

1987 Senate Bill 220

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1987 Wisconsin Act 326

AN ACT to renumber and amend 165.90; to amend 20.455 (2) (d), 59.07 (141), 165.87 (1) (intro.), 165.87 (1) (a), 165.87 (1) (b), 165.87 (1) (bn), 165.87 (2) (a) and 165.90 (title); and to create 20.455 (2) (hm), 20.455 (2) (hn), 20.455 (2) (ho), 165.87 (1) (bp) and 165.90 (2) to (5) of the statutes, relating to law enforcement aid to counties with Indian reservations and county-tribal law enforcement programs and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

		<u>1987-88</u>	<u>1988-89</u>
20.455	Justice, department of		
(2)	LAW ENFORCEMENT SERVICES		
(hm)	County-tribal programs, surcharge receipts	PR A -0-	-0-
(hn)	County-tribal programs, local assistance	PR A -0-	300,000
(ho)	County-tribal programs, state operations	PR A -0-	36,200

SECTION 2. 20.455 (2) (d) of the statutes is amended to read:

20.455 (2) (d) (title) *County-tribal law enforcement programs*. The amounts in the schedule for distribution under s. 165.90 ~~to counties containing federally recognized Indian reservations, to defray the expense of performing additional law enforcement duties of sheriffs arising by reason of federal legislation transferring jurisdiction over Indian criminal law matters to the state.~~

SECTION 3. 20.455 (2) (hm) of the statutes is created to read:

20.455 (2) (hm) *County-tribal programs, surcharge receipts*. The amounts in the schedule for the purposes of s. 165.90. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) (bp) shall be credited to this appropriation. These moneys may be transferred to pars. (hn) and (ho) by the secretary of administration for expenditures based upon determinations by the department of justice.

SECTION 4. 20.455 (2) (hn) of the statutes is created to read:

20.455 (2) (hn) *County-tribal programs, local assistance*. The amounts in the schedule for distribution under s. 165.90. All moneys transferred from par. (hm) shall be credited to this appropriation.

SECTION 5. 20.455 (2) (ho) of the statutes is created to read:

20.455 (2) (ho) *County-tribal programs, state operations*. The amounts in the schedule to finance state operations associated with county-tribal law enforce-

ment programs under s. 165.90. All moneys transferred from par. (hm) shall be credited to this appropriation.

SECTION 6. 59.07 (141) of the statutes is amended to read:

59.07 (141) (title) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption of a resolution, a county board may ~~apply for law enforcement aid enter into an agreement and seek funding~~ under s. 165.90 ~~to counties which have federally recognized Indian reservations within or partially within their boundaries.~~

SECTION 7. 165.87 (1) (intro.) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

165.87 (1) FUND. (intro.) On or after ~~August~~ July 1, 1987 1988:

SECTION 8. 165.87 (1) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

165.87 (1) (a) ~~Eleven-nineteenths~~ Eleven-twentieths of all moneys collected from penalty assessments under this section shall be deposited in s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and 165.85 (5). The moneys deposited in s. 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement training fund.

SECTION 9. 165.87 (1) (b) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

165.87 (1) (b) ~~Two-nineteenths~~ One-tenth of all moneys collected from penalty assessments under this

section shall be deposited in s. 20.435 (3) (jp) and utilized in accordance with s. 46.057.

SECTION 10. 165.87 (1) (bn) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

165.87 (1) (bn) ~~Three-nineteenths~~ Three-twentieths of all moneys collected from penalty assessments under this section shall be deposited in and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss. 20.435 (4) (jk) and 20.505 (6) (h). In regard to any grant to any local unit of government for which the state is providing matching funds from moneys under this paragraph, the local unit of government shall provide matching funds equal to at least 10%.

SECTION 11. 165.87 (1) (bp) of the statutes is created to read:

165.87 (1) (bp) One-twentieth of all moneys collected from penalty assessments under this section shall be deposited in s. 20.455 (2) (hm) and utilized in accordance with ss. 20.455 (2) (hn) and (ho) and 165.90.

SECTION 12. 165.87 (2) (a) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

165.87 (2) (a) On or after ~~August July 1, 1987~~ 1988, whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for state laws or municipal or county ordinances involving nonmoving traffic violations, there shall be imposed in addition a penalty assessment in an amount of ~~19%~~ 20% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SECTION 13. 165.90 (title) of the statutes is amended to read:

165.90 (title) County-tribal law enforcement programs.

SECTION 14. 165.90 of the statutes is renumbered 165.90 (1) and amended to read:

165.90 (1) Any county ~~which that~~ that has one or more federally recognized Indian ~~reservation~~ reservations within or partially within its boundaries may ~~make annual application enter into an agreement~~ in accordance with s. 59.07 (141) ~~to the department of justice to receive aid in the amount of \$7,500 per state fiscal year from the appropriation under s. 20.455 (2) (d) for the purpose of defraying the expense of performing additional law enforcement duties of sheriffs arising by reason of federal legislation transferring jurisdiction over Indian criminal law matters to the state. The county shall obtain the advice of the tribal council as to specific law enforcement needs on the reservation. The application shall include a statement of the tribal council's advice on law enforcement needs and shall~~

~~specify the proposed law enforcement activities on the reservation for the state fiscal year for which aid is sought. Upon review of the application and, if relevant, an evaluation of the extent to which the proposed law enforcement activities were performed in the previous fiscal year, the department may annually certify a county as eligible to receive funds under s. 20.455 (2) (d). In August of each year, the county board for each county receiving funds under s. 20.455 (2) (d) shall submit a report to the department regarding the performance of the proposed law enforcement activities. A county may receive funds under s. 20.455 (2) (d) in any fiscal year in which any program within the county receives funds under s. 20.455 (2) (e) with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. To be eligible to receive aid under this section, a county and tribe shall develop and submit a joint program plan, by September 1 of the year prior to the year for which funding is sought, to the department of justice for approval.~~

SECTION 15. 165.90 (2) to (5) of the statutes are created to read:

165.90 (2) The joint program plan shall identify all of the following:

(a) A description of the proposed cooperative county-tribal law enforcement program for which funding is sought, including information on the population and geographic area or areas to be served by the program.

(b) The program's need for funding under this section.

(c) The governmental unit that shall administer aid received and the method by which aid shall be disbursed.

(d) The types of law enforcement services to be performed on the reservation and the persons who shall perform those services.

(e) The person who shall exercise daily supervision and control over law enforcement officers participating in the program.

(f) The method by which county and tribal input into program planning and implementation shall be assured.

(g) The program's policies regarding deputization, training and insurance of law enforcement officers.

(h) The record-keeping procedures and types of data to be collected by the program.

(i) Any other information required by the department or deemed relevant by the county and tribe submitting the plan.

(3) Upon request, the department shall provide technical assistance to a county and tribe in formulating a joint program plan.

(4) If the department approves a plan, the department shall certify the program as eligible to receive aid under s. 20.455 (2) (d) and (hn). Prior to January 1, of the year for which funding is sought, the department

shall distribute from the appropriations under s. 20.455 (2) (d) and (hn) to each eligible program the amount necessary to implement the plan, subject to the following limitations:

(a) A program may not receive more than \$20,000 per fiscal year under s. 20.455 (2) (d) and (hn).

(b) A program may use funds received under s. 20.455 (2) (d) or (hn) only for law enforcement operations.

(c) A program shall, prior to the receipt of funds under s. 20.455 (2) (d) or (hn) for the 2nd and any subsequent year, submit a report to the department regarding the performance of law enforcement activities on the reservation in the previous fiscal year.

(5) Annually, on or before January 15, the department shall report on the performance of cooperative county-tribal law enforcement programs receiving aid under this section to each of the following:

(a) The chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2).

(b) The governor.

(c) The American Indian study committee under s. 13.83 (3).

SECTION 16. Nonstatutory provisions. The authorized FTE positions for the department of justice are increased by 1.0 FTE PRO position on July 1, 1988, to be funded from the appropriation under section 20.455 (2) (ho) of the statutes, for the purpose of providing assistance, reviewing program plans and distributing funds regarding county-tribal law enforcement programs.

SECTION 17. Effective date. This act takes effect on July 1, 1988.
