



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0830/P6
PJH:jld:ph

DOA:.....Wavrunek, BB0180 - Change Structure for Allocation of Justice
Information Fee Revenues

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, with a few exceptions, a person who files a civil action, an action in small claims court, or a wage garnishment action or against whom a civil forfeiture is assessed pays a \$21.50 justice information surcharge. Of that amount, \$7.50 is credited to the development and operation of an automated justice information system, \$6 is credited to the operation of a circuit court automated information system, \$4 is credited to DOA to provide civil legal services to indigent persons, \$1.50 is credited to counties to provide alternatives to prosecution and incarceration for certain alcohol-related or other drug-related crimes, \$1.50 is credited to the Office of Justice Assistance (OJA) for statistical gathering and analyses, and \$1 remains in the general fund.

Under the bill, \$700,000 of the moneys from the justice information surcharge remain in the general fund. The balance is credited to an appropriation account and DOA is required to transfer moneys to various agencies for the following purposes: to provide grants for law enforcement officers; to fund child advocacy centers; to provide victim notification services; to pay for court interpreters; to pay for assistant district attorney positions; to fund state and local information and technology and

administrative costs associated with traffic stop data collection; to administer an interoperable public safety communications system; and to administer an automated justice information system.

The bill eliminates the funding for the OJA to gather and analyze statistics and for the provision of civil legal services to indigent persons; and requires district attorney offices to work with the Office of State Employment Relations to allocate the money transferred for assistant district attorneys.

JUSTICE

Under current law, the OJA within DOA provides, in each fiscal year, a \$20,000 grant to 14 child advocacy centers within the state for education, training, medical advice, and quality assurance. This bill reduces that amount to \$17,000 in each fiscal year.

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. 16.19 of the statutes is repealed.

SECTION 2. 16.964 (5) (a) of the statutes is amended to read:

16.964 (5) (a) The office shall provide grants from the appropriation under s. 20.505 (6) ~~(e)~~ (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 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.

SECTION 3. 16.964 (12) (b) of the statutes is amended to read:

16.964 (12) (b) The office 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 shall make the grants from the appropriations under s. 20.505 (6) (b), (j) (~~kn~~), and (ku). The office shall collaborate with the departments of corrections and health services in establishing this grant program.

SECTION 4. 16.964 (14) (intro.) of the statutes is amended to read:

16.964 (14) (intro.) Beginning in fiscal year ~~2008-09~~ 2011-2012, from the appropriation under s. 20.505 (6) (~~f~~) (~~ke~~), the office shall in each fiscal year provide ~~\$20,000~~ \$17,000 to each of the following child advocacy centers for education, training, medical advice, and quality assurance activities:

****NOTE: This is reconciled s. 16.964 (14) (intro.). This section has been affected by drafts with the following LRB numbers: LRB-0830 and LRB-1104.

SECTION 5. 16.971 (9) of the statutes is amended to read:

16.971 (9) In conjunction with the public defender board, the director of state courts, the departments of corrections and justice and district attorneys, the department may maintain, promote and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection, using the moneys appropriated under s. 20.505 (1) (~~ja~~) (~~kh~~), (kp), and (kq). The department shall annually report to the legislature under s. 13.172 (2) concerning the department's efforts to improve and increase the efficiency of integration of justice information systems.

SECTION 6. 20.410 (1) (kd) of the statutes is created to read:

20.410 (1) (kd) *Victim notification.* The amounts in the schedule for victim notification services. All moneys transferred from the appropriation account under s. 20.505 (1) (id) 6. shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 7. 20.475 (1) (kg) of the statutes is created to read:

20.475 (1) (kg) *Assistant district attorneys.* The amounts in the schedule for salaries and fringe benefits of assistant district attorneys. All moneys transferred from the appropriation account under s. 20.505 (1) (id) 7. shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 20.505 (1) (id) of the statutes is created to read:

20.505 (1) (id) *Justice information fee receipts.* All moneys less \$700,000 received from the justice information surcharge under s. 814.86 (1) for the purpose of annually transferring the amounts indicated in subds. 1. to 9. The following amounts shall be transferred to the following appropriation accounts:

1. The amount transferred to par. (kh) shall be the amount in the schedule under par. (kh).

2. The amount transferred to sub. (6) (ki) shall be the amount in the schedule under sub. (6) (ki).

3. The amount transferred to sub. (6) (kb) shall be the amount in the schedule under sub. (6) (kb).

4. The amount transferred to sub. (6) (ke) shall be the amount in the schedule under sub. (6) (ke).

5. The amount transferred to sub. (6) (kn) shall be the amount in the schedule under sub. (6) (kn).

5g. The amount transferred to sub. (6) (kq) shall be the amount in the schedule under sub. (6) (kq).

5r. The amount transferred to sub. (6) (kr) shall be the amount in the schedule under sub. (6) (kr).

6. The amount transferred to s. 20.410 (1) (kd) shall be the amount in the schedule under s. 20.410 (1) (kd).

7. The amount transferred to s. 20.475 (1) (kg) shall be the amount in the schedule under s. 20.475 (1) (kg).

8. The amount transferred to s. 20.625 (1) (k) shall be the amount in the schedule under s. 20.625 (1) (k).

9. The amount transferred to s. 20.680 (2) (kg) shall be the amount in the schedule under s. 20.680 (2) (kg).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9. 20.505 (1) (ja) of the statutes is renumbered 20.505 (1) (kh) and amended to read:

20.505 (1) (kh) *Justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). ~~Of each \$21.50 received under s. 814.86 (1), \$7.50~~ All moneys transferred from the appropriation account under par. (id) 1. shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 10. 20.505 (1) (jc) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 11. 20.505 (6) (c) of the statutes is renumbered 20.505 (6) (kb) and amended to read:

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

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 12. 20.505 (6) (f) of the statutes is renumbered 20.505 (6) (ke) and amended to read:

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

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 13. 20.505 (6) (j) of the statutes is renumbered 20.505 (6) (kn) and amended to read:

20.505 (6) (kn) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information surcharge fee.* The amounts in the schedule for administering and making grants to counties under s. 16.964 (12) (b). Of each \$21.50 received under s. 814.86 (1), \$1.50 All moneys transferred from the appropriation account under sub. (1) (id) 5. shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 14. 20.505 (6) (ki) of the statutes is created to read:

20.505 (6) (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. shall be credited to this appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 15. 20.505 (6) (kp) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 16. 20.505 (6) (kq) of the statutes is amended to read:

20.505 (6) (kq) *Traffic stop data collection; state.* The amounts in the schedule to fund state information technology and administrative costs associated with traffic stop data collection. All moneys transferred to ~~this appropriation~~ from the appropriation account under ~~par. (kp) sub. (1) (id) 5g.~~ shall be credited to this appropriation account.

SECTION 17. 20.505 (6) (kr) of the statutes is amended to read:

20.505 (6) (kr) *Traffic stop data collection; local.* The amounts in the schedule to fund local information technology and administrative costs associated with traffic stop data collection. All moneys transferred to ~~this appropriation~~ from the appropriation account under ~~par. (kp) sub. (1) (id) 5r.~~ shall be credited to this appropriation account.

SECTION 18. 20.625 (1) (k) of the statutes is created to read:

20.625 (1) (k) *Court interpreters.* The amounts in the schedule to pay interpreter fees reimbursed under s. 758.19 (8) and [2009 Wisconsin Act 28](#), section [9109](#) (1). All moneys transferred from the appropriation account under s. 20.505 (1) (id) 8. shall be credited to this appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 19. 20.680 (2) (j) of the statutes is amended to read:

20.680 (2) (j) *Court information systems*. All moneys received under s. 758.19 (4m), and all moneys received under ss. 814.61, 814.62, and 814.63 that are required to be credited to this appropriation account under those sections, ~~and \$6 of each \$21.50 received under s. 814.86 (1)~~ for the operation of circuit court automated information systems under s. 758.19 (4).

SECTION 20. 20.680 (2) (kg) of the statutes is created to read:

20.680 (2) (kg) *Automated information systems*. The amounts in the schedule for the operation of circuit court automated information systems under s. 758.19 (4). All moneys transferred from the appropriation account under s. 20.505 (1) (id) 9. shall be credited to this appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 21. 758.19 (4) of the statutes is amended to read:

758.19 (4) The director of state courts may develop, promote, coordinate and implement circuit court automated information systems that are compatible among counties using the moneys appropriated under s. 20.680 (2) (j) and (kg). If the director of state courts provides funding to counties as part of the development and implementation of this system, the director of state courts may provide funding to counties with 1 or 2 circuit court judges for a minicomputer system only up to the level of funding that would have been provided had the county implemented a microcomputer system. In those counties with 1 or 2 circuit court judges, any costs incurred to implement a minicomputer system not funded under this subsection shall be paid by the county. Those counties may use that minicomputer system for county management information needs in addition to the circuit court automated information system use.

SECTION 22. 758.19 (8) (a) (intro.) of the statutes is amended to read:

758.19 (8) (a) (intro.) From the ~~appropriation~~ appropriations under s. 20.625 (1) (c) and (k), the director of state courts shall reimburse counties up to 4 times each year for the actual expenses paid for interpreters required by circuit courts to assist persons with limited English proficiency under s. 885.38 (8) (a) 1. The amount of the maximum hourly reimbursement for court interpreters shall be as follows:

SECTION 9113. Nonstatutory provisions; District Attorneys.

(1) ASSISTANT DISTRICT ATTORNEY SALARIES. The offices of the district attorneys shall work with the office of state employment relations to allocate the moneys appropriated under section 20.475 (1) (kg) of the statutes, as created by this act.

(END)