to read:

15 995.67 (1) (a) "Domestic abuse" has the meaning given in s. 46.95 49.165 (1)
16 (a).

17 **SECTION 3934b.** 2001 Wisconsin Act 16, section 9107 (13r) is repealed. ✓

18 **SECTION 3935.** 2003 Wisconsin Act 33, section 9159 (4f) is repealed.

19 **SECTION 3936.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c) is amended
20 to read:

21 ~~[2005 Wisconsin Act 25] Section 9101 (4) (b) the secretary~~ The department of
22 ~~administration shall submit a report to the secretary of the building commission~~
23 ~~containing an inventory of his or her recommendations to offer specified state~~
24 ~~properties may offer any parcel of state-owned real property for sale under in~~
25 ~~accordance with section 16.848 of the statutes, as created by this act, if the property~~

Handwritten notes: "for 1315-20" with an arrow pointing to the text in line 21, and a circled "17" in line 23.

- 2 -
1315-20:1

1 36.11 (1) (b) Except as provided in this paragraph, the board may purchase,
 2 have custody of, hold, control, possess, lease, grant easements and enjoy any lands,
 3 buildings, books, records and all other property of any nature which may be
 4 necessary and required for the purposes, objects and uses of the system authorized
 5 by law. Any lease is subject to the powers of the University of Wisconsin Hospitals
 6 and Clinics Authority under s. 233.03 (13) and the rights of the authority under any
 7 lease agreement, as defined in s. 233.01 (6). The board shall not permit a facility that
 8 would be privately owned or operated to be constructed on state-owned land without
 9 obtaining prior approval of the building commission under s. 13.48 (12). The Except
 10 where a sale occurs under s. 16.848, the board may sell or dispose of such property
 11 as provided by law, or any part thereof when in its judgment it is for the best interests
 12 of the system and the state. All purchases and sales of real property shall be subject
 13 to the approval of the building commission. The provision of all leases of real
 14 property to be occupied by the board shall be the responsibility of the department of
 15 administration under s. 16.84 (5).

16 **SECTION 729m.** 36.11 (1) (e) of the statutes is amended to read:

17 36.11 (1) (e) The board, with the approval of the building commission, may sell
 18 or lease state-owned residence halls to another state agency or nonstate nonprofit
 19 agency for purposes of alternate use. This paragraph does not apply to property that
 20 is sold under s. 16.848."

21 **4.** Page 1578, line 3: delete lines 3 to 19 and substitute:

22 "[2005 Wisconsin Act 25] Section 9101 (4) (b) the secretary If the department
 23 of administration determines that it is in the best interest of the state to offer one or
 24 more parcels of state-owned property for sale, the secretary of administration shall



- 3 -
1315-20:2



1 submit a report to the secretary of the building commission containing an inventory
 2 of his or her recommendations to offer ~~specified state properties~~ the property for sale
 3 ~~under~~ in accordance with section 16.848 of the statutes, as created by this act, if the
 4 property is eligible for sale under that section and this subsection. The report shall
 5 contain a description of the property and the reasons therefor. A property may be
 6 ~~included in the inventory~~ for the recommendation. The secretary of administration
 7 may recommend that a parcel of property be offered for sale with or without approval
 8 of the state agency having jurisdiction of the property. If, during the period on or
 9 before June 30, 2007, or the period beginning on the effective date of this paragraph
 10 and ending on June 30, 2009, the building commission votes to approve the sale of
 11 any property included in the ~~inventory~~ a report under this paragraph, the
 12 department of administration may offer the property for sale under section 16.848
 13 of the statutes, as created by this act."

14 **5.** Page 1579, line 13; delete the material beginning with "and" and ending
 15 with "2009." on line 14.

16 (END)

1 is eligible for sale under that section and this subsection. If the department of
2 administration receives an offer to purchase the property, the secretary of
3 administration may submit a report to the secretary of the building commission
4 recommending acceptance of the offer. The report shall contain a description of the
5 property and the reasons therefor. A property may be included in the inventory for
6 the recommendation. The secretary of administration may recommend the sale of
7 a property with or without approval of the state agency having jurisdiction of the
8 property. If, during the period on or before June 30, 2007, or the period beginning
9 on the effective date of this paragraph and ending on June 30, 2009, the building
10 commission votes to approve the sale of any offer to purchase the property included
11 in the inventory, the department of administration may offer sell the property for sale
12 under section 16.848 of the statutes, as created by this act.

13 (c) This subsection does not apply during the period beginning after June 30,
14 2007 and ending the day before the effective date of this paragraph, nor during the
15 period after June 30, 2009.

16 **SECTION 3936m.** 2005 Wisconsin Act 25, section 9105 (9) is amended to read:

17 [2005 Wisconsin Act 25] Section 9105 (9) COLUMBIA ST. MARY'S—COLUMBIA
18 CAMPUS. Notwithstanding section 18.04 (1) and (2) of the statutes, no public debt
19 authorized for the acquisition and remodeling of the Columbia campus medical
20 facilities, as enumerated in subsection (1) (h) 1. and 3., may be contracted until after
21 June 30, ~~2007~~ 2009. Beginning on July 1, ~~2007~~ 2009, and ending on June 30, ~~2009~~
22 2011, not more than 50 percent of the general fund supported borrowing and 50
23 percent of the program revenue supported borrowing authorized for the acquisition
24 and remodeling of the Columbia campus medical facilities may be incurred.
25 Beginning on July 1, ~~2009~~ 2011, the remainder of the general fund supported

1 borrowing and program revenue supported borrowing authorized for the acquisition
2 and remodeling of the Columbia campus medical facilities may be incurred.

3 **SECTION 3937.** 2005 Wisconsin Act 25, section 9152 (5) is amended to read:

4 [2005 Wisconsin Act 25] Section 9152 (5) SALE OF REAL PROPERTY. If the Board
5 of Regents of the University of Wisconsin System sells any real property under its
6 jurisdiction during the period prior to July 1, 2007, and the period beginning on the
7 effective date of this subsection and ending on June 30, 2009, the board shall credit
8 the net proceeds of the sale to the appropriation account under section 20.285 (1) (iz)
9 of the statutes, as affected by this act, except that if there is any outstanding public
10 debt used to finance the acquisition, construction, or improvement of any property
11 that is sold, the board shall deposit a sufficient amount of the net proceeds from the
12 sale of the property in the bond security and redemption fund under section 18.09
13 of the statutes to repay the principal and pay the interest on the debt, and any
14 premium due upon refunding any of the debt. If the property was acquired,
15 constructed, or improved with federal financial assistance, the board shall pay to the
16 federal government any of the net proceeds required by federal law. If the property
17 was acquired by gift or grant or acquired with gift or grant funds, the board shall
18 adhere to any restriction governing use of the proceeds.

19 **SECTION 3938b.** 2007 Wisconsin Act 1, section 210 (3) is amended to read:

20 [2007 Wisconsin Act 1] Section 210 (3) The unencumbered balance in the
21 appropriation account under section 20.521 (1) (g) of the statutes is transferred to the
22 appropriation account under section 20.511 (1) (i) (im) of the statutes, as created by
23 ~~this act~~ 2007 Wisconsin Act (Senate Bill 40).

24 **SECTION 3938c.** 2007 Wisconsin Act 1, section 211 (4) is created to read:

1 [2007 Wisconsin Act 1] Section 211 (4) The treatment of sections 5.05 (11), 7.08
2 (7), 7.31 (5), 20.510 (intro.) and (1) (title), (a), (b), (bm), (c), (d), (g), (gm), (h), (i), (j),
3 (q), (t), and (x), 20.511 (1) (h) and (i), and 20.521 (intro.) and (1) (title), (a), (b), (g), (h),
4 and (i) of the statutes and SECTION 210 (1) to (4) of this act take effect on the initiation
5 date specified in SECTION 209 (1) or on the day after publication of the 2007 biennial
6 budget act, whichever is earlier.

7 **SECTION 9101. Nonstatutory provisions; Administration.**

8 (2) EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION. On the effective date
9 of this subsection, all incumbent employees holding positions having responsibility
10 for administering energy conservation and efficiency and renewable resource
11 programs under section 16.957 of the statutes, as determined by the secretary of
12 administration, are transferred to the public service commission. The employees
13 transferred under this subsection have all the rights and the same status under
14 subchapter V of chapter 111 and chapter 230 of the statutes in the public service
15 commission that they enjoyed in the department of administration immediately
16 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee
17 so transferred who has attained permanent status in class is required to serve a
18 probationary period.

19 (3) TREATMENT ALTERNATIVES AND DIVERSION GRANT. By August 15, 2007, the
20 county that has the highest violent crime rate, as reported by the office of justice
21 assistance, shall submit an application to the office of justice assistance for a grant
22 under section 16.964 (12) (b) of the statutes. Upon approval of the county's grant
23 application, the office of justice assistance shall from the appropriation under section
24 20.505 (6) (b) of the statutes, as affected by this act, award \$375,000 to the county
25 for the calendar year beginning January 1, 2008.