

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB74)**

Received: 12/5/2013 Received By: phurley  
Wanted: As time permits Same as LRB:  
For: André Jacque (608) 266-9870 By/Representing:  
May Contact: Drafter: phurley  
Subject: Criminal Law - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Jacque@legis.wisconsin.gov  
Carbon copy (CC) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Crime prevention task force

---

**Instructions:**

See attached

---

**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	phurley 12/5/2013	evinz 12/6/2013	jmurphy 12/9/2013	_____	lparisi 12/9/2013	lparisi 12/9/2013	

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB74)**

Received: 12/5/2013 Received By: phurley  
Wanted: As time permits Same as LRB:  
For: André Jacque (608) 266-9870 By/Representing:  
May Contact: Drafter: phurley  
Subject: Criminal Law - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Jacque@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Crime prevention task force ✓

**Instructions:**

See attached

**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	phurley	1/1 ell 12/6/13	1/1 ell 12/6/13	_____	_____		

FE Sent For: *James 12/9*

<END>

**Hurley, Peggy**

---

**To:** Julian, Jamie  
**Subject:** RE: AB 74 - Crime Prevention Funding Boards and Surcharge

---

**From:** Julian, Jamie  
**Sent:** Thursday, December 05, 2013 1:36 PM  
**To:** Hurley, Peggy  
**Subject:** AB 74 - Crime Prevention Funding Boards and Surcharge

Hi Peggy,

Representative Jacque mentioned to me that he would like Assembly Bill 74 amended to that it is identical to/uses the language in the budget. I believe this would mean a simple amendment unless a sub is more appropriate.

Let me know if you have any questions.

Thank you,

*Jamie Julian*

Office of Rep. André Jacque  
2<sup>nd</sup> Assembly District

Room 123 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53709

(608) 266-9870



## 2013 ASSEMBLY BILL 74

March 14, 2013 - Introduced by Representatives JACQUE, GENRICH, BERNIER, DANOU, KAHL, KLEEFISCH, KRUG, A. OTT, SPIROS, SWEARINGEN, TRANEL and WEININGER, cosponsored by Senators COWLES, HANSEN and SCHULTZ. Referred to Committee on Judiciary.

1 AN ACT *to renumber and amend* 973.045 (2); *to amend* 23.85, 59.40 (2) (n),  
2 973.045 (1) (a) and 973.045 (1) (b); and *to create* 59.25 (3) (gm), 59.54 (28),  
3 973.045 (1r) (a) 4., 973.045 (2) (b) and 973.045 (3) (d) of the statutes; **relating**  
4 **to:** increasing the crime victim and witness assistance surcharge, dedicating  
5 funds for crime prevention organizations, and creating local crime prevention  
6 funding boards.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, if a person commits a crime, the court that sentences the person or places the person on probation must impose a surcharge in addition to any other sentence imposed upon the person. Currently, if the person is convicted of a misdemeanor, he or she must pay \$67; if the person is convicted of a felony, he or she must pay \$92. The surcharge is divided three ways: part A (\$40 for each misdemeanor surcharge and \$65 for each felony surcharge); part B (\$20 for each misdemeanor and felony surcharge); and part C (\$7 for each misdemeanor and felony surcharge).

Currently, the clerk of courts collects the surcharge amounts and forwards them to the county treasurer, who in turn forwards them to the Department of Administration to help fund programs for victims and witnesses of crime. Funds from parts A and C are used to reimburse victims and witnesses and reimburse counties for victim and witness programs. Funds from part B are used to fund

**ASSEMBLY BILL 74**

services for victims of sexual assault. Current law requires a person who is assessed this surcharge to pay part A in full before he or she pays part B, and both parts A and B before he or she pays part C.

This bill increases the surcharge by \$20 for a misdemeanor and for a felony. The bill creates a part D, which is funded by \$20 for each misdemeanor or felony and which a person who is assessed the surcharge may pay only after he or she pays parts A, B, and C in full. Under the bill, the clerk of court forwards the amounts collected under part D to the county treasurer along with the other parts of the surcharge, but the treasurer retains those funds in a crime prevention fund.

Under the bill, a county treasurer deposits the funds he or she receives from part D of the surcharge into a crime prevention fund. Moneys from the fund are distributed as grants at the direction of a crime prevention funding board (CPFEB). Under the bill, a CPFEB is created in every county whose treasurer receives funds from a part D surcharge. Each CPFEB consists of seven members: the presiding judge of the circuit court, or his or her designee; the district attorney, or his or her designee; the sheriff, or his or her designee; the county executive, county administrator, or county board chairperson, or his or her designee; the chief elected official of the city, village, or town with the largest population in the county, or his or her designee; a person chosen by a majority vote of the top law enforcement officials of the departments that are located in the county; and a person chosen by the county's public defender's office. Members of a CPFEB may be reimbursed for expenses but may not receive any other compensation. Members serve for a term that is determined by the CPFEB.

A CPFEB may solicit grant applications from certain specified entities and may award grants to such entities. At least one-half of the funds must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, providing a funding source for crime prevention programs, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. A CPFEB may direct that the rest of the funds be distributed to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes. The bill requires that a CPFEB and any entity that receives a grant from a CPFEB must submit an annual report to certain specified entities detailing the amounts spent, the purposes for which the grants were spent, and contact information for the entity and the entity's leaders. The reports must be distributed to the clerk of court for the county that distributed the funds, the county board, and the governing bodies of the cities, villages, and towns in the county.

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.** 23.85 of the statutes is amended to read:

**ASSEMBLY BILL 74**

1           **23.85 Statement to county board; payment to state.** Every county  
 2 treasurer shall, on the first day of the annual meeting of the county board of  
 3 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and  
 4 surcharges imposed under ch. 814 and received during the previous year. The county  
 5 clerk shall deduct all expenses incurred by the county in recovering those forfeitures,  
 6 costs, fees, and surcharges from the aggregate amount so received, and shall  
 7 immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and  
 8 surcharges to the county treasurer, who shall pay the proceeds to the state as  
 9 provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated  
 10 separately as provided in s. 302.46 and part D of the crime victim witness assistance  
 11 surcharges shall be treated separately as provided in s. 973.045 (2) (b).

12           **SECTION 2.** 59.25 (3) (gm) of the statutes is created to read:

13           59.25 (3) (gm) Deposit all moneys received under s. 973.045 (2) (b) into a crime  
 14 prevention fund and, on order of the crime board under s. 59.54 (28) (d), make grant  
 15 payments as the crime board directs.

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

17           59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46  
 18 (1) for the jail assessment surcharge and the amounts required by s. 973.045 (2) (b)  
 19 The payments shall be made by the 15th day of the month following receipt thereof.

20           **SECTION 4.** 59.54 (28) of the statutes is created to read:

21           59.54 (28) CRIME PREVENTION FUNDING BOARD. (a) In this subsection:

22           1. "Chief elected official" means the mayor of a city or, if the city is organized  
 23 under subch. I of ch. 64, the president of the council of that city, the village president  
 24 of a village, or the town board chairperson of a town.

*del. PLS  
 S.S. 973.045 (2)  
 S.L. 973.045 (2)*

**ASSEMBLY BILL 74****SECTION 4**

1           2. "Crime board" means the crime prevention funding board that is created  
2 under this subsection.

3           3. "Municipality" means a city, village, or town.

4           (b) There is created in each county, in which the treasurer receives moneys and  
5 deposits them as described in s. 59.25 (3) (gm), a crime board. The funds in such an  
6 account may be distributed upon the direction of the crime board under par. (d). The  
7 crime board shall meet, and its members may receive no compensation, other than  
8 reimbursement for actual and reasonable expenses incurred in the performance of  
9 their duties. Members shall serve for the terms that are determined by the crime  
10 board.

11          (c) A county crime board shall consist of the following members:

12           1. The presiding judge of the circuit court, or his or her designee.

13           2. The district attorney, or his or her designee.

14           3. The sheriff, or his or her designee.

15           4. One of the following county officials, or his or her designee:

16           a. The county executive.

17           b. If the county does not have a county executive, the county administrator.

18           c. The chairperson of the county board of supervisors, or his or her designee,  
19 if the county does not have a county executive or a county administrator.

20           5. The chief elected official of the largest municipality in the county, as  
21 determined by population, or his or her designee.

22           6. A person chosen by a majority vote of the sheriff and all of the chiefs of police  
23 departments that are located wholly or partly within the county

24           7. A person chosen by the county's public defender's office

*del line*

**ASSEMBLY BILL 74**

1 (d) 1. The crime board may solicit applications for grants in a format  
2 determined by the crime board, and may vote to direct the treasurer to distribute  
3 grants to applicants from moneys in the crime prevention fund under s. 59.25 (3)  
4 (gm). The crime board may direct the treasurer to distribute grants to any of the  
5 following entities, in amounts determined by the crime board:

6 a. One or more private nonprofit organizations within the county that has as  
7 its primary purpose preventing crime, providing a funding source for crime  
8 prevention programs, encouraging the public to report crime, or assisting law  
9 enforcement agencies in the apprehension of criminal offenders.

10 b. A law enforcement agency within the county that has a crime prevention  
11 fund, if the contribution is credited to the crime prevention fund and is used for crime  
12 prevention purposes.

13 2. Not less than 50 percent of the payments made under subd. 1. shall be made  
14 to one or more organizations described in subd. 1. a.

15 (e) Annually, the crime board shall submit a report on its activities to the clerk  
16 of court for the county that distributed the funds, to the county board, and to the  
17 legislative bodies of each municipality that is located wholly or partly within the  
18 county. The report shall contain at least all of the following information for the year  
19 to which the report relates:

20 1. The name and address of each entity that received a grant, including contact  
21 information for the leadership of the entity.

22 2. A full accounting of all funds disbursed by the treasurer at the direction of  
23 the crime board, including the amount of the funds disbursed, the dates of disbursal,  
24 and the purposes for which the grant was made.

**ASSEMBLY BILL 74**

**SECTION 4**

1 (f) Annually, each recipient of a grant awarded under this subsection shall  
2 submit a report on its activities to all of the entities specified in par. (e). The report  
3 shall contain at least all of the following information for the year to which the report  
4 relates:

- 5 1. The name and address of the entity.
- 6 2. The name and address, and title, of each member of the governing body of  
7 the entity.
- 8 3. The purposes for which the grant money was spent.
- 9 4. A detailed accounting of all receipts and expenditures of the entity that relate  
10 to the grant money.
- 11 5. The balance of any funds remaining.

*del lines  
12-  
p 7, line*

12 **SECTION 5.** 973.045 (1) (a) of the statutes is amended to read:  
13 973.045 (1) (a) For each misdemeanor offense or count, ~~\$67~~ \$87.

14 **SECTION 6.** 973.045 (1) (b) of the statutes is amended to read:  
15 973.045 (1) (b) For each felony offense or count, ~~\$92~~ \$112.

16 **SECTION 7.** 973.045 (1r) (a) 4. of the statutes is created to read:  
17 973.045 (1r) (a) 4. Part D equals \$20 for each misdemeanor offense or count and  
18 \$20 for each felony offense or count.

19 **SECTION 8.** 973.045 (2) of the statutes is renumbered 973.045 (2) (a) and  
20 amended to read:

21 973.045 (2) (a) After the clerk determines the amount due, the clerk of court  
22 shall collect and transmit the ~~amount~~ amounts collected under parts A, B, and C to  
23 the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make  
24 payment to the secretary of administration under s. 59.25 (3) (f) 2.

25 **SECTION 9.** 973.045 (2) (b) of the statutes is created to read:





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1322/1

PJH:.....

Leev

soon

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 74

12-5

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

2 1. Page 1, line 4: delete "increasing the crime victim and witness assistance"  
3 and substitute "creating a crime prevention funding board".

4 2. Page 3, line 10: delete "part D of the crime victim witness assistance" and  
5 substitute "moneys collected from the crime prevention funding board".

6 3. Page 3, line 11: delete that line and substitute: "surcharge under s.  
7 973.0455 (2) shall be treated separately as provided in s. 973.0455 (2)".

8 4. Page 3, line 13: delete "973.045 (2) (b)" and substitute "973.0455 (2)".

9 5. Page 3, line 13: delete "973.045 (2) (b)" and substitute "973.0455 (2)".

10 6. Page 4, line 24: delete that line.

no score,  
plain

#. Page 3, line 18:

1           **7.** Page 6, line 12: delete the material beginning with that line and ending with

2           page 7, line 8 and substitute:

3

Insert 7.8

(END)

Insert  
X.O.

1           2. The name and address, and title, of each member of the governing body of  
2 the entity.

3           3. The purposes for which the grant money was spent.

4           4. A detailed accounting of all receipts and expenditures of the entity that relate  
5 to the grant money.

6           5. The balance of any funds remaining.”.

7           5. Page 989, line 4: after that line insert: <sup>5m</sup>

8           “SECTION ~~2291m.~~ 814.75 (8r) of the statutes is created to read:

9           814.75 (8r) The crime prevention funding board surcharge under s. 973.0455.”

10          6. Page 989, line 6: after that line insert.

11          6. SECTION ~~2293m.~~ 814.76 (5m) of the statutes is created to read: <sup>6m</sup>

12          814.76 (5m) The crime prevention funding board surcharge under s.  
13 973.0455.”

14          7. Page 1006, line 12: after that line insert:

15          8. SECTION ~~2352m.~~ 973.0455 of the statutes is created to read: <sup>7m</sup>

16           **973.0455 Crime prevention funding board surcharge.** (1) If a court  
17 imposes a sentence or places a person on probation, the court shall impose a crime  
18 prevention funding board surcharge. The surcharge is the total amount calculated  
19 by adding up, for each misdemeanor or felony count on which a conviction occurred,  
20 \$20.

21           (2) After the clerk determines the amount due, the clerk of court shall collect  
22 and transmit the amount to the county treasurer under s. 59.40 (2) (n). The county  
23 treasurer shall then distribute the moneys under s. 59.25 (3) (gm).”

24          8. Page 1007, line 14: after that line insert:

*Insert, want* *Sm*

1 ~~SECTION 2353m.~~ 973.05 (2m) (jr) of the statutes is created to read:  
 2 973.05 (2m) (jr) To payment of the crime prevention funding board surcharge  
 3 until paid in full.”

4 **9.** Page 1023, line 5: after that line insert:

5 “(1e) CRIME PREVENTION FUNDING BOARD. Upon the creation of a crime  
 6 prevention funding board, the initial members of the board specified under section  
 7 59.54 (28) (c) of the statutes shall declare that they are serving on the board, or  
 8 appoint their designees, not later than the first day of the 4th month beginning after  
 9 a board is created.”

10 (END)