

1 **AN ACT** to amend 302.11 (lg) (b) 2. and **978.03 (3); to repeal and recreate** 302.11
2 (lg) (b) 2.; and **to create** 15.105 (26), 16.25, 20.435 (3) (ft), 46.03 (40m), 46.72,
3 59.54 (20), 301.03 (2t), 301.047, 301.065 and 978.044 of the statutes; **relating to:**
4 authorizing the appointment of assistant district attorneys to perform restorative
5 justice services; authorizing counties and the department of corrections to contract
6 with religious organizations for the provision of services relating to delinquency and
7 crime prevention and the rehabilitation of offenders; inmate rehabilitation; creating
8 the office of government-sectarian facilitation; establishing a grant program for a
9 neighborhood organization incubator; distribution of funding for alcohol and other
10 drug abuse services and making an appropriation.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on faith-based approaches to crime prevention and justice. The principal features of the draft are:

Establishment of 2 Assistant District Attorney Positions to Engage in Restorative Justice

Current law specifies that each county shall have one district attorney. Current law also authorizes the appointment of one or more deputy district attorneys for the larger population counties and one or more assistant district attorneys for all counties, as requested by the department of administration (DOA) and authorized by law. This draft authorizes the appointment of one assistant district attorney project position for Dane County and one assistant district attorney project position for Milwaukee County to develop and operate restorative justice programming in these counties and to assist district attorneys in other counties in the development and operation of restorative justice programming in those counties. The draft appropriates \$72,200 general

purpose revenue (GPR) in fiscal year 1999-00 and \$96,200 GPR in fiscal year 2000-01 for these purposes.

Restorative justice programming broadens the focus of the criminal and juvenile justice systems. It focuses on victim needs, seeks victim and community input into the criminal and juvenile justice process and holds offenders accountable to those directly harmed by their criminal or delinquent acts. One common restorative justice program involves the establishment of neighborhood panels of residents which meet to discuss the impact of a crime or delinquent act and collaboratively, with all the stakeholders, work to develop a plan to repair the harm caused by the criminal or delinquent act. Another common restorative justice program is victim-offender conferencing, where an offender meets with the victim or a member of the victim's family and other appropriate persons, in order to: (1) discuss the impact of the offense on the victim and the community; (2) provide support to the victim and facilitate the reintegration of the victim into community life; (3) explore appropriate restorative responses by the offender; and (4) facilitate the reintegration of the offender into community life.

The draft requires the assistant district attorneys funded under the draft to maintain records regarding restorative justice activities. The Dane and Milwaukee County district attorneys are required under the draft to submit to the **DOA** annual reports describing the restorative justice activities undertaken, including the number of victims and offenders served, the types of crimes or juvenile offenses involved and the rates of recidivism among offenders served by restorative justice programming.

The assistant district attorney project positions created under the draft to perform restorative justice services expire after June 30, 2003. In order to aid the legislature in determining whether to continue these positions by making them permanent, the legislative audit bureau is required by October 1, 2002 to conduct a quantitative and qualitative evaluation of the success of restorative justice programming in serving victims, offenders and communities affected by crime and to report these findings to the appropriate committees of the legislature, as determined by the speaker of the assembly and the president of the senate, under s. 13.172 (3).

Nondiscrimination Against Religious Organizations

Current law imposes duties on the department of corrections (DOC) and counties relating to crime prevention and the rehabilitation of offenders. This draft authorizes the DOC and counties to contract with, or award grants to, religious organizations for use in the prevention of delinquency and crime and the rehabilitation of offenders on the same basis as any

other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs. These provisions are comparable to provisions of current law that address the issue of discrimination against religious organizations that apply to the department of health and family services (DHFS) and department of workforce development (DWD).

In particular, the draft does the following:

- ***Nondiscrimination against religious organizations.*** Specifies that if the DOC or a county is authorized to distribute any grant to, or contract with, a nongovernmental entity, that nongovernmental entity can be a religious organization as long as the programs are implemented consistent with the U.S. and Wisconsin Constitutions. Prohibit the DOC or a county from discriminating against an organization on the basis that the organization does or does not have a religious character or because of the specific religious nature of the organization.
- ***Religious character and freedom.*** Specifies that a religious organization that receives a grant from, or contracts with, the DOC or a county retains its independence from federal, state and local governments, including the organization's control over the definition, development, practice and expression of its religious beliefs. Prohibit the DOC or a county from requiring a religious organization to alter its form of internal governance or remove religious art, icons, scripture or other symbols as a condition of contracting with, or receiving a grant from, the DOC or a county.
- ***Rights of beneficiaries of assistance.*** Specifies that if an individual has -an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded from a program supported with funding administered by the DOC or a county, the DOC or the county must provide the individual assistance of equal value from a nonreligious provider that is accessible to the individual if the individual so requests. Both the DOC and counties are required to provide written information to individuals who are eligible for assistance regarding the availability of assistance from a nonreligious provider.
- ***Employment practices.*** Specifies that a religious organization's exemption recognized under federal law regarding employment practices [42 U.S.C. s. 2000e-1a] are not affected by its participation in programs administered by the DOC or a county.
- ***Nondiscrimination against beneficiaries.*** Prohibits a religious organization from discriminating against an individual in regard to

rendering services funded under any DOC or county program on the basis of religion, a religious belief or refusal to actively participate in a religious practice.

• ***Fiscal accountability.*** Specifies that any religious organization that receives grant funding from, or contracts with, the DOC or a county is subject to the same laws and rules as other contractors to account in accord with generally accepted auditing principles for the use of these funds. If the religious organization segregates funding from the DOC or the county into separate accounts, only the financial assistance provided with these funds is subject to an audit.

• ***Limitations on the use of funds for certain purposes.*** Prohibits any religious organization that receives funding from the DOC or a county from expending any of those funds for sectarian worship, instruction or proselytization.

• ***Certification of compliance.*** Requires every religious organization that contracts with, or receives a grant from, the DOC or a county to provide crime prevention or rehabilitation assistance to eligible recipients to certify in writing that it has complied with the proscription against discrimination based on religion, religious belief or refusal to actively participate in a religious practice and the proscription against the expenditure of public funds for sectarian worship, instruction or proselytization. Each organization is also required to furnish the department or county board with a copy of this certification and a written description of the policies which the organization has adopted to ensure compliance with these proscriptions.

• ***Compliance.*** Specifies that any party that seeks to enforce its rights under this law may assert a civil action for injunctive relief in an appropriate court against the entity or agency that allegedly commits such violation.

• ***Preemption.*** Specifies that nothing in the provisions described above should be construed to preempt any other provision of state law, federal law or the U.S. or Wisconsin Constitutions that prohibits or restricts the expenditure of state funds in or by religious organizations.

Inmate Rehabilitation

The DOC provides various services to inmates. Currently, inmate rehabilitation programs operated within Wisconsin prisons are either operated by DOC staff or are purchased from other providers.

The draft requires the DOC to permit one or more nonprofit community-based organizations to operate an inmate rehabilitation program in the Milwaukee alcohol and other drug abuse (AODA)

treatment facility which is scheduled to commence operations in January 2001, if:

- The organization meets all the requirements set forth in the draft.
- The DOC determines that operation of the program does not constitute a threat to the security of the facility or to the safety of inmates.
- The DOC determines that operation of the program is in the best interests of the inmates.

An organization that wants to operate an inmate rehabilitation program in the facility must submit to the DOC a detailed proposal for the operation of a program which includes all of the following:

- A description of the services to be provided, including aftercare services.
- A description of the activities to be undertaken and the approximate daily schedule of programming for inmates participating in the program.
- A description of the qualifications of the individuals providing services to inmates.
- A statement of the organization's policies regarding eligibility of inmates to participate in the program.
- A statement of the goals of the program.
- A description of the methods by which the organization will evaluate the effectiveness of the program in attaining the goals under **subd. 5**.
- Any other information specified by the DOC.

To be eligible to operate a rehabilitation program in the facility, an organization must agree in writing to all of the following:

- The organization may not receive compensation from the DOC for services provided in the rehabilitation program.
- The organization may not deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or nonbelief. The organization may suspend an inmate's participation in a program for reasons unrelated to religious beliefs, including the inmate's failure to participate meaningfully in the program.
- An inmate may withdraw from the participation in program at any time.
- The organization shall provide community-based aftercare services for each inmate who completes the program, upon the inmate's release.

The draft provides that DOC must establish policies which provide reasonable access to inmates by an organization operating an inmate rehabilitation program established under the draft.

The draft requires the DOC to designate a specific portion of the facility for operation of the program. To the extent possible, inmates participating in the program must be housed in the portion of the facility in which the program is operated.

The draft provides that the DOC may not require an inmate to participate in an inmate rehabilitation program established under the draft. Further, the DOC may not base any decision regarding an inmate's conditions of confinement, including discipline or an inmate's eligibility for release, on an inmate's participation or nonparticipation in an inmate rehabilitation program established under the draft. The treatment of inmates, including the provision of housing, activities in which an inmate may participate freedom of movement and work assignments must be substantially the same for inmates who participate in a program and those who do not.

The draft provides that DOC may restrict an inmate's participation in an inmate rehabilitation program established under the draft only if the restriction is necessary for the security of the facility or the safety of the inmates.

The draft authorizes the DOC to suspend operation of an inmate rehabilitation program established under the draft if the organization operating the program fails to comply with any of the requirements set forth in the draft, or if DOC determines that suspension of the program is necessary for the security of the facility or the safety of the inmates or that suspension of the program is in the best interests of the inmates.

The draft requires the DOC to evaluate or contract with a private or public agency for an evaluation of the effectiveness of the program in reducing recidivism and alcohol and other drug abuse. The draft requires DOC to collect the data and information necessary to evaluate the program and to submit a report of the evaluation to the governor and the appropriate standing committees of the legislature.

Under current law, the parole commission may deny presumptive mandatory release to an inmate on the grounds that the inmate has refused to participate in counseling or treatment that the social service and clinical staff of the institution determines is necessary for the inmate. The draft specifies that the parole commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in an inmate rehabilitation program established under the draft.

- . The draft provides that the provisions described above expire 2 years after an inmate rehabilitation program established under the draft begins operation.

Establishment of the Office of Government-Sectarian Facilitation

The draft creates a temporary office of government-sectarian facilitation in the **DOA**. The office is headed by an official titled “the facilitator” and is to operate for 3 years (from November 1, 1999 to November 1, 2002).

The facilitator is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The facilitator may not be a member of the board of directors, or be otherwise involved in the governance or control of, or be employed by, any faith-based organization which may be eligible for funding to provide authorized government services. In addition, the facilitator must have experience relevant to the operation of nonprofit organizations or state or local government and must have a demonstrated understanding of state and federal laws regarding nondiscrimination against religious organizations.

The draft appropriates \$57,600 GPR in 1999-00 and \$67,400 GPR in 2000-01 for the office of government sectarian facilitation, and increases by 1 .0 full-time equivalent (**FTE**) the authorized project positions for the **DOA**.

The office of government-sectarian facilitation is required to: (1) assist in the implementation of state and federal laws regarding nondiscrimination against religious organizations; and (2) facilitate interaction between faith-based organizations and state and local government. Specifically, the office must do all of the following:

- Provide information on laws protecting against discrimination against faith-based organizations.
- Assist government agencies in utilizing the services of faith-based organizations in the provision of authorized governmental services.
- Assist faith-based organizations in their efforts to participate in the provision of authorized governmental services.
- Compile and provide to the public information on governmental services available through faith-based organizations.
- Monitor compliance by faith-based organizations which it assists with laws which provide that: (1) a religious organization may not discriminate against an individual in regard to rendering assistance funded under any program administered by a state agency or a county on

the basis of religion, a religious belief or refusal to actively participate in a religious practice; and (2) no funds provided directly to religious organizations by the state or a county may be expended for sectarian worship, instruction or proselytization.

- Annually conduct an evaluation of the extent to which state and local governments are utilizing the services of faith-based organizations in the provision of authorized governmental services, including the extent to which faith-based organizations comply with the laws discussed above. The office must also develop recommendations to increase government utilization of the services of faith-based organizations.

The draft requires the office to submit a report of the evaluation and recommendations to the appropriate standing committees of the legislature, as determined by the speaker of the assembly and president of the senate under s. 13.72 (3), and the governor no later than October 1, 2002.

Establishment of a Neighborhood Organization Incubator Grant Program

Currently, neighborhood organizations may be motivated to provide services to neighborhood residents directed at community concerns such as the need for after-school recreation for children; prevention and counseling services relating to child, domestic abuse and alcohol and other drug problems; diversion of youth from gang activities, crime prevention, and inmate and ex-offender rehabilitation or aftercare. However, many of these organizations do not have the time, resources or technical expertise to gain access to sources of funding that may enable them to address these concerns. This draft authorizes the DHFS to award "incubator grants" to these neighborhood organizations to enable the organization to obtain the funding necessary to achieve these goals.

Specifically, the draft authorizes the DHFS to award a grant to a community-based public or private, nonprofit organization ("an agency") upon submission of an application containing a plan detailing the proposed use of the grant.

A grant recipient is required to do all of the following:

- Provide information to neighborhood organizations about sources of public and private funding.
- Assist neighborhood organizations in obtaining funding and other assistance from public and private entities.
- Act as a liaison between the neighborhood organizations and the public and private funding sources.

- Provide appropriate training and professional development services to members of neighborhood organizations.
- Engage in outreach efforts to inform neighborhood organizations of the services available from the agency.
- Undertake other activities to facilitate the effectiveness and development of neighborhood organizations.

The agency receiving a grant is required to submit to the DHFS, within 90 days after spending the entire grant, a report detailing the use of the grant proceeds.

Distribution of AODA Funding

Currently, the DHFS and the DOC administer various programs which provide funding for AODA intervention and treatment services.

The draft requires DHFS and DOC to do all of the following:

- Develop one or more methods to evaluate the effectiveness of AODA intervention and treatment services.
- Adopt policies to ensure that to the extent possible under state and federal law, all funding for AODA intervention and treatment services which they administer is distributed based on the effectiveness of the services in reducing alcohol and other drug abuse among recipients of the services.
- Require every application for funding for AODA intervention or treatment services to include a plan for the evaluation of the effectiveness of the services in reducing alcohol and other drug abuse by recipients of the services.
- Require every recipient of DOC or DHFS funding for AODA services to provide to DHFS or DOC information necessary to evaluate the effectiveness of the services provided.

1 **SECTION 1.** 15.105 (26) of the statutes is created to read:

2 **15.105 (26) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION.** There is created an office
 3 of government-sectarian facilitation, headed by the facilitator, which is attached to the
 4 department of administration under s. 15.03. The facilitator shall be nominated by the
 5 governor, and with the advice and consent of the senate appointed, to serve at the pleasure of
 6 the governor. The facilitator may not be a member of the board of directors of, or be otherwise

1 involved in the governance or control of, or be employed by, any faith-based organization
2 which may be eligible for funding to provide authorized government services. The facilitator
3 shall have experience relevant to the operation of nonprofit organizations or state or local
4 government and shall have a demonstrated understanding of state and federal laws regarding
5 nondiscrimination against religious organizations. This section ceases to apply after
6 November 1, 2002.

NOTE: For an explanation of this provision, see the note to **SECTION 2**.

7 **SECTION 2.** 16.25 of the statutes is created to read:

8 **16.25 Office of government-sectarian facilitation.** The office of
9 government-sectarian facilitation shall do all the following to assist in the implementation of
10 federal and state laws regarding nondiscrimination against religious organizations in the
11 provision of authorized government services and facilitate interaction between faith-based
12 organizations and state and local government:

13 (1) Provide information to state and local governments and other interested persons
14 about the various laws protecting against discrimination against faith-based organizations in
15 the provision of authorized government services;

16 (2) Assist state and local government agencies in utilizing the services of faith-based
17 organizations in the provision of authorized government services;

18 (3) Assist faith-based organizations in their efforts to participate in the provision of
19 authorized state and local government services;

20 (4) Compile and provide to the public information on state and local government
21 services available through faith-based organizations; and

22 (5) Monitor compliance with ss. 46.027 (6) and (9), 49.114 (6) and (9), 59.54 (20) (g)
23 and (j), as created by 1999 Wisconsin Act . . . (this act) and 301.065 (6) and (9), as created by

1 1999 Wisconsin Act . . . (this act) by faith-based organizations which it assists that are subject
2 to these requirements.

3 (6) (a) Conduct an evaluation of the extent to which state and local governments utilize
4 the services of faith-based organizations in the provision of authorized government services
5 and the extent to which faith-based organizations comply with the statutes listed in sub. (5).

6 (b) Develop recommendations to increase government utilization of services of
7 faith-based organizations.

8 (c) The office shall submit a report of the evaluation and recommendations to the
9 governor and to the appropriate standing committees of the legislature, as determined by the
10 speaker of the assembly and the president of the senate, under s. 13.172 (3) no later than
11 October 1, 2002.

12 (7) This section ceases to apply after November 1, 2002.

NOTE: This SECTION and SECTION 1 create the office of government-sectarian facilitation, headed by the facilitator. The purposes of the office are to: (a) assist in the implementation of federal and state laws regarding nondiscrimination against religious organizations in the provision of authorized government services; and (b) facilitate interaction between faith-based organizations and state and local government. Specifies that the provisions creating the office of government-sectarian facilitation expire after November 1, 2002.

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

				1999-00	2000-01
15					
16	20.505	Administration, department of			
17	(10)	OFFICE OF GOVEFWMENTSECTARIAN FACILITATION			
18	(a)	General program operations	GPR A	57,600	67,400

NOTE: Appropriates \$57,600 GPR in 1999-2000 and \$67,400 GPR in 2000-01 to fund the office of government-sectarian facilitation created in **SECTION 2**.

SECTION 4. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				1999-00	2000-01
20.435	Health and family services, department of				
(3)	CHILDREN AND FAMILY SERVICES				
(ft)	Neighborhood organization incuba-				
	tor grants	GPR	A	100,000	100,000

NOTE: Appropriates \$100,000 GPR in each year of the 1999-2001 biennium to fund the neighborhood organization incubator grant program created in **SECTION 7**.

SECTION 5. 20.435 (3) (ft) of the statutes is created to read:

20.435 (3) (ft) **NEIGHBORHOOD ORGANIZATION INCUBATOR GRANTS.** The amounts in the schedule for neighborhood organization incubator grants under s. 46.72.

NOTE: See the note to **SECTION 4**.

SECTION 6. 46.03 (40m) of the statutes is created to read:

46.03 (40m) PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE INTERVENTION AND TREATMENT SERVICES. The department shall do all of the following:

(a) Develop one or more methods to evaluate the effectiveness of alcohol and other drug abuse intervention and treatment services.

(b) Adopt policies to ensure that to the extent possible under state and federal law, all funding for alcohol and other drug abuse intervention and treatment services administered by the department is distributed based on the effectiveness of the services in reducing alcohol and other drug abuse among recipients of the services.

1 (c) Require every application for funding for alcohol and other drug abuse intervention
2 or treatment services to include a plan for the evaluation of the effectiveness of the
3 organization in reducing alcohol and other drug abuse by recipients of services.

4 (d) Require every recipient of funding for alcohol and other drug abuse intervention and
5 treatment services to provide to the department information requested by the department to
6 aid in evaluating the effectiveness of the program.

NOTE: Requires the DHFS to ensure that to the extent possible under state and federal law, funding for AODA intervention and treatment programs which is administered by DHFS is distributed based on the effectiveness of the services reducing alcohol and other drug abuse among recipients of the services.

7 **SECTION 7.** 46.72 of the statutes is created to read:

8 **46.72 Neighborhood organization incubator grants. (1) DEFINITIONS.** In this
9 section:

10 (a) "Agency" means a community-based public or private, nonprofit organization.

11 (b) "Neighborhood organization" means a private, nonprofit organization that provides
12 any of the following services primarily to residents of the area in which the organization is
13 located:

- 14 1. Crime prevention.
- 15 2. After-school and recreational programs for youth.
- 16 3. Child and domestic abuse prevention services.
- 17 4. Alcohol and other drug abuse counseling and prevention.
- 18 5. Diversion of youth from gang activities.
- 19 6. Inmate and ex-offender rehabilitation or aftercare.

20 (2) **PURPOSE; AMOUNT.** From the appropriation under s. 20.435 (3) (ft), the department
21 shall award grants to agencies to provide services described under sub. (3) to neighborhood

1 organizations. An agency application for a grant shall contain a plan detailing the proposed
2 use of the grant.

3 (3) An agency receiving a grant under this section shall do all of the following:

4 (a) Provide information to neighborhood organizations about funding and other
5 assistance which may be available to neighborhood organizations from private and public
6 entities.

7 (b) Assist neighborhood organizations in obtaining funding and other assistance from
8 public and private entities.

9 (c) Act as a liaison between neighborhood organizations and public and private entities
10 described under par. (a).

11 (d) Provide appropriate training and professional development services to members of
12 neighborhood organizations.

13 (e) Engage in outreach to neighborhood organizations to inform them of the services
14 available from the agency.

15 (f) Undertake any other activities which will facilitate the effectiveness and
16 development of neighborhood organizations.

17 (4) **REPORT.** An agency receiving a grant under this section shall submit to the
18 department within 90 days after spending the full amount of the grant a report detailing the
19 actual use of the proceeds of the grant.

NOTE: Establishes the neighborhood organization incubator grant program. Under the program, DHFS must award grants to one or more agencies to enable the agency to assist neighborhood organizations in securing funding and becoming more effective.

20 **SECTION** 8. 59.54 (20) of the statutes is created to read:

1 59.54 (20) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) **Definitions.** In this
2 subsection:

3 1. "Board" includes any department authorized by the board.

4 2. "Department" has the meaning given in s. 59.60 (2) (a).

5 (b) **General purpose and authority.** The purpose of this section is to allow the board
6 to contract with, or award grants to, religious organizations, under any program dealing with
7 delinquency and crime prevention or the rehabilitation of offenders administered by the
8 county, on the same basis as any other nongovernmental provider without impairing the
9 religious character of such organizations, and without diminishing the religious freedom of
10 beneficiaries of assistance funded under such program.

11 (c) **Nondiscrimination against religious organizations.** If the board is authorized to
12 contract with a nongovernmental entity, or is authorized to award grants to a nongovernmental
13 entity, religious organizations are eligible, on the same basis as any other private organization,
14 as contractors under any program administered by the board so long as the programs are
15 implemented consistent with the First Amendment of the U.S. Constitution and article I,
16 section 18, of the Wisconsin Constitution. Except as provided in par. (L), the board may not
17 discriminate against an organization that is or applies to be a contractor on the basis that the
18 organization does or does not have a religious character or because of the specific religious
19 nature of the organization.

20 (d) **Religious character and freedom.** 1. The board shall allow a religious organization
21 with which the board contracts or to which the board awards a grant to retain its independence
22 from government, including the organization's control over the definition, development,
23 practice and expression of its religious beliefs.

1 2. The board may not require a religious organization to alter its form of internal
2 governance or to remove religious art, icons, scripture or other symbols in order to be eligible
3 for a contract or grant.

4 *(e) Rights of beneficiaries of assistance.* If the board contracts with, or awards grants
5 to, a religious organization for the **provision** of crime prevention or offender rehabilitation
6 assistance under a program administered by the board, an individual who is eligible for this
7 assistance shall be informed in writing that assistance of equal value and accessibility is
8 available from a nonreligious provider upon request. If an individual has an objection to the
9 religious character of the organization from which the individual receives, or would receive,
10 assistance funded under any crime prevention or offender rehabilitation program
11 administered by the board and requests assistance from a nonreligious provider, the board
12 shall provide such individual, if otherwise eligible for such assistance, within a reasonable
13 period of time after the date of the objection with assistance of equal value from a nonreligious
14 provider that is accessible to the individual.

15 *(f) Employment practices.* To the extent permitted under federal law, a religious
16 organization's exemption provided under 42 USC 2000e-1a regarding employment practices
17 is not affected by its participation in, or receipt of funds from, programs administered by the
18 board.

19 *(g) Nondiscrimination against beneficiaries.* A religious organization may not
20 discriminate against an individual in regard to rendering assistance funded under any program
21 administered by the board on the basis of religion, a religious belief or refusal to actively
22 participate in a religious practice.

23 *(h) Fiscal accountability.* 1. Except as provided in subd. 2., any religious organization
24 that contracts with, or receives a grant from, the board is subject to the same laws and rules

1 as other contractors to account in accord with generally accepted auditing principles for the
2 use of such funds provided under such programs.

3 2. If the religious organization segregates funds provided under programs administered
4 by the board into separate accounts, then only the financial assistance provided with those
5 funds shall be subject to audit.

6 (i) *Compliance.* Any party that seeks to enforce its rights under this section may assert
7 a civil action for injunctive relief against the entity or agency that allegedly commits the
8 violation,

9 (j) *Limitations on use of funds for certain purposes.* No funds provided directly to
10 religious organizations by the board may be expended for sectarian worship, instruction or
11 proselytization.

12 (k) *Certification of compliance.* Every religious organization that contracts with, or
13 receives a grant from, the county board to provide crime prevention or offender rehabilitation
14 assistance to eligible recipients shall certify in writing that it has complied with the
15 requirements of pars. (g) and (j) and submit to the board a copy of this certification and a
16 written description of the policies which the organization has adopted to ensure that it has
17 complied with the requirements under pars. (g) and (j).

18 (L) *Preemption.* Nothing in this section may be construed to preempt any provision of
19 federal law, the U.S. Constitution, the Wisconsin Constitution or any other statute that
20 prohibits or restricts the expenditure of federal or state funds in or by religious organizations.

NOTE: Authorizes a county board, and county departments authorized by a county board, to contract with, or award grants to, religious organizations for the provision of delinquency and crime prevention or offender rehabilitation services on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs.

1 **SECTION 9.** 301.03 (2t) of the statutes is created to read:

2 301.03 **(2t)** (a) Develop one or more methods to evaluate the effectiveness of alcohol
3 and other drug abuse intervention and treatment services.

4 (b) Adopt policies to ensure that to the extent possible under state and federal law, all
5 funding for alcohol and other drug abuse intervention and treatment services administered by
6 the department is distributed based on the effectiveness of the services in reducing alcohol and
7 other drug abuse among recipients of the services.

8 (c) Require every application for funding for an alcohol and other drug abuse
9 intervention or treatment services to include a plan for the evaluation of the effectiveness of
10 the services in reducing alcohol and other drug abuse by recipients of the services.

11 (d) Require every recipient of funding for alcohol and other drug abuse intervention or
12 treatment services to provide to the department information requested by the department to
13 aid in evaluating the effectiveness of the services.

NOTE: Requires the DOC to ensure that to the extent possible under
state and federal law, funding for AODA intervention and treatment
programs which is administered by DOC is distributed based on the
effectiveness of the services reducing alcohol and other drug abuse
among recipients of the services.

14 **SECTION 10.** 301.047 of the statutes is created to read:

15 **301.047 Inmate rehabilitation and aftercare. (1) PROGRAM.** The department shall
16 permit one or more nonprofit community-based organizations to operate an inmate
17 rehabilitation program in the Milwaukee alcohol and other drug abuse treatment facility which
18 is scheduled to commence operations in January 2001 if the organization meets all the
19 requirements set forth in this section and if the department determines that operation of that
20 program does not constitute a threat to the security of the facility or the safety of inmates and
21 that operation of the program is in the best interest of the inmates.

1 (2) **PROGRAM REQUIREMENTS.** (a) An organization shall submit to the department a
2 detailed proposal for the operation of an inmate rehabilitation program which includes all of
3 the following:

4 1. A description of the services to be provided, including aftercare services.

5 2. A description of the activities to be undertaken and the approximate daily schedule
6 of programming for inmates participating in the program.

7 3. A statement of the qualifications of the individuals providing services.

8 4. A statement of the organization's policies regarding eligibility of inmates to
9 participate in the program.

10 5. A statement of the goals of the program.

11 6. A description of the methods by which the organization will evaluate the
12 effectiveness of the program in attaining the goals under subd. 5.

13 7. Any other information specified by the department.

14 (b) To be eligible to operate a rehabilitation program under sub. (1), an organization
15 shall agree in writing to all of the following:

16 1. The organization may not receive compensation from the department for services
17 provided in the rehabilitation program.

18 2. The organization may not deny an inmate the opportunity to participate in the
19 program for any reason related to the inmate's religious beliefs or nonbelief. The organization
20 may suspend an inmate's participation in a program for reasons unrelated to religious beliefs,
21 including the inmate's failure to participate meaningfully in the program.

22 3. An inmate may withdraw from participation in the program at any time.

23 4. The organization shall provide community-based aftercare services for each inmate
24 who completes the program, upon the inmate's release.

1 **(3) DUTIES AND AUTHORITY OF THE DEPARTMENT.** (a) The department shall establish
2 policies which provide reasonable access to inmates by an organization operating a program
3 under sub. (1).

4 (b) The department shall designate a specific portion of the facility for operation of a
5 program under sub. (1). To the extent possible, inmates participating in the program shall be
6 housed in the portion of the facility in which the program is operated.

7 (c) The department may not require an inmate to participate in a program under sub.
8 (1).

9 (d) The department may not base any decision regarding an inmate's conditions of
10 confinement, including discipline or an inmate's eligibility for release, on an inmate's
11 participation or nonparticipation in a program under sub. (1).

12 (e) The treatment of inmates, including the provision of housing, activities in which an
13 inmate may participate, freedom of movement and work assignments shall be substantially
14 the same for inmates who participate in a program under sub. (1) and inmates who do not
15 participate in a program under sub. (1).

16 (f) The department may restrict an inmate's participation in a program under sub. (1)
17 only if the restriction is necessary for the security of the facility or the safety of the inmates.

18 (g) The department may suspend operation of a program under sub. (1) if the
19 organization fails to comply with any of the requirements of this section, or if the department
20 determines that suspension of the program is necessary for the security of the facility or the
21 safety of the inmates or is in the best interests of the inmates.

22 **(4) EVALUATION.** The department shall evaluate or contract with a public or private
23 agency for an evaluation of the effectiveness of a program operated under sub. (1) in reducing
24 recidivism and alcohol and other drug abuse among program participants. The department

1 shall collect the data and information necessary to evaluate the program. The department shall
2 submit a report of the evaluation to the governor and to the appropriate standing committees
3 of the legislature under s. 13. 172 (3).

4 **(5) EXPIRATION.** This section ceases to apply 2 years after an inmate rehabilitation
5 program established under sub. (1) begins operation.

NOTE: Requires the DOC to permit one or more community-based organizations to operate an inmate rehabilitation program in the Milwaukee AODA treatment facility, if specified requirements are met. Provides that the requirement expires 2 years after an inmate rehabilitation program begins operations in the Milwaukee AODA facility.

6 **SECTION 11.** 301.065 of the statutes is created to read:

7 **301.065 Religious organizations; contract powers. (1) RELIGIOUS ORGANIZATIONS;**

8 **LEGISLATIVE PURPOSE.** The purpose of this section is to allow the department to contract with,
9 or award grants to, religious organizations, under any program administered by the
10 department relating to the prevention of delinquency and crime or the rehabilitation of
11 offenders, on the same basis as any other nongovernmental provider without impairing the
12 religious character of such organizations, and without diminishing the religious freedom of
13 beneficiaries of assistance funded under such program.

14 **(2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.** If the department is
15 authorized under ch. 16 to contract with a nongovernmental entity, or is authorized to award
16 grants to a nongovernmental entity, religious organizations are eligible, on the same basis as
17 any other private organization, as contractors under any program administered by the
18 department so long as the programs are implemented consistent with the First Amendment of
19 the U.S. Constitution and article I, section 18, of the Wisconsin Constitution. Except as
20 provided in sub. (10), the department may not discriminate against an organization that is or

1 applies to be a contractor on the basis that the organization does or does not have a religious
2 character or because of the specific religious nature of the organization.

3 (3) **RELIGIOUS CHARACTER AND FREEDOM.** (a) The department shall allow a religious
4 organization with which the department contracts or to which the department awards a grant
5 to retain its independence from state and local governments, including the organization's
6 control over the definition, development, practice and expression of its religious beliefs.

7 (b) The department may not require a religious organization to alter its form of internal
8 governance or to remove religious art, icons, scripture or other symbols in order to be eligible
9 for a contract or grant.

10 (4) **RIGHTS OF BENEFICIARIES OF ASSISTANCE.** If the department contracts with, or awards
11 grants to, a religious organization for the provisions of crime prevention or offender
12 rehabilitation assistance under a program administered by the department, an individual who
13 is eligible for this assistance shall be informed in writing that assistance of equal value and
14 accessibility is available from a nonreligious provider upon request. If an individual has an
15 objection to the religious character of the organization or institution from which the individual
16 receives, or would receive, assistance funded under any program administered by the
17 department and requests assistance from a nonreligious provider, the department shall provide
18 such individual, if otherwise eligible for such assistance, within a reasonable period of time
19 after the date of the objection with assistance of equal value from a nonreligious provider that
20 is accessible to the individual.

21 (5) **EMPLOYMENT PRACTICES.** To the extent permitted under federal law, a religious
22 organization's exemption provided under 42 USC 2000e-1a regarding employment practices
23 is not affected by its participation in, or receipt of funds from, programs administered by the
24 department.

1 (6) **NONDISCRIMINATION AGAINST BENEFICIARIES.** A religious organization may not
2 discriminate against an individual in regard to rendering assistance funded under any program
3 administered by the department on the basis of religion, a religious belief or refusal to actively
4 participate in a religious practice.

5 (7) **FISCAL ACCOUNTABILITY.** (a) Except as provided in par. (b), any religious
6 organization that contracts with, or receives a grant from, the department is subject to the same
7 laws and rules as other contractors to account in accord with generally accepted auditing
8 principles for the use of such funds provided under such programs.

9 (b) If the religious organization segregates funds provided under programs
10 administered by the department into separate accounts, then only the financial assistance
11 provided with those funds shall be subject to audit.

12 (8) **COMPLIANCE.** Any party that seeks to enforce its rights under this section may assert
13 a civil action for injunctive relief against the entity or agency that allegedly commits the
14 violation.

15 (9) **LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.** No funds provided directly to
16 religious organizations by the department may be expended for sectarian worship, instruction
17 or proselytization.

18 (10) **CERTIFICATION OF COMPLIANCE.** Every religious organization that contracts with,
19 or receives a grant from, the department to provide crime prevention or offender rehabilitation
20 assistance to eligible recipients shall certify in writing that it has complied with the
21 requirements of subs. (6) and (9) and submit to the department a copy of this certification and
22 a written description of the policies which the organization has adopted to ensure that it has
23 complied with the requirements under subs. (6) and (9).

1 (11) **PREEMPTION.** Nothing in this section may be construed to preempt any provision
2 of federal law, the U.S. Constitution, the Wisconsin Constitution or any other statute that
3 prohibits or restricts the expenditure of federal or state funds in or by religious organizations.

NOTE: Authorizes the DOC to contract with, or award grants to, religious organizations for the provision of delinquency and crime prevention or offender rehabilitation services on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs.

4 **SECTION 12.** 302.11 (lg) (b) 2. of the statutes is amended to read:

5 302.11 (lg) (b) 2. Refusal by the inmate to participate in counseling or treatment that
6 the social service and clinical staff of the institution determines is necessary for the inmate,
7 including pharmacological treatment using an antiandrogen or the chemical equivalent of an
8 antiandrogen if the inmate is a serious child sex offender as defined in s. 304.06 (lq) (a). The
9 parole commission may not deny presumptive mandatory release to an inmate because of the
10 inmate's refusal to participate in a rehabilitation program under 301.047.

NOTE: Provides that the parole commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in the inmate rehabilitation program established in **SECTION 10.**

11 **SECTION 13.** 302.11 (lg) (b) 2. of the statutes, as affected by 1999 Wisconsin Act . . . (this
12 act), is repealed and recreated to read:

13 302.11 (lg) (b) 2. Refusal by the inmate to participate in counseling or treatment that
14 the social service and clinical staff of the institution determines is necessary for the inmate,
15 including pharmacological treatment using an antiandrogen or the chemical equivalent of an
16 antiandrogen if the inmate is a serious child sex offender as defined in s. 304.06 (lq) (a).

NOTE: Restores statutory language to reflect the expiration of the inmate rehabilitation program established in **SECTION 10.**

1 **SECTION 14.** 978.03 (3) of the statutes is amended to read:

2 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be an attorney
3 admitted to practice law in this state and except as provided in s. 978.044, may perform any
4 duty required by law to be performed by the district attorney. The district attorney of the
5 prosecutorial unit under sub. (1), (1m) or (2) may appoint such temporary counsel as may be
6 authorized by the department of administration.

NOTE: Creates an exception to the general statutory duties of assistant
district attorneys for the assistant district attorney project positions
created under the draft to perform exclusively restorative justice
services.

7 **SECTION 15.** 978.044 of the statutes is created to read:

8 **978.044 Assistants to perform restorative justice services. (1) DEFINITIONS.** In this
9 section:

10 (a) “Crime” has the meaning given in s. 950.02 (1m).

11 (b) “Offender” means an individual who is, or could be, charged with or petitioned for
12 having **committed** a crime.

13 (c) “Victim” has the meaning given in s. 950.02 (4).

14 (2) **DUTIES.** The district attorneys of the prosecutorial units that consist of Dane and
15 Milwaukee Counties shall assign one assistant district attorney in his or her prosecutorial unit
16 to be a restorative justice coordinator. An assistant district attorney assigned under this section
17 to be the restorative justice coordinator shall do all the following:

18 (a) Establish restorative justice programming that provides a forum where an offender
19 meets with his or her victim or engages in other activities to:

20 1. Discuss the impact of the crime on the victim or on the community;

1 2. Provide support to the victim and methods for reintegrating the victim into
2 community life;

3 3. Explore potential restorative responses by the offender; and

4 4. Provide methods for reintegrating the offender into community life. .

5 (b) Provide assistance to the district attorney in other counties relating to the
6 establishment of restorative justice programming, as described in par. (a).

7 (c) Maintain a record of:

8 1. The amount of time spent implementing the requirements of pars. (a) and (b);

9 2. The number of victims and offenders served by programming established under par.

10 **(a);**

11 3. The types of offenses addressed by programming established under par. (a); and

12 4. The rate of recidivism among offenders served by programming established under
13 par. (a) compared to the rate of recidivism by offenders not served by such programming.

14 **(3) REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by the
15 department of administration, the district attorney of the prosecutorial units that consist of
16 Dane and Milwaukee Counties shall submit to the department of administration a report
17 summarizing the records under sub. (2) (c) covering the 12-month period. The department
18 of administration shall maintain the information submitted under this subsection by the district
19 attorney.

20 **(4) EXPIRATION.** This section ceases to apply after June 30, 2003.

NOTE: Authorizes the appointment of one assistant district attorney project position for Dane County and one assistant project position for Milwaukee County to develop and operate restorative justice programming in these counties and to assist district attorneys in other counties in the development and operation of restorative justice programming in those counties. Requires these assistant district attorneys to maintain records regarding restorative justice activities and

submit annual reports to the DOA describing the restorative activities undertaken. Specifies that the district attorney project positions created to perform restorative justice services expire after June 30, 2003.

1 **SECTION 16. Nonstatutory provisions; administration.**

2 (1) **ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES.** (a) In the
3 schedule under section 20.005 (3) of the statutes for the appropriation to the department of
4 administration under section 20.475 (1) (d) of the statutes, for district attorney salaries and
5 fringe benefits, the dollar amount is increased by \$72,200 for fiscal year 1999-00 and the
6 dollar amount is increased by \$96,200 for fiscal year 2000-01.

7 (b) Of the authorized FTE positions for the department of administration under section
8 978.03 of the statutes, 2.0 GPR project positions shall be used for the period ending June 30,
9 2003, to provide one assistant district attorney for Dane County and one assistant district
10 attorney for Milwaukee County, to perform restorative justice services under section 978.044
11 of the statutes.

12 **(2) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION.** The authorized FTE positions for
13 the department of administration are increased by 1 .0 GPR project position to be funded from
14 the appropriation under section 20.505 (10) (a) of the statutes, as created by this act, for the
15 purpose of carrying out the duties of the government-sectarian facilitator under section
16 15.105 (26) beginning on November 1, 1999 and ending on November 1, 2002.

NOTE: Appropriates \$72,200 GPR in fiscal year 1999-2000 and \$96,200 GPR in fiscal year 2000-01 to fund the assistant district attorney project positions created under the draft to perform restorative justice services.

Establishes a full-time government-sectarian facilitator project position with the DOA, effective from November 1, 1999 to November 1, 2002. Provides that the position is to be funded from the appropriation created in **SECTION 3.**

17 **SECTION 17. Nonstatutory provisions; legislative audit bureau.**



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3404/P1

MGD:....mrc

No D-Note yet

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WFO: Please
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9/16
9/15, Thurs.,
By 9 a.m. ~~5:00 p.m.~~
Thanks.

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1 AN ACT ...; relating to: authorizing the appointment of assistant district
2 attorneys to ^{provide} ~~perform~~ restorative justice services; authorizing counties and the
3 department of corrections to contract with religious organizations for the
4 provision of services relating to delinquency and crime prevention and the
5 rehabilitation of offenders; inmate rehabilitation; creating the office of
6 government-sectarian facilitation; establishing a grant program for a
7 neighborhood organization incubator; ^{distributing} ~~distribution of~~ funding for alcohol and
8 other drug abuse services and making an appropriation.

Analysis by the Legislative Reference Bureau

INsect ✓
1-8 →

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

PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on faith-based approaches to crime prevention and justice. The principal features of the draft are:

In particular, the draft does the following:

The draft

Nondiscrimination against religious organizations Specifies that if the DOC or a county is authorized to distribute any grant to, or contract with, a nongovernmental entity, that nongovernmental entity can be a religious organization as long as the programs are implemented consistently with the U.S. and Wisconsin Constitutions. Prohibit the DOC or a county from discriminating against an organization on the basis that the organization does or does not have a religious character or because of the specific religious nature of the organization.

Religious character and freedom Specifies that a religious organization that receives a grant from, or contracts with, the DOC or a county retains its independence from federal, state and local governments, including the organization's control over the definition, development, practice and expression of its religious beliefs. Prohibit the DOC and a county from requiring a religious organization to alter its form of internal governance or remove religious art, icons, scripture or other symbols as a condition of contracting with, or receiving a grant from the DOC or a county.

Rights of beneficiaries of assistance Specifies that if an individual has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded from a program supported with funding administered by the DOC or a county, the DOC or the county must provide the individual assistance of equal value from a nonreligious provider that is accessible to the individual if the individual so requests. Both the DOC and counties are required to provide written information to individuals who are eligible for assistance regarding the availability of assistance from a nonreligious provider.

Employment practices Specifies that a religious organization's exemption recognized under federal law regarding employment practices [42 U.S.C.S. 2000e-1a] is not affected by its participation in programs administered by the DOC or a county.

Nondiscrimination against beneficiaries Prohibits a religious organization from discriminating against an individual in regard to rendering services funded under any DOC or county program on the basis of religion, a religious belief or refusal to actively participate in a religious practice.

Fiscal accountability Specifies that any religious organization that receives grant funding from, or contracts with, the DOC or a county is subject to the same laws and rules as other contractors, to account in accord with generally accepted auditing principles for the use of these funds. If the religious organization segregates funding from the DOC or the county into separate accounts, only the financial assistance provided with these funds is subject to an audit.

Limitations on the use of funds for certain purposes Prohibits any religious organization that receives funding from the DOC or a county from expending any of those funds for sectarian worship, instruction or proselytization.

Certification of compliance Requires every religious organization that contracts with, or receives a grant from, the DOC or a county to provide crime prevention or rehabilitation assistance to eligible recipients to certify in-writing that it has complied with the proscription against discrimination based on religion, religious belief or refusal to actively participate in a religious practice and the proscription against the expenditure of public funds for sectarian worship, instruction or proselytization. Each organization is also required to furnish the department or county board with a copy of this certification and a written description of the policies which the organization has adopted to ensure compliance with these proscriptions.

Compliance Specifies that any party that seeks to enforce its rights under this law may assert a civil action for injunctive relief in an appropriate court against the entity or agency that allegedly commits such violation.

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Preemption Specifies that nothing in the provisions described above should be construed to preempt any other provision of state law, federal law or the U.S. or Wisconsin Constitutions that prohibits or restricts the expenditure of state funds in or by religious organizations.

Inmate Rehabilitation

The DOC provides various services to inmates. Currently, inmate rehabilitation programs operated within Wisconsin prisons are either operated by DOC staff or are purchased from other providers.

The draft requires **the DOC** to permit one or more nonprofit community-based organizations to operate an inmate rehabilitation program in the Milwaukee alcohol and other drug abuse (AODA) treatment facility which is scheduled to commence operations in January 2001, if:

- The organization meets all the requirements set forth in the draft.
- **The DOC** determines that operation of the program does not constitute a threat to the security of the facility or to the safety of inmates *or the p 5 1;*
- **The DOC** determines that operation of the program is in the best interests of the inmates.

An organization *that* wants to operate an inmate rehabilitation program in the facility must submit to **the DOC** a detailed proposal for the operation of a program which *that* includes all of the following:

- A description of the services to be provided, including *aftercare services* *and a description of the geographic area in which aftercare services will be provided*
- A description of the activities to be undertaken and the approximate daily schedule of programming for inmates participating in the program.
- A description of the qualifications of the individuals providing services to inmates.
- A statement of the organization's policies regarding eligibility of inmates to participate in the program.
- A statement of the goals of the program.
- A description of the methods by which the organization will evaluate the effectiveness of the program in attaining *its* *the goals under sub. 51*
- Any other information specified by **the DOC**.

To be eligible to operate a rehabilitation program in the facility, an organization must agree in writing to all of the following:

- The organization may not receive compensation from **the DOC** for services provided in the rehabilitation program.
- The organization may not deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or nonbelief. *or terminate* *stet*
- The organization may suspend an inmate's participation in a program for reasons unrelated to religious beliefs, including the inmate's failure to participate meaningfully in the program. *stet*
- An inmate may withdraw from **the participation in** program at any time.

stet The organization shall provide community-based aftercare services for each inmate who completes the program, upon the inmate's release *and who resides in the area in which the organization is providing such services*

and who resides in the area in which the organization is providing such services

The draft provides that DOC must establish policies ~~which~~ ^{that} provide reasonable access to inmates by an organization operating an inmate rehabilitation program established under the draft.

The draft requires ~~the~~ DOC to designate a specific portion of the facility for operation of the program. To the extent possible, inmates participating in the program must be housed in the portion of the facility in which the program is operated.

The draft provides that ~~the~~ DOC may not require an inmate to participate in an inmate rehabilitation program established under the draft. Further, ~~the~~ DOC may not base any decision regarding an inmate's conditions of confinement, including discipline or an inmate's eligibility for release, on an inmate's participation or nonparticipation in an inmate rehabilitation program established under the draft. The treatment of inmates, including the provision of housing, activities in which an inmate may participate, freedom of movement and work assignments must be substantially the same for inmates who participate in a program and those who do not.

The draft provides that DOC may restrict an inmate's participation in an inmate rehabilitation program established under the draft only if the restriction is necessary for the security of the facility or the safety of the inmates, ^{or the public}.

The draft authorizes ~~the~~ DOC to suspend ^{or terminate} operation of an inmate rehabilitation program established under the draft if the organization operating the program fails to comply with any of the requirements set forth in the draft, ^{and requires DOC to suspend or terminate the program} or if DOC determines that suspension of the program is necessary for the security of the facility or the safety of the inmates, ^{or the public}.

The draft requires ~~the~~ DOC to evaluate or contract with a private or public agency for an evaluation of the effectiveness of the program in reducing recidivism and alcohol and other drug abuse. The draft requires DOC to collect the data and information necessary to evaluate the program and to submit a report of the evaluation to the governor and the appropriate standing committees of the legislature.

Under current law, the parole commission may deny presumptive mandatory release to an inmate on the grounds that the inmate has refused to participate in counseling or treatment that the social service and clinical staff of the institution determines is necessary for the inmate. The draft specifies that the parole commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in an inmate rehabilitation program established under the draft.

The draft provides that the provisions described above expire ^{two} years after an inmate rehabilitation program established under the draft begins operation.

Establishment of the Office of Government-Sectarian Facilitation

The draft creates a temporary office of government-sectarian facilitation in the DOA. The office is headed by an official titled "the facilitator" and is to operate for ^{three} years (from November 1, 1999, to November 1, 2002).

The facilitator is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The facilitator may not be a member of the board of directors, ~~or~~ be otherwise involved in the governance or control of, or be employed by, any faith-based organization ^{which may be} eligible for funding to provide ~~authorized~~ government services. In addition, the facilitator must have experience relevant to the operation of nonprofit organizations or state or local government and must have a demonstrated understanding of state and federal laws regarding nondiscrimination against religious organizations.

The draft appropriates \$57,600 GPR in 1999-00 and \$67,400 GPR in 2000-01 for the office of government-sectarian facilitation, and increases by 1.0 full-time equivalent (FTE) ~~the~~ authorized project positions for ~~the~~ DOA.

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The office of ^government-sectarian facilitation is required to: (1) assist in the implementation of state and federal laws regarding nondiscrimination against religious organizations; and (2) facilitate interaction between faith-based organizations and state and local government. Specifically, the office must do all of the following:

- Provide information on laws ^{regarding} ~~protecting against~~ ^{non} (discrimination against faith-based organizations).
- Assist government agencies in utilizing the services of faith-based organizations in the provision of ~~authorized~~ governmental services.
- Assist faith-based organizations in their efforts to participate in the provision of ~~authorized~~ governmental services.
- Compile and provide to the public information on governmental services available through faith-based organizations.

^{that} ~~which~~ ^g ~~provide that:~~ (1) a religious organization may not discriminate against an individual in regard to rendering assistance ^{that} ~~which~~ funded under any program administered by a state agency or a county on the basis of religion, a religious belief or refusal to actively participate in a religious practice; and (2) no funds provided directly to religious organizations by the state or a county may be expended for sectarian worship, instruction or proselytization.

• ~~Abroadly~~ ^g ~~conduct~~ an evaluation of the extent to which state and local governments are ~~utilizing~~ ^g the services of faith-based organizations in the provision of ~~authorized~~ governmental services, including the extent to which faith-based organizations comply with the laws discussed above. The office must also develop recommendations to increase government utilization of the services of faith-based organizations.

The draft requires the office to submit a report of the evaluation and recommendations to the appropriate standing committees of the legislature, as determined by the speaker of the assembly and president of the senate under s. 13.72 (3), and the governor no later than October 1, 2002.

Establishment of a Neighborhood Organization Incubator Grant Program

Currently, neighborhood organizations may be motivated to provide services to neighborhood residents directed at community concerns such as the need for ~~after-school~~ ^{abuse} recreation for children; prevention and counseling services relating to child, domestic abuse and alcohol and other drug problems; diversion of youth from gang activities, ~~crime prevention~~ and inmate and ex-offender rehabilitation or aftercare. However, many of these organizations do not have the time, resources or technical expertise to ~~gain access~~ [;] to sources of funding that may enable them to address these concerns. This draft authorizes the DHFS to award "incubator grants" to these neighborhood organizations to enable the organization to obtain the funding necessary to achieve these goals.

~~Specifically,~~ ^g the draft authorizes ~~MA~~ DHFS to award a grant to a community-based public or private, nonprofit organization ("an agency") upon submission of an application containing a plan detailing the proposed use of the grant.

A grant recipient is required to do all of the following:

- Provide information to neighborhood organizations about sources of public and private funding.
- Assist neighborhood organizations in obtaining funding and other assistance from public and private entities.

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- . Act as a liaison between the neighborhood organizations and the public and private funding sources.
- . Provide appropriate training and professional development services to members of neighborhood organizations.
- . Engage in outreach efforts to inform neighborhood organizations of the services available from the agency.
- . Undertake other activities to facilitate the effectiveness and development of neighborhood organizations.

The agency receiving a grant is required to submit to ~~the~~ DHFS, within 90 days after spending the entire grant, a report detailing the use of the grant proceeds.

Distribution of AODA Funding

Currently, ~~the~~ DHFS and ~~the~~ DOC administer various programs ~~which~~ ^{that} provide funding for AODA intervention and treatment services.

The draft requires DHFS and DOC to do all of the following:

- . Develop one or more methods to evaluate the effectiveness of AODA intervention and treatment services.
- . Adopt policies to ensure that ^{to} the extent possible under state and federal law, all funding for AODA intervention and treatment services ~~which~~ they administer is distributed based on the effectiveness of the services in reducing alcohol and other drug abuse among recipients of the services.
- . Require every application for funding for AODA intervention or treatment services to include a plan for the evaluation of the effectiveness of the services in reducing alcohol and other drug abuse by recipients of the services.
- . Require every recipient of DOC or DHFS funding for AODA services to provide to DHFS or DOC information necessary to evaluate the effectiveness of the services provided.

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SECTION 1. 15.105 (26) of the statutes is created to read:

~~Deleted~~

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15.105 (26) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION. There is created an office of government-sectarian facilitation, headed by the facilitator, which is attached to the department of administration under s. 15.03. The facilitator shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The facilitator may not be a member of the board of directors of, ~~or~~ ^{be} otherwise involved in the governance or control of, or be employed by, any faith-based organization ~~which may be~~ ^{that} eligible for ~~funding to provide authorized government services.~~ The facilitator shall have experience relevant to the operation of nonprofit organizations or state or local

contracts or grants under ~~s.~~ s. 59.54 (19) ^{of} or 301.065 ^{of}

1 government and shall have a demonstrated understanding of state and federal laws
2 regarding nondiscrimination against religious organizations. This section ceases to
3 apply after November 1, 2002. *sub* *does not*

NOTE: For an explanation of this provision, see the note to SECTION 16.25.

Auto Ref X

Auto Ref X

SECTION 2: 16.25 of the statutes is created to read:

16.25 Office of government-sectarian facilitation. ^{(B)(1)} The office of

6 government-sectarian facilitation shall do all ^{of} the following to assist in the
7 implementation of federal and state laws regarding nondiscrimination against
8 religious organizations in the provision of authorized government services and ^{to}
9 facilitate interaction between faith-based organizations and state and local
10 government:

11 (a) Provide information to state and local governments and other interested
12 persons about ~~the various~~ ^{regarding} laws ^{protecting} ~~against~~ ^{non} discrimination against
13 faith-based organizations in the provision of ~~authorized~~ government services-

14 (b) Assist state and local government ^{agencies} in utilizing the services of
15 faith-based organizations in the provision of ~~authorized~~ government services-

16 (c) Assist faith-based organizations in their efforts to participate in the
17 provision of ~~authorized~~ ^a state and local government services

18 (d) Compile and provide to the public information on state and local
19 government services available through faith-based organizations, *and*

20 (e) Monitor compliance with ss. 46.027 (6) and (9), 49.114 (6) and (9), 59.54 (20)

21 (g) and (j), as created by 1999 Wisconsin Act .(this act) and 301.065 (6) and (9), as

22 created by 1999 Wisconsin Act .(this act) by faith-based organizations *which it*
23 assists that are subject to these requirements. *that*

The office of government-sectarian facilitation shall also do all of the following:

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(B) 7
2

(a) Conduct an evaluation of the extent to which state and local governments utilize the services of faith-based organizations in the ~~provision of~~ ^{providing} ~~authorized~~ government services and the extent to which faith-based organizations comply with the statutes listed in sub. (1)(c).
*(i) (c) ✓
and
state & local*

(b) Develop recommendations to increase & government utilization of services of faith-based organizations.

(7)

~~The office shall~~ submit a report ^{containing} of the evaluation and recommendations to the governor and to the appropriate standing committees of the legislature, as determined by the speaker of the assembly and the president of the senate, under s. 13.172 (3) no later than October 1, 2002.

This section ^{does not} ~~ceases to~~ apply after November 1, 2002.

(B) 7
(3)

NOTE: This SECTION and SECTION ^{2-1 Auto Ref X} create the office of government-sectarian facilitation, headed by the facilitator. The purposes of the office are to: (a) assist in the implementation of federal and state laws regarding nondiscrimination against religious organizations in the provision of ~~authorized~~ government services; and (b) facilitate interaction between faith-based organizations and state and local governments. ~~Specifically that the provisions creating the office of government-sectarian facilitation expire after November 1, 2002.~~
do not apply

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

1999-00 2000-01

20.505 Administration, department of

(10) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION

(a) General program operations GPR A 57,600 67,400

Appropriates \$57,600 GPR in 1999-2000 and \$67,400 GPR in 2000-01 to fund the office of government-sectarian facilitation created in SECTION 3.

SECTION 4. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert

the following amounts for the purposes indicated:

[Handwritten notes and scribbles in the bottom right corner]

1999-00

2000-01

20.435 Health and family services, department

of

(3) CHILDREN AND FAMILY SERVICES

(ft) Neighborhood organization incu-

bator grants

GPR A

100,000

100,000

NOTE: Appropriates \$100,000 GPR in each year of the 1999-2001 biennium to fund the neighborhood organization incubator grant program created in SECTION.

SECTION 20.435 (3) (ft) of the statutes is created to read:

20.435 (3) (ft) NEIGHBORHOOD ORGANIZATION INCUBATOR GRANTS. The amounts in the schedule for neighborhood organization incubator grants under s. 46.72.

NOTE: See the note to SECTION.

SECTION 46.03 of the statutes is created to read:

46.03 PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE INTERVENTION AND TREATMENT SERVICES. The department shall do all of the following:

(a) Develop one or more methods to evaluate the effectiveness of alcohol and other drug abuse intervention and treatment services.

(b) Adopt policies to ensure that to the extent possible under state and federal law, all funding for alcohol and other drug abuse intervention and treatment services administered by the department is distributed based on the effectiveness of the services in reducing alcohol and other drug abuse among recipients of the services.

(c) Require every application for funding for alcohol and other drug abuse intervention or treatment services to include a plan for the evaluation of the effectiveness of the organization in reducing alcohol and other drug abuse by recipients of services.

Insert from Note 4/17

AUTO REF A

Insert 10/6

Insert 10/6

Insert 10/9

21

1 (d) Require^{ing} every recipient of funding for alcohol and other drug abuse
2 intervention and treatment services to provide ~~to the department~~ information
3 requested by the department ~~to~~^{for} evaluating the effectiveness of the program.

^{This section}
NOTE: Requires ~~the~~ DHFS to ensure ~~that~~ to the extent possible under state and federal law, funding for AODA ~~intervention~~ and treatment programs ~~which is~~ administered by DHFS is distributed based on the effectiveness of the service ~~s~~ ^{reducing} alcohol and other drug abuse among recipients of the services. in

4 SECTION 7. 46.72 of the statutes is created to read:

5 **46.72 Neighborhood organization incubator grants. (1) DEFINITIONS.** In

6 this section:

7 (a) "Agency" means a community-based public or private nonprofit
8 organization.

9 (b) "Neighborhood organization" means a ^{community-based,} private nonprofit organization that
10 provides any of the following ^{on programs} services primarily to residents of the area in which the
11 organization is located:

- 12 1. Crime prevention ^{programs}.
- 13 2. After-school and recreational programs for youth.
- 14 3. Child and domestic abuse prevention ^{services}. step
- 15 4. Alcohol and other drug abuse counseling and prevention ^{services}.
- 16 5. ^{Programs of} Diversion of youth from gang activities.
- 17 6. Inmate and ex-offender rehabilitation or aftercare ^{services}.

18 (2) ^{(c) Grants.} ~~PURPOSE, AMOUNT~~. From the appropriation under s. 20.435 (3) (ft), the
19 department shall award grants to agencies to provide services described under sub.
20 (3) to neighborhood organizations. An agency application for a grant shall contain
21 a plan detailing the proposed use of the grant.

22 (3) An agency receiving a grant under this section shall do all of the following:

I
CS Requirements for grant recipients.

Handwritten scribbles and notes on the left margin, including "What is this?" and "Neighborhood organization".

1 (a) Provide information to neighborhood organizations about funding and other
2 assistance ~~which~~ ^{that} may be available to neighborhood organizations from private and
3 public entities.

4 (b) Assist neighborhood organizations in obtaining funding and other
5 assistance from public and private entities.

6 (c) Act as a liaison between neighborhood organizations and public and private
7 entities described under par. (a). 7

8 (d) Provide appropriate training and professional development services to
9 members of neighborhood organizations.

10 (e) Engage in outreach to neighborhood organizations to inform them of the
11 services available from the agency.

12 (f) Undertake any other activities ^{that increase the} ~~which~~ will facilitate the effectiveness and
13 development of neighborhood organizations.

14 (4) REPORT. An agency receiving a grant under this section shall submit to the
15 department within 90 days after spending the full amount of the grant a report
16 detailing the actual use of the proceeds of the grant.

✓ NOTE: ^{This section} Establishes the neighborhood organization incubator grant program.
Under the program, DHFS must award grants to one or more agencies to enable the
agency to assist neighborhood organizations in securing finding and becoming more
effective.

17 SECTION 8. 59.54 (20) of the statutes is created to read:

18 59.54 (20) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definitions*. In this

19 subsection ^{Not}, as defined in

20 "Board" includes any department authorized by the board.

21 2. "Department" has the meaning given in s. 59.60 (2) (a) ^{sub}

22 (b) *General purpose and authority*. The purpose of this section is to allow the
23 board to contract with, or award grants to, religious organizations, under any

1 program dealing with delinquency and crime prevention or the rehabilitation of
 2 offenders administered by the county on the same basis as any other
 3 nongovernmental provider without impairing the religious character of such
 4 organizations, and without diminishing the religious freedom of beneficiaries of
 5 assistance funded under such program.

6 (c) *Nondiscrimination against religious organizations.* If the board is
 7 authorized to contract with a nongovernmental entity, or is authorized to award
 8 grants to a nongovernmental entity, religious organizations are eligible, on the same
 9 basis as any other private organization, as contractors ^{and grantees} under any program
 10 administered by the board so long as the programs are implemented consistently with
 11 the First Amendment of the U.S. Constitution and article I, section 18, of the
 12 Wisconsin Constitution. Except as provided in par. (L), the board may not
 13 discriminate against an organization that is or applies to be a contractor ^{or grantee} on the basis
 14 that the organization does or does not have a religious character or because of the
 15 specific religious nature of the organization.

16 (d) *Religious character and freedom.* 1. The board shall allow a religious
 17 organization with which the board contracts or to which the board awards a grant
 18 to retain its independence from government, including the organization's control
 19 over the definition, development, practice and expression of its religious beliefs.

20 2. The board may not require a religious organization to alter its form of
 21 internal governance or to remove religious art, icons, scripture or other symbols in
 22 order to be eligible for a contract or grant.

23 (e) *Rights of beneficiaries of assistance.* If the board contracts with, or awards
 24 grants to, a religious organization for the provision of crime prevention or offender
 25 rehabilitation assistance under a program administered by the board, an individual

1 who is eligible for this assistance shall be informed in writing that assistance of equal
2 value and accessibility is available from a nonreligious provider upon request. If an
3 individual has an objection to the religious character of the organization from which
4 the individual receives, or would receive, assistance funded under any crime
5 prevention or offender rehabilitation program administered by the board and
6 requests assistance from a nonreligious provider, the board shall provide such
7 individual, if otherwise eligible for such assistance, within a reasonable period of
8 time after the date of the objection with assistance of equal value from a nonreligious
9 provider that is accessible to the individual.

10 (f) **Employment practices.** To the extent permitted under federal law, a religious
11 organization's exemption provided under 42 USC 2000e-1a regarding employment
12 practices is not affected by its participation in, or receipt of funds from, programs
13 administered by the board.

14 (g) **Nondiscrimination against beneficiaries.** A religious organization may not
15 discriminate against an individual in regard to rendering assistance funded under
16 any program administered by the board on the basis of religion, a religious belief or
17 refusal to actively participate in a religious practice.

18 (h) **Fiscal accountability.** 1. Except as provided in subd. 2., any religious
19 organization that contracts with ^{or} receives a grant from ^{the} board is subject to the
20 same laws and rules as other contractors ^{and grantees} to account in accord with generally accepted
21 auditing principles for the use of such funds provided under such programs.

22 2. If the religious organization segregates funds provided under programs
23 administered by the board into separate accounts, ~~then~~ only the financial assistance
24 provided with those funds shall be subject to audit.

1 (i) **Compliance.** Any party that seeks to enforce its rights under this ^{sub} section
2 may assert a civil action for injunctive relief against the entity- that
3 allegedly commits the violation.

4 (j) **Limitations on use of funds for certain purposes.** No funds provided directly
5 to religious organizations by the board may be expended for sectarian worship,
6 instruction or proselytization.

7 (k) **Certification of compliance.** Every religious organization that contracts
8 with ^g or receives a grant from ^g the county board to provide ^{delinquency and} crime prevention or
9 offender rehabilitation- ^{services} to eligible recipients shall certify in writing that
10 it has complied with the requirements of pars. (g) [✓] and (j) [✓] and submit to the board a
11 copy of this certification and a written description of the policies ~~which~~
12 organization has adopted to ensure that it has complied with the requirements under
13 pars. (g) [✓] and (j) [✓].

14 (L) **Preemption.** Nothing in this ^{sub} section may be construed to preempt any
15 provision of federal law, the U.S. Constitution, the Wisconsin Constitution or any
16 other statute that prohibits or restricts the expenditure of federal or state funds in
17 or by religious organizations.

^{This section 8}
NOTE: ~~Authorizes a~~ county board, and county departments authorized by a county
~~board, to contract with~~ or award grants ~~to~~ religious organizations for the provision of
delinquency and crime prevention or offender rehabilitation services on the same basis
as any other nongovernmental provider without impairing the religious character of such
organizations and without diminishing the religious freedom of beneficiaries of services
funded under these programs.

18 **SECTION 9. 301.03 (2t) [✓]** of the statutes is created to read:

19 301.03 (2t) (a) Develop one or more methods to evaluate the effectiveness of
20 alcohol and other drug abuse intervention and treatment services.

21 (b) Adopt policies to ensure that ^{to} the extent possible under state and federal
22 law, all funding for alcohol and other drug abuse intervention and treatment services

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1 administered by the department is distributed based on the effectiveness of the
2 services in reducing alcohol and other drug abuse among recipients of the services.

3 (c) Require every application for funding for an alcohol and other drug abuse
4 intervention or treatment services to include a plan for the evaluation of the
5 effectiveness of the ^{services} in reducing alcohol and other drug abuse by recipients
6 of the services. ^{STET}

7 (d) Require every recipient of funding for alcohol and other drug abuse
8 intervention or treatment services to provide information
9 requested by the department ^{for} to aid in evaluating the effectiveness of the services.

NOTE: ^{This section} Requires the DOC to ensure that, to the extent possible under state and federal law, funding for AODA intervention and treatment programs ~~which is~~ administered by DOC is distributed based on the effectiveness of the services reducing alcohol and other drug abuse among recipients of the services. ⁱⁿ

10 SECTION 10. 301.047 of the statutes is created to read:

11 **301.047 Inmate rehabilitation and aftercare. (1) PROGRAM.** The

12 department shall permit one or more nonprofit community-based organizations to
13 operate ~~an~~ inmate rehabilitation program ³ in the Milwaukee alcohol and other drug
14 abuse treatment facility ^{enumerated in 1997 Wisconsin Act 27, section 9107(1)(b) 1.} which is scheduled to commence operation in January 2001

15 ~~if the organization meets all the requirements set forth in this section and~~ if the
16 department determines that operation of that program does not constitute a threat
17 to the security of the facility or the safety of inmates ^{or the public} and that operation of the
18 program is in the best interest of the inmates.

19 (2) PROGRAM REQUIREMENTS. (a) An organization, shall submit to the
20 department a detailed proposal for the operation of ~~an inmate~~ rehabilitation

21 ^{the} program ^{STET} which includes all of the following:

22 1. A description of the services to be provided, including aftercare services

*and a description of
and the geographic area in which those
aftercare services will be provided*

*meeting the
requirements of
this section*

*seeking to operate a program under
sub (1)*

1 2. A description of the activities to be undertaken and the approximate daily
2 schedule of programming for inmates participating in the program.

3 3. A statement of the qualifications of the individuals providing services.

4 4. A statement of the organization's policies regarding eligibility of inmates to
5 participate in the program.

6 5. A statement of the goals of the program.

7 6. A description of the methods by which the organization will evaluate the
8 effectiveness of the program in attaining the goals under subd. 5. J

9 7. Any other information specified by the department.

10 (b) ^{An organization seeking} ~~To be eligible~~ to operate a rehabilitation program under sub. (1). ✓

11 ~~organization~~ shall agree in writing to all of the following:

12 1. The organization may not receive compensation from the department for
13 services provided in the rehabilitation program.

14 2. The organization may not deny an inmate the opportunity to participate in
15 the program for any reason related to the inmate's religious beliefs or nonbeliefs. ✓

16 ~~organization~~ ^{or terminate} may suspend an inmate's participation in a program for reasons
17 unrelated to religious beliefs, including the inmate's failure to participate
18 meaningfully in the program. ✓

19 3. An inmate may withdraw from participation in the program at any time. ✓

20 4. ^{where?} The organization shall provide community-based aftercare services for each
21 inmate who completes the program, upon the inmate's release. ✓
and who resides in the geographic area described in par. (a)1.

22 (3) DUTIES AND AUTHORITY OF THE DEPARTMENT. (a) The department shall
23 establish policies ^{that} which provide reasonable access to inmates by an organization
24 operating a ^{rehabilitation} program under sub. (1). ✓

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1 (b) The department shall designate a specific portion of the facility for
 2 operation of ^{rehabilitation} a program under sub. (1).[✓] To the extent possible, inmates participating
 3 ^{slot} in the program shall be housed in the-portion of the facility in which the program is
 4 operated.

5 (c) The department may not require an inmate to participate in ^{rehabilitation} a program
 6 under sub. (1).[✓]

7 (d) The department may not base any decision regarding an inmate's conditions
 8 of confinement, including discipline or an inmate's eligibility for release, on an
 9 inmate's ^{decision to} participation ^e or ^{not to} non-participation in a program under sub. (1).[✓]

10 (e) The treatment of inmates, including the provision of housing, activities in
 11 which an inmate may participate, freedom of movement and work assignments shall
 12 be substantially the same for inmates who participate in a program under sub. (1)
 13 and inmates who do not participate in ^{such} a program under sub. (1).[✓]

14 (f) The department may restrict an inmate's participation in a program under
 15 sub. (1) only if the restriction is necessary for the security of the facility or the safety
 16 of the inmates ^{of the public}.

17 (g) The department may suspend ^{or terminate} operation of a program under sub. (1) if ^{an} the
 18 organization ^{operating the program} fails to comply with any of the requirements of this section, ^{if} if the
 19 department determines that suspension ^{on termination} of the program is necessary for the security
 20 of the facility or the safety of the inmates ^{of the public} or is in the best interests of the inmates.[✓]

21 (4) EVALUATION. The department shall evaluate or contract with a public or
 22 private agency for an evaluation of the effectiveness of a program operated under
 23 sub. (1) in reducing recidivism and alcohol and other drug abuse among program
 24 participants. The department shall collect the data and information necessary to
 25 evaluate the program. The department shall submit a report of the evaluation to the:

and shall suspend or terminate
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1999 - 2000 Legislature

(s) ~~Notwithstanding~~ sub. (2)(b) 2., an organization operating a rehabilitation program under sub. (1) [✓].

(Insert from 17/16-18)

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governor and to the appropriate standing committees of the legislature under s. 13.172 (3).
[, as determined by the speaker of the assembly and the president of the senate,

~~EXPIRATION. This section ceases to apply 2 years after an inmate rehabilitation program established under sub. (1) begins operation.~~

^{This section}
NOTE: ~~Requires the DOC to permit one or more community-based organizations to operate an inmate rehabilitation program in the Milwaukee AODA treatment facility, if specified requirements are met. Provides that the requirement expires 2 years after an inmate rehabilitation program begins operations in the Milwaukee AODA facility.~~

SECTION 11. 301.065 of the statutes is created to read:

301.065 Religious organizations; contract powers. (1) RELIGIOUS

ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the department to contract with, or award grants to, religious organizations, under any program administered by the department relating to the prevention of delinquency and crime or the rehabilitation of offenders, on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

(2) **NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.** If the department is authorized under ch. ^{stat} 16 to contract with a nongovernmental entity, or is ~~authorized~~ ^{and grants} to award grants to a nongovernmental entity, religious organizations are eligible, on the same basis as any other private organization, as contractors ^{and grantees} under any program administered by the department so long as the programs are implemented consistent with the First Amendment of the U.S. Constitution and article I, section 18, of the Wisconsin Constitution. Except as provided in sub. (10), the department may not discriminate against an organization that is or applies to be a contractor ^{or grantee} on the basis that the organization does or does not have a religious character or because of the specific religious nature of the organization.

19/4B

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1 (3) RELIGIOUS CHARACTER AND FREEDOM. (a) The department shall allow a
2 religious organization with which the department contracts or to which the
3 department awards a grant to retain its independence from state and local
4 governments, including the organization's control over the definition, development,
5 practice and expression of its religious beliefs.

6 (b) The department may not require a religious organization to alter its form
7 of internal governance or to remove religious art, icons, scripture or other symbols
8 in order to be eligible for a contract or grant.

9 (4) RIGHTS OF BENEFICIARIES OF ASSISTANCE. If the department contracts with
10 or awards grants to ^{of STE} a religious organization for the provisions of crime prevention
11 or offender rehabilitation assistance under a program administered by the
12 department, an individual who is eligible for this assistance shall be informed in
13 writing that assistance of equal value and accessibility is available from a
14 nonreligious provider upon request. If an individual has an objection to the religious
15 character of the organization ~~of institution~~ from which the individual receives, or
16 would receive, assistance funded under any program administered by the
17 department and requests assistance from a nonreligious provider, the department
18 shall provide such individual, if otherwise eligible for such assistance, within a
19 reasonable period of time after the date of the objection with assistance of equal value
20 from a nonreligious provider that is accessible to the individual.

21 (5) EMPLOYMENT PRACTICES. To the extent permitted under federal law, a
22 religious organization's exemption provided under 42 USC 2000e-1a regarding
23 employment practices is not affected by its participation in, or receipt of funds from,
24 programs administered by the department.

1 (6) **NONDISCRIMINATION AGAINST BENEFICIARIES.** A religious organization may not
2 discriminate against an individual in regard to rendering assistance funded under
3 any program administered by the department on the basis of religion, a religious
4 belief or refusal to actively participate in a religious practice.

5 (7) **FISCAL ACCOUNTABILITY.** (a) Except as provided in par. (b),[✓] any religious
6 organization that contracts with, or receives a grant from, the department is subject
7 to the same laws and rules as other contractors^{and grantees} to account in accord with generally
8 accepted auditing principles for the use of such funds provided under such programs.

9 (b) If the religious organization segregates funds provided under programs
10 administered by the department into separate accounts, ~~then~~ only the financial
11 assistance provided with those funds shall be subject to audit.

12 (8) **COMPLIANCE.** Any party that seeks to enforce its rights under this section[✓]
13 may assert a civil action for injunctive relief against the entity ~~or agency~~ that
14 allegedly commits the violation.

15 (9) **LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.** No funds provided
16 directly to religious organizations by the department may be expended for sectarian
17 worship, instruction or proselytization.

18 (10) **CERTIFICATION OF COMPLIANCE.** Every religious organization that contracts
19 with, or receives a grant from, the department to provide^{delinquency and} crime prevention or
20 offender rehabilitation^{service} assistance to eligible recipients shall certify in writing that
21 it has complied with the requirements of subs. (6)[✓] and (9)[✓] and submit to the
22 department a copy of this certification and a written description of the policies ~~which~~
23 the organization has adopted to ensure that it has complied with the requirements
24 under subs. (6)[✓] and (9)[✓].

1 (11) **PREEMPTION.** Nothing in this section may be construed to preempt any
 2 provision of federal law, the U.S. Constitution, the Wisconsin Constitution or any
 3 other statute that prohibits or restricts the expenditure of federal or state funds in
 4 or by religious organizations.

NOTE: ^{This section} ~~Authorizes the~~ DOC to contract with, or award grants to, religious organizations for the provision of delinquency and crime prevention or offender rehabilitation services on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs.

5 SECTION 12. 302.11 (lg) (b) 2.^J of the statutes is amended to read:

6 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
 7 treatment that the social service and clinical staff of the institution determines is
 8 necessary for the inmate, including pharmacological treatment using an
 9 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
 10 child sex offender as defined in s. 304.06 (lq) (a). The parole commission may not
 11 deny nresumntive mandatorv release to an inmate because of the inmate's refusal
 12 fo participate in a rehabilitation program under 301.047. ✓

NOTE: ^{This section} Provides that the parole commission may not deny presumptive mandatory release to ~~an~~ inmate because of the inmate's refusal to participate in the inmate rehabilitation program established in SECTION ~~12~~. ^{Autony D}

13 ~~SECTION 12.~~ 302.11 (lg) (b) 2. of the statutes, as affected by 1999 Wisconsin Act

14 ^{Autony D} ↓
 ... (this act), is repealed and recreated to read:

15 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
 16 treatment that the social service and clinical staff of the institution determines is
 17 necessary for the inmate, including pharmacological treatment using an
 18 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
 19 child sex offender as defined in s. 304.06 (lq) (a).

NOTE: ^{This section} Restores statutory language to reflect the expiration of the inmate rehabilitation program established in SECTION,.

^{Autony D}

~~SECTION 14~~ SECTION 14. 978.03 (3) of the statutes is amended to read:

978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be an attorney admitted to practice law in this state and, except as provided in s. 978.044, may perform any duty required by law to be performed by the district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2) may appoint such temporary counsel as may be authorized by the department of administration.

NOTE: ^{This sect.} Creates an exception to the general statutory duties of assistant district attorneys for the assistant district attorney project positions created under the draft to perform exclusively restorative justice services.

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SECTION 15. 978.044 of the statutes is created to read:

978.044 Assistants to perform restorative justice services. (1)

DEFINITIONS. In this section:

(a) "Crime" has the meaning given in s. 950.02 (1m).

still

(b) "Offender" means an individual who ~~is, or could be, charged with or~~ ^{is} petitioned for having committed a crime.

(c) "Victim" has the meaning given in s. 950.02 (4).

(2) DUTIES. The district attorneys of the prosecutorial ~~unit~~ ^{each} that consist of Dane and Milwaukee Counties shall assign one assistant district attorney in his or her prosecutorial unit to be a restorative justice coordinator. An assistant district attorney assigned under this section to be the restorative justice coordinator shall do all the following:

(a) Establish restorative justice programming that provides a forum where an offender meets with his or her victim or engages in other activities to:

do all of the following:

- 1. Discuss the impact of the crime on the victim or on the community@

offender's

1 2. Provide support to the victim and methods for reintegrating the victim into
2 community life.

3 3. Explore potential restorative responses by the offender; ~~and~~

4 4. Provide methods for reintegrating the offender into community life.

5 (b) Provide assistance to the district attorney in other counties relating to the
6 establishment of restorative justice programming, as described in par. (a).

7 (c) Maintain a record of *all of the following*

8 1. The amount of time spent implementing the requirements of pars. (a) and
9 (b).

10 2. The number of victims and offenders served by programming established
11 under par. (a).

12 3. The types of offenses addressed by programming established under par. (a)
13 *and*

14 4. The rate of recidivism among offenders served by programming established
15 under par. (a) compared to the rate of recidivism by offenders not served by such
16 programming.

17 (3) REPORT TO DEPARTMENT OF ADMINISTRATION. Annually, on a date specified by
18 the department of administration, the district attorney ⁵ of ~~the prosecutorial units~~
19 ~~that consist of~~ Dane and Milwaukee ^{each} Counties shall submit to the department of
20 administration a report summarizing the records under sub. (2) (c) covering the
21 ^{preceding} 12-month period. The department of administration shall maintain the information
22 submitted under this subsection by the district attorney.

23 (4) EXPIRATION. This section ^{does not} ~~ceases to~~ apply after June 30, 2003.

NOTE: ^{This section} Authorizes ~~the appointment of~~ ^{one} assistant district attorney project
position for Dane County and one assistant project position for Milwaukee County ~~to~~ for
develop and operate restorative justice programming in these counties and ~~to~~ assist, ^{my}
ing *district attorney*
attorney

district attorneys in other counties in the development and operation of restorative justice programming in those counties. Requires these assistant district attorneys to maintain records regarding restorative justice activities and submit annual reports to the DOA describing the restorative activities undertaken. Specifies that the district attorney project positions created to perform restorative justice services ~~expire~~ after June 30, 2003.

SECTION 16. Nonstatutory provisions; administration.

(1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. (a) In the

schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.475 (1)(d) of the statutes, for district attorney salaries and fringe benefits, the dollar amount is increased by \$72,200 for

fiscal year 1999-00 and the dollar amount is increased by \$96,200 for fiscal year 2000-01. ^{to fund} ~~to increase the authorized FTE positions for the department by 2.0~~ ^{GPR project positions authorized under section 4 of this act.}

(b) Of the authorized FTE positions for the department of administration under section 978.03 of the statutes, 2.0 GPR project positions shall be used for the period ending June 30, 2003, to provide one assistant district attorney for Dane County and

one assistant district attorney for Milwaukee County to perform restorative justice services under section 978.044 of the statutes.

(2) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION. The authorized FTE positions for the department of administration are increased by 1.0 GPR project position to be funded from the appropriation under section 20.505 (10) (a) of the statutes, as created by this act, for the purpose of administering the office of ~~carrying out the duties of the~~ government-sectarian facilitator ^{ION} under section 15.105 (26) ^{of the statutes, as created by this act,} beginning on November 1, 1999 and ending on November 1, 2002.

NOTE: Appropriates \$72,200 GPR in fiscal year 1999-2000 and \$96,200 GPR in fiscal year 2000-01 to fund the assistant district attorney project positions created under the draft to perform restorative justice services.

NOTE: Establishes a full-time government-sectarian facilitator project position with the DOA, effective from November 1, 1999, to November 1, 2002. Provides that the position is to be funded from the appropriation created in SECTION 16.

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AUTO REF I
Section 16
Appropriation changes; Administration.

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INSERT 25/18b (to Insert 25/18)

in those positions

do not apply

judicio

(it also

to

AUTO REF E

AUTO REF E

including insert 26/0
Move to 25/1 (after insert 25/1 and after text from 25/10-18 but before "Section xx Approp. chgs.")

insert 26/0 →

1 SECTION 17. Nonstatutory provisions; legislative audit bureau.

(1) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2002, the legislative audit bureau shall evaluate, on a quantitative and qualitative basis, the success of restorative justice programming in Dane and Milwaukee Counties in serving victims, offenders, and communities affected by crime and shall report its findings to the appropriate standing committees of the legislature, as determined by the speaker of the assembly and the president of the senate, under section 13.172 (3).

^{This section}
NOTE: Requires the legislative audit bureau, by October 1, 2002, to conduct a quantitative and qualitative evaluation of the success of restorative justice programming in serving victims, offenders and communities affected by crime and to report these findings to appropriate committees of the legislature.

8 SECTION 18. Effective dates. This act takes effect on the day after publication

9 except as follows:

10 (1) The ^{repeal of section 301.047, as created by this act and the} amendment of section 302.11 (1g) (b) 2 ^(of the statutes) of the statutes ~~Section 18~~ takes effect 2 years after ~~establishment of a inmate rehabilitation program under~~ ~~section 301.047 (1) of the statutes as created by 1999 Wisconsin Act (this act).~~

12 NOTE: See the note following SECTION 18.

(END)

Auto ref 6 Q

the certification described in Section 4 of this act occurs.

Auto REF J

13
repeal and recreation

insert 26/12

Search auth govt docs.
state
local
state local

intro notes
analysis
cross-refs?
After talk to Mary, make changes in Notes

Auto ref B → insert 11/33 + §4
10/6
20
20/0
25/6

1 **INSERT 118**

 This bill is explained in the ^{CG}NOTES provided by the joint legislative council in the bill.

2 **INSERT 710**

3 **SECTION ~~4~~[#] 15.01 (6)** of the statutes is amended to read:

4 15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a
5 department or an independent agency, whether specifically created by law or created
6 by the head of the department or the independent agency for the more economic and
7 efficient administration and operation of the programs assigned to the department
8 or independent agency. The office of justice assistance and the offke of
9 government-sectarian facilitation in the department of administration and the
10 office of credit unions in the department of financial institutions have the meaning
11 of "division" under this subsection. The office of the long-term care ombudsman
12 under the board on aging and long-term care and the office of educational
13 accountability in the department of public instruction have the meaning of "bureau"
14 under this subsection.

History: 1977 c. 29.274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16,107. 210,215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442,462; 1997 a. 27,237.

1 5 **SECTION ~~4~~[#] 15.02 (3) (c) 1.** of the statutes is amended to read:

16 15.02 (3) (c) 1. The principal subunit of the department is the "division". Each
17 division shall be headed by an "administrator". The office of justice assistance and
18 the offke of government-sectarian facilitation in the department of administration
19 and the office of credit unions in the department of financial institutions have the
20 meaning of "division" and the executive staff director of the office of justice assistance
21 and the facilitator heading the office of government-sectarian facilitation in the

1 department of administration and the director of credit unions have the meaning of
2 "administrator" under this subdivision.

History: 1971 c. 261; 1973 c. 12; 1975 c. 39; 1977 c. 29; c. 221; 1987 a. 27, 399; 1993 a. 184, 215, 491; 1995 a. 27 ss. 75, 76, 76c and 9145 (1); 1997 a. 27.

3 **SECTION@. 15.105 (title)** of the statutes is amended to read:

4 **15.105 (title) Same; attached boards, commissions and office offices.**

History: 1971 c. 40, 164,270; 1973 c. 90,333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27,91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204,342; 1989 a. 31, 56, 107,345; 1991 a. 212,269; 1993 a. 75, 246, 349, 437, 465, 491; 1995 a. 27 ss. 79 to 118p, 9116 (5), 9126 (19); 1995 a. 221,225; 1997 a. 3, 27, 247.

5 **INSERT 10/6** *Auto ref G*

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

8 **1999-00** **2000-01**

9 **20.435 Health and family services, department**

10 **of**

11 **(3) CHILDREN AND FAMILY SERVICES**

12 **(ft) Neighborhood organization incu-**

13 **bator grants**

GPR A 100,000 100,000

14 **20.505 Administration, department of**

15 **(4) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION**

16 **(em) General program operations** GPR A **57,600** **67,400**

NOTE: See the note to SECTION 20.005. *Appropriates \$ 57,600 in fiscal year 1999-00 and \$67,400 in fiscal year 2000-01 to fund the office of government-sectarian facilitation created in SECTION #.* *Auto Ref*

17 **INSERT 10/9**

18 **SECTION 4. 20.505 (4) (title)** of the statutes is amended to read:

19 **20.505 (4) (title) ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS AND**

20 **OFFICE** *S ← (C6)*

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157,305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224,397; 1977 c. 29; 1977 c. 196 ss. 70,131; 1977 c. 377 s. 30.1977 c. 418 s. 929 (l), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62,121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296a, 296b, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593g to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199,227 to 229m, 233, 666g to 692; 1997 a. 237,283.

Two

Establishment of ~~Two~~ Assistant District Attorney Positions to Engage in Restorative Justice

Current law specifies that each county shall have one district attorney. Current law also authorizes the appointment of one or more deputy district attorneys for the larger population counties and one or more assistant district attorneys for all counties, as requested by the department of administration (DOA) and authorized by law. This draft authorizes ~~the appointment of~~ one assistant district attorney project position for Dane County and one assistant district attorney project position for Milwaukee County to develop and operate restorative justice programming in these counties and to assist district attorneys in other counties in the development and operation of restorative justice programming in those counties. The draft appropriates \$72,200 general purpose revenue (GPR) in fiscal year 1999-00 and \$96,200 GPR in fiscal year 2000-01 for these purposes.

Restorative justice programming broadens the focus of the criminal and juvenile justice systems. It focuses on victim needs, seeks victim and community input into the criminal and juvenile justice process and holds offenders accountable to those directly harmed by their criminal or delinquent acts. One common restorative justice program involves the establishment of neighborhood panels of residents ~~which meet to discuss the impact of a crime or delinquent act and collaboratively, with all the stakeholders, work to develop a plan to repair the harm caused by the criminal or delinquent act.~~ Another common restorative justice program is victim-offender conferencing, where an offender meets with the victim or a member of the victim's family and other appropriate persons, in order to: (1) discuss the impact of the offense on the victim and the community; (2) provide support to the victim and facilitate the reintegration of the victim into community life; (3) explore appropriate restorative responses by the offender; and (4) facilitate the reintegration of the offender into community life.

The draft requires the assistant district attorneys funded under the draft to maintain records regarding restorative justice activities. ~~The Dane and Milwaukee County district attorneys~~ are required under the draft to submit to the DOA annual reports describing the restorative justice activities undertaken, including the number of victims and offenders served, the types of crimes or juvenile offenses involved and the rates of recidivism among offenders served by restorative justice programming.

district attorneys for

each of them has

The ~~assistant district attorney~~ project positions created under the draft ~~to perform restorative justice services~~ ^{start} expire after June 30, 2003. In order to aid the legislature in determining whether to continue these positions by making them permanent, the legislative audit bureau is required by October 1, 2002, to conduct a quantitative and qualitative evaluation of the success of restorative justice programming in serving victims, offenders and communities affected by crime and to report these findings to the appropriate committees of the legislature, as determined by the speaker of the assembly and the president of the senate, under s. 13.172 (3).

Nondiscrimination Against Religious Organizations

Current law imposes duties on the department of corrections (DOC) and counties relating to crime prevention and the rehabilitation of offenders. This draft authorizes the DOC and counties to contract with, or award grants to, religious organizations for use in the prevention of delinquency and crime and the rehabilitation of offenders on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs. These provisions are comparable to provisions of current law that address the issue of discrimination against religious organizations that apply to the department of health and family services (DHFS) and department of workforce development (DWD).

1 SECTION ~~7~~ 20.505 (4) (em) of the statutes is created to read:

2 20.505 (4) (em) *Office of government-sectarian facilitation*. The amounts in the
3 schedule for the general program operations of the office of government-sectarian
4 facilitation.

NOTE: See the note to SECTION ~~7~~ *Autoref B*

5 INSERT 15117

6 SECTION ~~7~~ 230.08 (2) (e) 1. of the statutes is amended to read:

7 230.08 (2) (e) 1. Administration - ~~12~~ 13.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237.

8 INSERT 19/4A

9 SECTION 7. 301.047 of the statutes, as created by 1999 Wisconsin Act ... (this
10 act), is repealed.

11 INSERT 19/4B

12 SECTION ~~7~~ 301.047 of the statutes, as created by 1999 Wisconsin Act ... (this
13 act), is repealed.

Autoref H
(CS) NOTE: This section and section (1) sunset the inmate rehabilitation program under
(CS) section, 2 years after any such program begins operation.

14 INSERT 25/1A *Autoref D*

15 SECTION ~~7~~ 978.05 (8) (b) of the statutes is amended to read:

16 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
17 978.044, make appropriate assignments of the staff throughout the prosecutorial
18 unit. The district attorney may request the assistance of district attorneys, deputy
19 district attorneys or assistant district attorneys from other prosecutorial units or
20 assistant attorneys general who then may appear and assist in the investigation and
21 prosecution of any matter for which a district attorney is responsible under this
22 chapter in like manner as assistants in the prosecutorial unit and with the same

1 authority as the district attorney in the unit in which the action is brought. Nothing
2 in this paragraph limits the authority of counties to regulate the hiring, employment
3 and supervision of county employees.

History: 1989 a. 31, 117.336; 1991 a. 16, 32, 39; 1993 a. 98; 1995 a. 27 ss. 7291, 7292, 9116(5), 9130 (4); 1995 a. 77, 201, 448, Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 3, 35, 73.

4 **INSERT 25/1B**

5 (1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The
6 authorized FTE positions for the department of administration are increased by 2.0
7 GPR project positions, to be funded from the appropriation under section 20.475 (1)
8 (d) of the statutes, for the purpose of providing ^{25/1Bb} (insert from 25-11 to 26-7)

9 **INSERT 25118**

10 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
11 to the department of administration under section 20.475 (1) (d) of the statutes, as
12 affected by the acts of 1999, the dollar amount is increased by \$72,200 for fiscal year
13 1999-00 and the dollar amount is increased by \$96,200 for fiscal year 2000-01 to
14 fund 2.0 FTE GPR project positions authorized under ^{CS} section of this act.

15 **INSERT 26/0**

AUTO REF J

AUTO REF E

16 **SECTION 10. Nonstatutory provisions; corrections.**

17 (1) CERTIFICATION REGARDING INMATE REHABILITATION PROGRAM. No more than 7
18 days after an inmate begins receiving services through a program established under
19 section 301.047 (1) of the statutes, as created by this act, the department of
20 corrections shall certify to the revisor of statutes that the program has commenced
21 operations. Upon the certification, the revisor of statutes shall publish notice in the
22 Wisconsin Administrative Register of that fact.

23 **INSERT 26/9**

1 (2) TERMINATION OF NONPROFIT REHABILITATION PROGRAM. The repeal of section
2 301.047 of the statutes takes effect two years after the rehabilitation program
3 established under section 301.047 of the statutes begins operation.

4 **INSERT 26/12**

Autoref I

~~DATE~~

5 (2) ~~TERMINATION OF NONPROFIT REHABILITATION PROGRAM.~~ SECTION (1) (b) of this
6 act and the treatment of section 20.005 (3) (schedule) of the statutes by SECTION of
7 this act takes effect on the day after publication of the 2001-03 biennial budget act.

Autoref G