



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 261
[2017 Assembly Bill 906]

**Substance Abuse Prevention,
Prosecution, and Treatment**

Generally, 2017 Wisconsin Act 261 concerns substance abuse prevention, prosecution, and treatment, and creates several grant programs related to those issues. The Act also makes changes in the criminal justice system related to victim impact panels and search warrants.

NONNARCOTIC DRUG TREATMENT IN COUNTY AND TRIBAL JAILS

The Act creates a grant program administered by the Department of Health Services (DHS) available to counties or federally recognized American Indian tribes or bands that meet all of the following criteria:

- The county or tribe has a county or tribal jail.
- The county or tribe has an established drug court.
- The county or tribe provides care coordination for inmates exiting county or tribal jail.
- The county or tribe has identified how it will use care coordination to ensure that all program participants are enrolled in medical assistance and will continue to receive treatment after an inmate leaves county or tribal jail custody.

A county or tribe may use the grant funds only to provide nonnarcotic, nonaddictive, injectable medically assisted treatment to inmates of county or tribal jails who voluntarily receive the treatment within the five days immediately preceding release from county or tribal jail into the community.

The Act appropriates \$750,000 of general purpose revenue (GPR) in fiscal year 2017-18 and \$750,000 of GPR in fiscal year 2018-19 to DHS for this program. DHS must provide application procedures for awarding grants to counties or tribes in accordance with DHS's request-for-proposal procedures.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

SUBSTANCE ABUSE PREVENTION TO AT-RISK YOUTH

The Act requires the Department of Children and Families (DCF) to administer grants to provide evidence-based programs and practices for substance abuse prevention to at-risk youth and their families. Beginning in fiscal year 2018-19, the Act directs \$500,000 of federal money received under the Temporary Assistance for Needy Families block grant for this purpose.

Eligible grant recipients include nonprofit corporations or public agencies in Milwaukee County, certain county departments, other than in Milwaukee County, and federally recognized American Indian tribes or bands. DCF may not award a grant to a county or tribe that offered evidence-based programs and practices for substance abuse prevention in the preceding fiscal year, unless those services were previously funded by a grant under this program.

GRANTS FOR FAMILY AND JUVENILE TREATMENT COURTS

The Act appropriates \$250,000 of GPR to DCF in fiscal year 2018-19 to fund the family and juvenile treatment courts created under 2017 Wisconsin Act 202.

PROSECUTOR POSITIONS

The Act increases an existing appropriation to the Department of Justice (DOJ) by \$300,000 of GPR to provide funding for two attorney project positions. The new project positions will assist the Division of Criminal Investigation (DCI) in the field offices of Wausau and Appleton and assist district attorneys in prosecuting drug-related offenses. The Act provides that the new project positions terminate five years from the Act's effective date.

The Act also requires DOJ to submit an annual report to the Joint Committee on Finance regarding the two project positions. The report must describe the activities and assess the effectiveness of the attorneys in assisting DCI in the specified field and in assisting district attorneys in prosecuting drug-related offenses.

LAW ENFORCEMENT DRUG TRAFFICKING RESPONSE GRANTS

The Act creates an appropriation of \$1,000,000 of GPR in fiscal year 2018-19 to DOJ to establish a grant program for Wisconsin law enforcement agencies and tribal law enforcement agencies to fund law enforcement response to drug trafficking. When applying for a grant, an agency must include a proposed plan of expenditure that does the following:

- Specifies a new program or purpose for which the funds will be used.
- Describes how expenses may be met when there are no remaining grant funds, if the proposed plan of expenditure will result in the agency incurring an ongoing expense that will continue after all grant funds are spent.

DOJ may provide grants of not more than \$50,000 per application and plan, and not more than \$100,000 per agency. A grant may be provided to fund only a new program or purpose within the agency, and not to supplement an existing program. Agencies may use the grant to fund extra training for law enforcement officers, the hiring of additional officers to investigate drug trafficking, or any other purpose directly related to drug trafficking response.

VICTIM IMPACT PANELS

The Act allows a court to order a person who pleads guilty or is found guilty of a violation of the Uniform Controlled Substances Act to attend a program, such as a victim impact panel, that demonstrates the adverse effects of substance abuse on an individual or an individual's family. The court may order the person to pay a reasonable fee, based on the person's ability to pay, to offset the costs of assembling and hosting the program, in addition to any forfeiture or penalty imposed by the court.

COMPLAINTS OR AFFIDAVITS PROVIDING PROBABLE CAUSE FOR SEARCH WARRANTS

The Act provides ways in which a person may swear to a complaint or affidavit that provides probable cause upon which a search warrant may be based.

Generally, state law requires a judge to issue a search warrant if probable cause is generally shown. Probable cause may be based on a sworn complaint or affidavit or on testimony recorded by certain reporting methods.

The Act specifies that the person requesting a warrant may swear to the complaint or affidavit before a judge or before a notarial officer authorized to take acknowledgments. The Act also provides that a judge may place a person under oath via telephone, radio, or other means of electronic communication, without the requirement of face-to-face contact, to swear to the complaint or affidavit. The judge must indicate on the search warrant that the person so swore to the complaint or affidavit.

Effective date: 2017 Wisconsin Act 261 took effect on April 11, 2018, but for the provisions related to the family and juvenile treatment courts, which took effect on April 5, 2018.

Prepared by: Amber Otis, Staff Attorney

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