State of Wisconsin
2013 – 2014 LEGISLATURE

LRB-0839/P2 P3
PJH:eev:jf
stays MR

DOA:.....Wavrunek, BB0309 – Restructure Programs at the Office of Justice Assistance

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

7-2-13

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, the Office of Justice Assistance (OJA) within the DOA operates several programs and administers several grants related to law enforcement, communications between law enforcement and other public safety agencies (interoperable communications), criminal justice, juvenile justice and child advocacy services, community corrections, crime prevention, rehabilitation and alternatives to incarceration, reintegration into society of American Indians who have been incarcerated, crime data collection and analysis, and homeland security.

The bill eliminates the OJA and transfers its functions to DOJ, except that the programs and appropriations related to reintegrating American Indians who have been incarcerated are transferred to DOC, and the programs and appropriations related to homeland security, except those related to interoperable communications, are transferred to DMA.

The bill requires DOJ to reduce certain allocations related to grants aimed at diverting youth from criminal activity in fiscal years 2013–14 and 2014–15.

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:

SECTION 1. 15.01 (6) of the statutes is amended to read:

15.01 **(6)** "Division," "bureau," "section" and "unit" means the subunits of a department or an independent agency, whether specifically created by law or created by the head of the department or the independent agency for the more economic and efficient administration and operation of the programs assigned to the department or independent agency. The office of ~~justice assistance in the department of administration and the office of~~ credit unions in the department of financial institutions ~~have~~ has the meaning of "division" under this subsection. The office of the long–term care ombudsman under the board on aging and long–term care and the office of educational accountability in the department of public instruction have the meaning of "bureau" under this subsection.

SECTION 2. 15.02 (3) (c) 1. of the statutes is amended to read:

15.02 **(3)** (c) 1. The principal subunit of the department is the "division". Each division shall be headed by an "administrator". The office of ~~justice assistance in the department of administration and the office of~~ credit unions in the department of financial institutions ~~have~~ has the meaning of "division" and the ~~executive staff director of the office of justice assistance in the department of administration and the~~ director of credit unions ~~have~~ has the meaning of "administrator" under this subdivision.

SECTION 3. 15.105 (19) of the statutes is repealed.

SECTION 4. 15.107 (18) (b) 1. of the statutes is amended to read:

15.107 **(18)** (b) 1. The ~~executive director of the office of justice assistance~~ attorney general, the adjutant general, the secretary of natural resources, the secretary of transportation, and a representative from the department of administration with knowledge of information technology, or their designees.

SECTION 5. 15.255 (1) (a) 1. of the statutes is amended to read:

15.255 **(1)** (a) 1. ~~Six~~ Seven representatives of local law enforcement in this state, at least one of whom shall be a sheriff and at least one of whom shall be a chief of police.

SECTION 6. 15.255 (1) (a) 7. of the statutes is repealed.

SECTION 7. 16.75 (1) (a) 1. of the statutes is amended to read:

16.75 **(1)** (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, ~~16.964 (8),~~ 50.05 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

SECTION 8. 16.964 (title) of the statutes is repealed.

SECTION 9. 16.964 (1g) of the statutes is repealed.

SECTION 10. 16.964 (1m) (intro.) of the statutes is repealed.

SECTION 11. 16.964 (1m) (a) and (b) of the statutes are consolidated, renumbered 165.25 (13) and amended to read:

165.25 **(13)** JUVENILE JUSTICE IMPROVEMENT PLAN. Serve as the state planning agency under the juvenile justice and delinquency prevention act of 1974, P.L. 93-415. ~~(b) Prepare~~ The department shall prepare a state comprehensive juvenile justice improvement plan ~~on behalf of the governor~~. The plan shall be submitted to the governor, the joint committee on finance in accordance with s. 16.54, and to the appropriate standing committees of each house of the legislature as determined by the presiding officer of each house. The plan shall be updated periodically and shall be based on an analysis of the state's juvenile justice needs and problems.

SECTION 12. 16.964 (1m) (c) of the statutes is repealed.

SECTION 13. 16.964 (1m) (d) of the statutes is renumbered 165.25 (14) and amended to read:

165.25 **(14)** COOPERATION AND ASSISTANCE. Cooperate with and render technical assistance to state agencies and units of local government and public or private agencies relating to the criminal and juvenile justice system.

SECTION 14. 16.964 (1m) (e) of the statutes is renumbered 165.25 (15) and amended to read:

165.25 **(15)** CONTRACTS AND EXPENDITURES. Apply for contracts or receive and expend for its purposes any appropriation or grant from the state, a political subdivision of the state, the federal government or any other source, public or private, in accordance with the statutes.

SECTION 15. 16.964 (1m) (f) of the statutes is renumbered 165.845 (1) (c).

SECTION 16. 16.964 (1m) (g) of the statutes is renumbered 165.845 (1) (a) and amended to read:

165.845 **(1)** (a) Collect information concerning the number and nature of offenses known to have been committed in this state and such other information as

may be useful in the study of crime and the administration of justice. The ~~office~~ department of justice may determine any other information to be obtained regarding crime and justice system statistics. The information shall include data requested by the federal bureau of investigation under its system of uniform crime reports for the United States.

SECTION 17. 16.964 (1m) (h) of the statutes is renumbered 165.845 (1) (b) and amended to read:

165.845 **(1)** (b) Furnish all reporting officials with forms or instructions or both that specify the nature of the information required under par. ~~(g)~~ (a), the time it is to be forwarded, the method of classifying and any other matters that facilitate collection and compilation.

SECTION 18. 16.964 (1m) (i) of the statutes is renumbered 321.03 (1) (e).

SECTION 19. 16.964 (2) of the statutes is renumbered 165.845 (2) and amended to read:

165.845 **(2)** All persons in charge of law enforcement agencies and other criminal and juvenile justice system agencies shall supply the ~~office~~ department of justice with the information described in sub. ~~(1m) (g)~~ (1) (a) on the basis of the forms or instructions or both to be supplied by the ~~office~~ department under sub. ~~(1m) (g)~~ (1) (a). The department may conduct an audit to determine the accuracy of the data and other information it receives from law enforcement agencies and other criminal and juvenile justice system agencies.

SECTION 20. 16.964 (3) of the statutes is repealed.

SECTION 21. 16.964 (5) of the statutes is renumbered 165.986, and 165.986 (1), (2), (3) (intro.), (4) and (6), as renumbered, are amended to read:

165.986 **(1)** The ~~office~~ department of justice shall provide grants from the appropriation under s. ~~20.505 (6) (kb)~~ 20.455 (2) (kb) to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. A city is eligible for a grant under this ~~subsection~~ section in fiscal year 1994–95 if the city has a population of 25,000 or more. A city may receive a grant for a calendar year if the city applies for a grant before September 1 of the preceding calendar year. Grants shall be awarded to the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available under the uniform crime reporting system of the federal bureau of investigation.

(2) A city applying to the ~~office~~ department of justice for a grant under this ~~subsection~~ section shall include a proposed plan of expenditure of the grant moneys. The grant moneys that a city receives under this ~~subsection~~ section may be used for salary and fringe benefits only. Except as provided in ~~par. (c)~~ sub. (3), the positions for which funding is sought must be created on or after April 21, 1994, and result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties.

(3) (intro.) During the first 6 months of the first year of a grant, a city may, with the approval of the ~~office~~ department, use part of the grant for the payment of salary and fringe benefits for overtime provided by uniformed law enforcement officers whose primary duty is beat patrolling. A city may submit a request to the ~~office~~ department for a 3–month extension of the use of the grant for the payment of overtime costs. To be eligible to use part of the first year's grant for overtime costs, the city shall provide the ~~office~~ department with all of the following:

(4) The ~~office~~ department shall develop criteria which, notwithstanding s. 227.10 (1), need not be promulgated as rules under ch. 227, for use in determining the amount to grant to cities under this ~~subsection~~ section. The ~~office~~ department may not award an annual grant in excess of $150,000 to any city. The ~~office~~ department shall review any application and plan submitted under ~~par. (b)~~ sub. (2) to determine if that application and plan meet the requirements of this ~~subsection~~ section. The grant that a city receives under this ~~subsection~~ section may not supplant existing local resources.

(6) The ~~office~~ department may make grants to additional cities with a population of 25,000 or more after fiscal year 1994–95. Eligibility for grants under this ~~paragraph~~ subsection shall be determined and allocations made as provided in this ~~subsection~~ section.

SECTION 22. 16.964 (8) of the statutes is renumbered 165.987, and 165.987 (1), (2) and (3), as renumbered, are amended to read:

165.987 **(1)** From the appropriations under s. ~~20.505 (6) (d) and (kj)~~ 20.455 (2) (cr) and (kj), the ~~office~~ department of justice shall allocate $500,000 in each fiscal year to enter into a contract with an organization to provide services in a county having a population of 500,000 or more for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs. Notwithstanding s. 16.75, the ~~office~~ department may enter into a contract under this ~~paragraph~~ subsection without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

(2) From the appropriation under s. ~~20.505 (6) (km)~~ 20.455 (2) (k), the ~~office~~ department of justice may not distribute more than $300,000 in each fiscal year to the organization that it has contracted with under ~~par. (a)~~ sub. (1) for alcohol and

other drug abuse education and treatment services for participants in that organization's youth diversion program.

(3) From the appropriations under s. ~~20.505 (6) (d) and (kj)~~ 20.455 (2) (cr) and (kj) the ~~office~~ department of justice shall allocate $150,000 in each fiscal year to enter into a contract with an organization to provide services in Racine County, $150,000 in each fiscal year to enter into a contract with an organization to provide services in Kenosha County, $150,000 in each fiscal year to enter into a contract with an organization that is located in ward 2 in the city of Racine to provide services in Racine County, and $150,000 in each fiscal year to enter into a contract with an organization to provide services in Brown County, and from the appropriation under s. ~~20.505 (6) (kj)~~ 20.455 (2) (kj), the department shall allocate $100,000 in each fiscal year to enter into a contract with an organization, for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs, and for alcohol or other drug abuse education and treatment services for participants in that organization's youth diversion program. The organization that is located in ward 2 in the city of Racine shall have a recreational facility, shall offer programs to divert youths from gang activities, may not be affiliated with any national or state association, and may not have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s. 16.75, the ~~office~~ department may enter into a contract under this ~~paragraph~~ subsection without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

SECTION 23. 16.964 (11) of the statutes is repealed.

SECTION 24. 16.964 (12) (a) to (j) of the statutes are renumbered 165.95, and 165.95 (1) (intro.), (2), (2r), (3) (intro.) and (k), (4), (5), (5m) (intro.), (6), (7), (7m), (8), (9), and (10), as renumbered, are amended to read:

165.95 **(1)** (intro.) In this ~~subsection~~ section, "violent offender" means a person to whom one of the following applies:

(2) The ~~office~~ department of justice shall make grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The ~~office~~ department of justice shall make the grants from the appropriations under s. ~~20.505 (6) (b), (kn), and (ku)~~ 20.455 (2) (em), (kn), and (kv). The ~~office~~ department of justice shall collaborate with the departments of corrections and health and family services in establishing this grant program.

(2r) Any county that receives a grant under this ~~subsection~~ section on or after January 1, 2012, shall provide matching funds that are equal to 25 percent of the amount of the grant.

(3) (intro.) A county shall be eligible for a grant under ~~par. (b)~~ sub. (2) if all of the following apply:

(k) The county complies with other eligibility requirements established by the ~~office~~ department of justice to promote the objectives listed in ~~subds. 1. and 2~~ pars. (a) and (b).

(4) In implementing a program that meets the requirements of ~~par. (c)~~ sub. (3), a county department may contract with or award grants to a religious organization under s. 59.54 (27).

(5) (a) A county that receives a grant under this ~~subsection~~ section shall create an oversight committee to advise the county in administering and evaluating its program. Each committee shall consist of a circuit court judge, the district attorney or his or her designee, the state public defender or his or her designee, a local law enforcement official, a representative of the county, a representative of each other county agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections and health and family services, a representative from private social services agencies, a representative of substance abuse treatment providers, and other members to be determined by the county.

(b) A county that receives a grant under this ~~subsection~~ section shall comply with state audits and shall submit an annual report to the ~~office~~ department of justice and to the oversight committee created under ~~subd. 1.~~ par. (a) regarding the impact of the program on jail and prison populations and its progress in attaining the goals specified in ~~par. (c) 2. and 6~~ sub. (3) (b) and (f).

(5m) (intro.) In a program funded by a grant under this ~~subsection~~ section, if urine collection for the purposes of a drug test results in the exposure of a program participant's genitals, pubic area, buttock or anus, all of the following must apply:

(6) Two or more counties may jointly apply for and receive a grant under this ~~subsection~~ section. If counties submit a joint application, they shall include with their application a written agreement specifying each county department's role in developing, administering, and evaluating the program. The oversight committee established under ~~par. (e) 1.~~ sub. (5) (a) shall consist of representatives from each county.

(7) Grants provided under this ~~subsection~~ section shall be provided on a calendar year basis beginning on January 1, 2007. If the ~~office~~ department of justice decides to make a grant to a county under this ~~subsection~~ section, the ~~office~~ department of justice shall notify the county of its decision and the amount of the grant no later than September 1 of the year preceding the year for which the grant will be made.

(7m) Beginning in fiscal year 2012–13, the ~~office~~ department of justice shall, every 5 years, make grants under this ~~subsection~~ section available to any county on a competitive basis. A county may apply for a grant under this ~~paragraph~~ subsection regardless of whether the county has received a grant previously under this ~~subsection~~ section.

(8) The ~~office~~ department of justice shall assist a county receiving a grant under this ~~subsection~~ section in obtaining funding from other sources for its program.

(9) The ~~office~~ department of justice shall inform any county that is applying for a grant under this ~~subsection~~ section whether the county meets the requirements established under ~~par. (c)~~ sub. (3), regardless of whether the county receives a grant.

(10) The ~~office~~ department of justice shall ~~enter into one or more contracts with another person for the purpose of evaluating~~ evaluate every 2 years, the grant program established under this ~~subsection~~ section. ~~The office shall fund such contracts from moneys appropriated under s. 20.505 (6) (b) and (ku) with 1 percent of the amount awarded as grants under par. (b).~~

SECTION 25. 16.964 (12) (k) of the statutes is repealed.

SECTION 26. 16.964 (14) of the statutes is renumbered 165.96, and 165.96 (intro.), as renumbered, is amended to read:

165.96 **Child advocacy grants.** (intro.) Beginning in fiscal year 2011–2012, from the appropriation under s. ~~20.505 (6) (ke)~~ 20.455 (5) (ke), the ~~office~~ department of justice shall in each fiscal year provide $17,000 to each of the following child advocacy centers for education, training, medical advice, and quality assurance activities:

SECTION 27. 16.964 (15) of the statutes is renumbered 165.25 (17) and amended to read:

165.25 **(17)** INTEROPERABILITY. (a) The ~~office~~ department of justice shall provide staff support for the interoperability council under s. 16.9645 and oversight of the development and operation of a statewide public safety interoperable communication system.

(b) 1. The ~~office~~ department may charge a public safety agency, as defined in s. 256.35 (1) (g), that is a state agency a fee for use of the statewide public safety interoperable communication system under par. (a).

2. The ~~office~~ department may charge a person that is not a state agency a fee for use of the statewide public safety interoperable communication system under par. (a).

SECTION 28. 16.964 (17) of the statutes is renumbered 301.073 and amended to read:

301.073 American Indian tribal community reintegration program. The ~~office~~ department shall establish a program to facilitate the reintegration of American Indians who have been incarcerated in a state prison into their American Indian tribal communities. Under the program, each participant shall be provided an integration plan that addresses the participant's needs and shall be provided services that are customized for the participant. The program shall encourage

confidence, responsibility, and independence among participants. The ~~office~~ department shall ensure that the program incorporates tribal practices and traditions that meet the participant's community reintegration needs.

SECTION 29. 16.964 (18) of the statutes is repealed.

SECTION 30. 16.9645 (2) (d) of the statutes is amended to read:

16.9645 **(2)** (d) Assist the ~~office~~ department of justice ~~assistance~~ in identifying and obtaining funding to implement a statewide public safety interoperable communication system.

SECTION 31. 16.9645 (2) (e) of the statutes is amended to read:

16.9645 **(2)** (e) Advise the ~~office~~ department of justice ~~assistance~~ and the department of military affairs on allocating funds, including those available for homeland security, for the purpose of achieving the goals under par. (b).

SECTION 32. 16.9645 (2) (f) (intro.) of the statutes is amended to read:

16.9645 **(2)** (f) (intro.) Make recommendations to the ~~office~~ department of justice ~~assistance~~ on all of the following:

SECTION 33. 20.410 (1) (gj) of the statutes is repealed.

SECTION 34. 20.455 (2) (gj) of the statutes is renumbered 20.455 (5) (gj) and amended to read:

20.455 **(5)** (gj) *General operations; child pornography surcharge.* All moneys received ~~as part B of~~ from any child pornography surcharge imposed under s. 973.042 for investigating offenses under s. 948.05 or 948.12 and for making grants under s. 165.93 (2) (a).

SECTION 35. 20.455 (2) (i) 8. of the statutes is amended to read:

20.455 **(2)** (i) 8. The amount transferred to ~~s. 20.505 (6)~~ par. (kj) shall be the amount in the schedule under ~~s. 20.505 (6)~~ par. (kj).

SECTION 36. 20.455 (2) (i) 13. of the statutes is amended to read:

20.455 **(2)** (i) 13. The amount transferred to ~~s. 20.505 (6) (k)~~ par. (ky) shall be the amount in the schedule under ~~s. 20.505 (6) (k)~~ par. (ky).

SECTION 37. 20.505 (1) (id) 2. of the statutes is amended to read:

20.505 **(1)** (id) 2. The amount transferred to ~~sub. (6) (ki)~~ s. 20.455 (2) (ki) shall be the amount in the schedule under ~~sub. (6) (ki)~~ s. 20.455 (2) (ki).

SECTION 38. 20.505 (1) (id) 3. of the statutes is amended to read:

20.505 **(1)** (id) 3. The amount transferred to ~~sub. (6) (kb)~~ s. 20.455 (2) (kb) shall be the amount in the schedule under ~~sub. (6) (kb)~~ s. 20.455 (2) (kb).

SECTION 39. 20.505 (1) (id) 4. of the statutes is amended to read:

20.505 **(1)** (id) 4. The amount transferred to ~~sub. (6) (ke)~~ s. 20.455 (5) (ke) shall be the amount in the schedule under ~~sub. (6) (ke)~~ s. 20.455 (5) (ke).

SECTION 40. 20.505 (1) (id) 5. of the statutes is amended to read:

20.505 **(1)** (id) 5. The amount transferred to ~~sub. (6) (kn)~~ s. 20.455 (2) (kn) shall be the amount in the schedule under ~~sub. (6) (kn)~~ s. 20.455 (2) (kn).

SECTION 41. 20.505 (1) (id) 5d. of the statutes is amended to read:

20.505 **(1)** (id) 5d. The amount transferred to ~~sub. (6) (ko)~~ s. 20.455 (2) (ko) shall be the amount in the schedule under ~~sub. (6) (ko)~~ s. 20.455 (2) (ko).

SECTION 42. 20.505 (1) (kp) of the statutes is amended to read:

20.505 **(1)** (kp) *Interagency assistance; justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). All moneys transferred from the appropriation account under ~~sub. (6) (m)~~ s. 20.455 (2) (m) shall be credited to this appropriation account.

SECTION 43. 20.505 (6) (title) of the statutes is repealed.

SECTION 44. 20.505 (6) (a) of the statutes is repealed.

SECTION 45. 20.505 (6) (b) of the statutes is renumbered 20.455 (2) (em) and amended to read:

20.455 **(2)** (em) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments.* The amounts in the schedule for making grants to counties under s. ~~16.964 (12) (b) and entering into contracts under s. 16.964 (12) (j)~~ 165.95 (2).

SECTION 46. 20.505 (6) (d) of the statutes is renumbered 20.455 (2) (cr) and amended to read:

20.455 **(2)** (cr) *Youth diversion.* The amounts in the schedule for youth diversion services under s. ~~16.964 (8) (a) and (c)~~ 165.987 (1) and (3).

SECTION 47. 20.505 (6) (gj) of the statutes is repealed.

SECTION 48. 20.505 (6) (h) of the statutes is renumbered 20.455 (2) (hm) and amended to read:

20.455 **(2)** (hm) *Public safety interoperable communication system; general usage fees.* The amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys received from users as fees under s. ~~16.964 (15) (b) 2.~~ 165.25 (17) (b) 2. shall be credited to this appropriation account.

SECTION 49. 20.505 (6) (i) of the statutes is renumbered 20.455 (2) (gb) and amended to read:

20.455 **(2)** (gb) *Gifts and grants.* All moneys received from gifts and grants, other than moneys received for and credited to ~~the appropriation accounts~~ another appropriation account under ~~pars. (k) to (p)~~ this subsection, to carry out the purposes for which made and received.

SECTION 50. 20.505 (6) (k) of the statutes is renumbered 20.455 (2) (ky) and amended to read:

20.455 **(2)** (ky) *Law enforcement programs and youth diversion — administration.* The amounts in the schedule for administering grants for law enforcement assistance and for administering the youth diversion program under s. ~~16.964 (8)~~ 165.987. All moneys transferred from the appropriation account under ~~s. 20.455 (2)~~ par. (i) 13. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.455 (2) (i).

SECTION 51. 20.505 (6) (ka) of the statutes is renumbered 20.455 (2) (ka) and amended to read:

20.455 **(2)** (ka) *Public safety interoperable communication system; state fees.* The amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys received from public safety agencies that are state agencies as fees under s. ~~16.964 (15) (b) 1.~~ 165.25 (17) (b) 1. shall be credited to this appropriation account.

SECTION 52. 20.505 (6) (kb) of the statutes is renumbered 20.455 (2) (kb) and amended to read:

20.455 **(2)** (kb) *Law enforcement officer supplement grants.* The amounts in the schedule to provide grants for uniformed law enforcement officers under s. ~~16.964 (5)~~ 165.986. All moneys transferred from the appropriation account under ~~sub. (1) (id) 3.~~ s. 20.505 (1) (id) 3. shall be credited to this appropriation account.

SECTION 53. 20.505 (6) (ke) of the statutes is renumbered 20.455 (5) (ke) and amended to read:

20.455 **(5)** (ke) *Child advocacy centers.* The amounts in the schedule for grants to child advocacy centers under s. ~~16.964 (14)~~ 165.96. All moneys transferred from the appropriation account under ~~sub. (1) (id) 4.~~ s. 20.505 (1) (id) 4. shall be credited to this appropriation account.

SECTION 54. 20.505 (6) (kf) of the statutes is renumbered 20.410 (1) (ke) and amended to read:

20.410 **(1)** (ke) *American Indian reintegration program.* The amounts in the schedule for the American Indian reintegration program under s. ~~16.964 (17)~~ 301.073. All moneys transferred from the appropriation account under ~~sub. (8) (hm) 23.~~ s. 20.505 (8) (hm) 23. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under ~~sub. (8) (hm)~~ s. 20.505 (8) (hm).

SECTION 55. 20.505 (6) (ki) of the statutes is renumbered 20.455 (2) (ki) and amended to read:

20.455 **(2)** (ki) *Interoperable communications system.* The amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys transferred from the appropriation account under ~~sub. (1) (id) 2.~~ s. 20.505 (1) (id) 2. shall be credited to this appropriation account.

SECTION 56. 20.505 (6) (kj) of the statutes is renumbered 20.455 (2) (kj) and amended to read:

20.455 **(2)** (kj) *Youth diversion program.* The amounts in the schedule for youth diversion services under s. ~~16.964 (8) (a) and (c)~~ 165.987 (1) and (3). All moneys transferred from the appropriation account under ~~s. 20.455 (2) (i) 8.~~ par. (i) 8. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the

unencumbered balance on June 30 of each year shall be transferred to the appropriation account under ~~s. 20.455 (2) (i)~~ par. (i).

SECTION 57. 20.505 (6) (km) of the statutes is repealed.

SECTION 58. 20.505 (6) (kn) of the statutes is renumbered 20.455 (2) (kn) and amended to read:

20.455 **(2)** (kn) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information fee.* The amounts in the schedule for administering and making grants to counties under s. ~~16.964 (12) (b)~~ 165.95 (2). All moneys transferred from the appropriation account under ~~sub. (1) (id) 5.~~ s. 20.505 (1) (id) 5. shall be credited to this appropriation account.

SECTION 59. 20.505 (6) (ko) of the statutes is renumbered 20.455 (2) (ko) and amended to read:

20.455 **(2)** (ko) *Wisconsin ~~Justice Information Sharing Program~~ justice information sharing program.* The amounts in the schedule for the development and operation of a justice information system. All moneys transferred from the appropriation account under ~~sub. (1) (id) 5d.~~ s. 20.505 (1) (id) 5d. shall be credited to this appropriation account.

SECTION 60. 20.505 (6) (ku) of the statutes is renumbered 20.455 (2) (kv) and amended to read:

20.455 **(2)** (kv) *Grants for substance abuse treatment programs for criminal offenders.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the purpose of making grants to counties under s. ~~16.964 (12) (b) and entering into contracts under s. 16.964 (12) (j)~~ 165.95 (2).

SECTION 61. 20.505 (6) (m) of the statutes is repealed.

SECTION 62. 20.505 (6) (mb) of the statutes is renumbered 20.465 (3) (mb).

SECTION 63. 20.505 (6) (n) of the statutes is repealed.

SECTION 64. 20.505 (6) (p) of the statutes is repealed.

SECTION 65. 20.505 (8) (hm) 23. of the statutes is amended to read:

20.505 **(8)** (hm) 23. The amount transferred to ~~sub. (6) (kf)~~ s. 20.410 (1) (ke) shall be the amount in the schedule under ~~sub. (6) (kf)~~ s. 20.410 (1) (ke).

SECTION 66. 36.11 (22) (d) of the statutes is amended to read:

36.11 **(22)** (d) Annually, each institution shall report to the ~~office of justice assistance in the department of administration~~ department of justice statistics on sexual assaults and on sexual assaults by acquaintances of the victims that occurred on each campus of the institution in the previous year. The ~~office of justice assistance~~ department of justice shall include the statistics in appropriate crime reports published by the ~~office~~ department.

SECTION 67. 38.14 (4) of the statutes is repealed.

SECTION 68. 46.56 (10) of the statutes is amended to read:

46.56 **(10)** RELATION TO OTHER SUPPORT PROGRAMS. In any county or for a tribe that has a family support program under s. 46.985 or other support programs, including comprehensive community services or ~~office of justice assistance~~ department of justice or department of corrections programs, the initiative shall coordinate its activities with the support programs.

SECTION 69. 165.845 (title) of the statutes is created to read:

165.845 (title) **Collect crime data.**

SECTION 70. 165.845 (1) (intro.) of the statutes is created to read:

165.845 **(1)** (intro.) The department of justice shall:

SECTION 71. 165.93 (2) (a) of the statutes is amended to read:

165.93 **(2)** (a) ~~Beginning on January 1, 1995, the~~ The department shall provide grants to eligible organizations from the appropriation under s. 20.455 (5) (gc) and (gj) to provide services for sexual assault victims.

SECTION 72. 165.95 (title) of the statutes is created to read:

165.95 (title) **Alternatives to incarceration; grant program.**

SECTION 73. 165.986 (title) of the statutes is created to read:

165.986 (title) **Beat patrol officers; grant program.**

SECTION 74. 165.987 (title) of the statutes is created to read:

165.987 (title) **Youth diversion programs; grant program.**

SECTION 75. 301.26 (7) (b) 2. of the statutes is amended to read:

301.26 **(7)** (b) 2. Each county's proportion of the total Part I juvenile arrests reported statewide under the uniform crime reporting system of the ~~office of justice assistance~~ department of justice during the most recent 3–year period for which that information is available.

SECTION 76. 301.263 (3) of the statutes is amended to read:

301.263 **(3)** The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the violent Part I juvenile arrests reported statewide under the uniform crime reporting system of the ~~office of justice assistance in the department of administration~~ department of justice, during the most recent 2–year period for which that information is available. The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility or a secured residential care center for children and youth during the most recent 2–year period for which that information is available. The department shall distribute 34% of the amounts distributed under sub. (1) based on

each county's proportion of the total Part I juvenile arrests reported statewide under the uniform crime reporting system of the ~~office of justice assistance~~ department of justice, during the most recent 2–year period for which that information is available.

SECTION 77. 302.43 of the statutes is amended to read:

302.43 Good time. Every inmate of a county jail is eligible to earn good time in the amount of one–fourth of his or her term for good behavior if sentenced to at least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects or refuses to perform any duty lawfully required of him or her, may be deprived by the sheriff of good time under this section, except that the sheriff shall not deprive the inmate of more than 2 days good time for any one offense without the approval of the court. An inmate who files an action or special proceeding, including a petition for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of the number of days of good time specified in the court order prepared under s. 807.15 (3). This section does not apply to a person who is confined in the county jail in connection with his or her participation in a substance abuse treatment program that meets the requirements of s. ~~16.964 (12) (c)~~ 165.95 (3), as determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964 (12) (j)~~ 165.95 (10).

SECTION 78. 961.41 (5) (c) 2. of the statutes is amended to read:

961.41 **(5)** (c) 2. All moneys in excess of $850,000 and up to $1,275,000 plus one–third of moneys in excess of $1,275,000 collected in each fiscal year from drug surcharges under this subsection shall be credited to the appropriation account under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv).

SECTION 79. 961.472 (5) (b) of the statutes is amended to read:

961.472 **(5)** (b) The person is participating in a substance abuse treatment program that meets the requirements of s. ~~16.964 (12) (c)~~ 165.95 (3), as determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964 (12) (i)~~ 165.95 (9) and (10).

SECTION 80. 967.11 (1) of the statutes is amended to read:

967.11 **(1)** In this section, "approved substance abuse treatment program" means a substance abuse treatment program that meets the requirements of s. ~~16.964 (12) (c)~~ 165.95 (3), as determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964 (12) (i)~~ 165.95 (9) and (10).

SECTION 81. 973.042 (3) of the statutes is repealed.

SECTION 82. 973.042 (5) of the statutes is amended to read:

973.042 **(5)** The secretary of administration shall credit ~~part A of the surcharge to the appropriation account under s. 20.410 (1) (gj). The secretary of administration shall credit part B of~~ the surcharge to the appropriation account under s. 20.455 ~~(2)~~ (5) (gj). ~~The secretary of administration shall credit part C of the surcharge to the appropriation account under s. 20.505 (6) (gj).~~

SECTION 83. 973.043 (3) of the statutes is amended to read:

973.043 **(3)** All moneys collected from drug offender diversion surcharges shall be credited to the appropriation account under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv) and used for the purpose of making grants to counties under s. ~~16.964 (12)~~ 165.95.

SECTION 84. 973.155 (1m) of the statutes is amended to read:

973.155 **(1m)** A convicted offender shall be given credit toward the service of his or her sentence for all days spent in custody as part of a substance abuse treatment program that meets the requirements of s. ~~16.964 (12) (c)~~ 165.95 (3), as determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964~~

~~(12) (i)~~ 165.95 (9) and (10), for any offense arising out of the course of conduct that led to the person's placement in that program.

SECTION 9101. Nonstatutory provisions; Administration.

(1) TRANSFER OF OFFICE OF JUSTICE ASSISTANCE.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the office of justice assistance, except those that are primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by the department of administration become the assets and liabilities of the department of justice. On the effective date of this paragraph, the assets and liabilities of the office of justice assistance that are primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by the department of administration, become the assets and liabilities of the department of military affairs. On the effective date of this paragraph, the assets and liabilities of the office of justice assistance that are primarily related to the reintegration of American Indians who have been incarcerated, as determined by the department of administration, become the assets and liabilities of the department of corrections.

(b) *Employee transfers.* On the effective date of this paragraph, the incumbents holding those positions in the department of administration performing duties that are primarily related to the office of justice assistance, except those positions performing duties that are primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by the department of administration, are transferred to the department of justice. On the effective date of this paragraph, the incumbents holding those positions that are primarily related to administering federal homeland

security moneys, and not related to interoperable communications, as determined by the department of administration, are transferred to the department of military affairs. On the effective date of this paragraph, the incumbents holding those positions that are primarily related to reintegrating American Indians who have been incarcerated, as determined by the department of administration, are transferred to the department of corrections.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of justice, the department of military affairs, or the department of corrections, whichever is applicable, that they enjoyed in the office of justice assistance immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the office of justice assistance, except property that is primarily related to administering federal homeland security moneys, or property that is primarily related to reintegrating American Indians who have been incarcerated, as determined by the department of administration, is transferred to the department of justice. On the effective date of this paragraph, all tangible personal property, including records, of the office of justice assistance that is primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by the department of administration, is transferred to the department of military affairs. On the effective date of this paragraph, all tangible personal property, including records, of the office of justice assistance that is primarily related to reintegrating American Indians who

have been incarcerated, as determined by the department of administration, is transferred to the department of corrections.

(e) *Contracts.*

1. All contracts entered into by the office of justice assistance in effect on the effective date of this subdivision, except contracts that are primarily related to administering federal homeland security moneys, or are primarily related to reintegrating American Indians who have been incarcerated, as determined by the department of administration, remain in effect and are transferred to the department of justice. The department of justice shall carry out any such contractual obligations unless modified or rescinded by the department of justice to the extent allowed under the contract.

2. All contracts entered into by the office of justice assistance in effect on the effective date of this subdivision that are primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by the department of administration, remain in effect and are transferred to the department of military affairs. The department of military affairs shall carry out any such contractual obligations unless modified or rescinded by the department of military affairs to the extent allowed under the contract.

3. All contracts entered into by the office of justice assistance in effect on the effective date of this subdivision that are primarily related to reintegrating American Indians who have been incarcerated, as determined by the department of administration, remain in effect and are transferred to the department of corrections. The department of corrections shall carry out any such contractual obligations unless modified or rescinded by the department of corrections to the extent allowed under the contract.

(f) *Pending matters.* Any matter pending with the office of justice assistance on the effective date of this paragraph, except matters that are primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by the department of administration, is transferred to the department of justice, and all materials submitted to or actions taken by the office of justice assistance with respect to the pending matter are considered as having been submitted to or taken by the department of justice. Any matter pending with the office of justice assistance on the effective date of this paragraph that is primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by the department of administration, is transferred to the department of military affairs, and all materials submitted to or actions taken by the office of justice assistance with respect to the pending matter are considered as having been submitted to or taken by the department of military affairs. Any matter pending with the office of justice assistance on the effective date of this paragraph that is primarily related to reintegrating American Indians who have been incarcerated, as determined by the department of administration, is transferred to the department of corrections, and all materials submitted to or actions taken by the office of justice assistance with respect to the pending matter are considered as having been submitted to or taken by the department of corrections.

(g) *Rules and orders.*

1. All rules promulgated for the office of justice assistance, except rules that are primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by the department of administration, that are in effect on the effective date of this

subdivision remain in effect until their specified expiration dates or until amended or repealed by the department of justice. All orders issued by the office of justice assistance, except orders that are primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by the department of administration, that are in effect on the effective date of this subdivision remain in effect until their specified expiration dates or until modified or rescinded by the department of justice.

2. All rules promulgated for the office of justice assistance that are primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by the department of administration, and that are in effect on the effective date of this subdivision remain in effect until their specified expiration dates or until amended or repealed by the department of military affairs. All orders issued by the office of justice assistance that are primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by the department of administration, and that are in effect on the effective date of this subdivision remain in effect until their specified expiration dates or until modified or rescinded by the department of military affairs.

3. All rules promulgated for the office of justice assistance that are primarily related to reintegrating American Indians who have been incarcerated, as determined by the department of administration, and that are in effect on the effective date of this subdivision remain in effect until their specified expiration dates or until amended or repealed by the department of corrections. All orders issued by the office of justice assistance that are primarily related to reintegrating American Indians who have been incarcerated, as determined by the department of

administration, and that are in effect on the effective date of this subdivision remain in effect until their specified expiration dates or until modified or rescinded by the department of corrections.

SECTION 9126. Nonstatutory provisions; Justice.

(1) YOUTH DIVERSION GRANT REDUCTIONS.

(a) Notwithstanding the amount specified under section 165.987 (1) of the statutes, as affected by this act, the department of justice shall reduce the amount of money allocated under section 165.987 (1) of the statutes, as affected by this act, by $85,900 in each of fiscal years 2013–14 and 2014–15.

(b) Notwithstanding the amount specified under section 165.987 (2) of the statutes, as affected by this act, the department of justice shall reduce the amount of money allocated under section 165.987 (2) of the statutes, as affected by this act, by $18,400 in each of fiscal years 2013–14 and 2014–15.

(c) Notwithstanding the amounts specified under section 165.987 (3) of the statutes, as affected by this act, the department of justice shall reduce the amount of money allocated for each of the 4 contracts that are funded with moneys from the appropriation accounts under section 20.455 (2) (cr) and (kj) of the statutes, as affected by this act, by $25,650 in each of fiscal years 2013–14 and 2014–15 and shall reduce the amount of money allocated for the contract that is funded only with moneys from the appropriation account under section 20.455 (2) (kj) of the statutes, as affected by this act, by $18,100 in each of fiscal years 2013–14 and 2014–15.

SECTION 9201. Fiscal changes; Administration.

(1) TRANSFER OF OFFICE OF JUSTICE ASSISTANCE.

(a) The unencumbered balance in the appropriation account under section 20.505 (6) (gj), 2011 stats., is transferred to the appropriation account under section 20.455 (5) (gj) of the statutes.

(b) The unencumbered balance in the appropriation account under section 20.505 (6) (km), 2011 stats., is transferred to the appropriation account under section 20.455 (2) (k) of the statutes.

(c) The unencumbered balance in the appropriation account under section 20.505 (6) (m), 2011 stats., is transferred to the appropriation accounts under section 20.455 (2) (m) and (5) (ma) of the statutes, as determined by the department of administration.

(d) The unencumbered balance in the appropriation account under section 20.505 (6) (p), 2011 stats., is transferred to the appropriation accounts under section 20.455 (2) (n) and (5) (mh) of the statutes, as determined by the department of administration.

SECTION 9208. Fiscal changes; Correctional System.

(1) CHILD PORNOGRAPHY SURCHARGE.

(a) The unencumbered balance in the appropriation account under section 20.410 (1) (gj), 2011 stats., is transferred to the appropriation account under section 20.455 (5) (gj) of the statutes.

(END)