



State of Wisconsin
1999 - 2000 LEGISLATURE

D-Note

LRB-3404/P3
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 A N ~~ACT to repeal~~ 301.047; to amend 15.01 (6), 15.02 (3) (c) l., 15.105 (title),
2 20.505 (4) (title), 230.08 (2) (e) l., **302.11** (1g) (b) 2., 978.03 (3) and **976.05** (8) (b);
3 **to repeal and recreate 302.11** (1g) (b) 2.; and **to create 15.105** (26), **16.25**,
4 20.435 (3) (ft), 20.505 (4) (em), 46.03 (44), 46.72, 59.54 (27), 301.03 (2t), 301.047,
5 301.065 and 978.044 of the statutes; **relating to:** authorizing the appointment
6 of assistant district attorneys to provide restorative justice services;
7 authorizing counties and the department of corrections to contract with
8 religious organizations for the provision of services relating to delinquency and
9 crime prevention and the rehabilitation of offenders; inmate rehabilitation;
10 creating the office of government-sectarian facilitation; establishing a grant

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program for a neighborhood organization incubator; distributing funding for alcohol and other drug abuse services and making an appropriation.

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Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the joint legislative council in the bill.

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:

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 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 that 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 victims 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 each of them has 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 County

The restorative justice assistant district attorney project positions created under the draft 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 & 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.** The draft 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. The draft prohibits the DOC or a county from discriminating against an organization because the organization does or does not have a religious character or because of the specific religious nature of the organization.

● **Religious character and freedom.** The draft 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. The draft prohibits the DOC and each 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 the county.

X ● **Rights of beneficiaries of assistance.** The draft 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.** The draft specifies that a religious organization's exemption recognized under federal law regarding employment practices [42 USC 2000e-1a] is not affected by its participation in programs administered by the DOC or a county.

***Nondiscrimination against beneficiaries.** The draft 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.** The draft 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 and grantees regarding accounting 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.** The draft 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.** The draft 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 the organization has adopted to ensure compliance with these proscriptions.

***Remedy for violation.** The draft 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.** The draft 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 public.
- 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 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 goals.
- 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 or terminate 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 participation in the program at any time.
- Upon the inmate's release, the organization shall provide community-based aftercare services for each inmate who completes the program and who resides in the area in which the organization is providing such services.

The draft provides that DOC must establish policies 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. (5)

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 if DOC determines that suspension or termination of the program is necessary for the security of the facility or the safety of the inmates or the public or that suspension or termination 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.~~ (2) (Dn) ✓

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

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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, be otherwise involved in the governance or control of, or be employed by any faith-based organization eligible for funding to provide government services under the draft. 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) 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 regarding nondiscrimination against faith-based organizations.
- Assist government agencies in utilizing the services of faith-based organizations in the provision of governmental services.
- Assist faith-based organizations in their efforts to participate in the provision of governmental services.
- Compile and provide to the public information on governmental services available through faith-based organizations.
- Monitor compliance, by faith-based organizations that it assists, with laws that 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.
- Conduct an evaluation of the extent to which state and local governments are utilizing the services of faith-based organizations in the provision of 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. 13.172(8), and the governor no later than October 1, 2002.

13.172(3)

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 abuse, 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.

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 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 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.

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

1 15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a
 2 department or an independent agency, whether specifically created by law or created
 3 by the head of the department or the independent agency for the more economic and
 4 efficient administration and operation of the programs assigned to the department
 5 or independent agency. The office of justice assistance and the offke of
 6 government-sectarian facilitation in the department of administration and the
 7 office of credit unions in the department of financial institutions have the meaning
 8 of "division" under this subsection. The office of the long-term care ombudsman
 9 under the board on aging and long-term care and the office of educational
 10 accountability in the department of public instruction have the meaning of "bureau"
 11 under this subsection.

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

13 15.02 (3) (c) 1. The principal subunit of the department is the "division". Each
 14 division shall be headed by an "administrator". The office of justice assistance and
 15 the office of government-sectarian facilitation in the department of administration
 16 and the office of credit unions in the department of financial institutions have the
 17 meaning of "division" and the executive staff director of the offke of justice assistance
 18 and the facilitator heading the offke of government-sectarian facilitation in the
 19 department of administration and the director of credit unions have the meaning of
 20 "administrator" under this subdivision.

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

22 15.105 (title) **Same; attached boards, commissions and office offices,**
 23 A.R. (A)

24 **SECTION 4.** 15.105 (26) of the statutes is created to read:

25 15.105 (26) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION. There is created an
 offke of government-sectarian facilitation, headed by the facilitator, which is

AR (A)
 See the Note to Section 5.
 Note: See the Note to Section 5.

1 attached to the department of administration under s. 15.03. The facilitator shall
 2 be nominated by the governor, and with the advice and consent of the senate
 3 appointed, to serve at the pleasure of the governor. The facilitator may not be a
 4 member of the board of directors of, be otherwise involved in the governance or
 5 control of, or be employed by any faith-based organization eligible for contracts or
 6 grants under s. 59.54 (27) or 301.065. The facilitator shall have experience relevant
 7 to the operation of nonprofit organizations or state or local government and shall
 8 have a demonstrated understanding of state and federal laws regarding
 9 nondiscrimination against religious organizations. This subsection does not apply
 10 after November 1, 2002.

NOTE: For an explanation of this provision, see the NOTE to SECTION 5.

11 SECTION ^{SEC. A.R. (H)} 16.25 of the statutes is created to read:

12 **16.25 Office of government-sectarian facilitation.** (1) The office of
 13 government-sectarian facilitation shall do all of the following to assist in the
 14 implementation of federal and state laws regarding nondiscrimination against
 15 religious organizations in the provision of government services and to facilitate
 16 interaction between faith-based organizations and state and local governments:

17 (a) Provide information to state and local governments and other interested
 18 persons about laws regarding nondiscrimination against faith-based organizations
 19 in the provision of government services.

20 (b) Assist state and local governments in ^{using} ~~utilizing~~ the services of faith-based
 21 organizations in the provision of government services.

22 (c) Assist faith-based organizations in their efforts to participate in the
 23 provision of government services.

1 (d) Compile and provide to the public information on state and local
2 government services available through faith-based organizations.

3 (e) Monitor compliance with ss. 46.027 (6) and (9), 49.114 (6) and (9), 59.54 (27)
4 (g) and (j) and 301.065 (6) and (9) by faith-based organizations that it assists.

5 (2) The office of government-sectarian facilitation shall also do all of the
6 following:

7 (a) Conduct an evaluation of the extent to which state and local governments
8 utilize the services of faith-based organizations in providing government services
9 and the extent to which faith-based organizations comply with the statutes listed in
10 sub. (1) (e).

11 (b) Develop recommendations to increase state and local government
12 utilization of services of faith-based organizations.

13 (c) Submit a report containing its evaluation and recommendations to the
14 governor and to the appropriate standing committees of the legislature, as
15 determined by the speaker of the assembly and the president of the senate, under s.
16 13.172 (3), no later than October 1, 2002.

17 (3) This section does not apply after November 1, 2002.

X NOTE: This SECTION and SECTION 6 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 government services; and (b) facilitate interaction
between faith-based organizations and state and local governments. The provisions
creating the office of government-sectarian facilitation do not apply after November 1,
2002. A.R. (C) -

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

1 1999-00 2000-01

2 **20.435 Health and family services, department**

3 **of**

4 (3) CHILDRENANDFAMILYSERVICES

5 (ft) Neighborhood organization incu-

6 bator grants GPR A 100,000 100,000

NOTE: This SECTION appropriates \$100,000 GPR in each year of the 1999-2001 biennium to fund the neighborhood organization incubator grant program created in SECTION 7. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:*

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

9 1999-00 2000-01

10 **20.435 Health and family services, department**

11 **of**

12 (3) CHILDRENANDFAMILYSERVICES

13 (ft) Neighborhood organization incu-

14 bator grants GPR A 100,000 100,000

15 SECTION 8. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

17 1999-00 2000-01

18 **20.505 Administration, department of**

19 (4) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION

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

NOTE: 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 4.

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Wisconsin Act 1999... (Assembly Bill 133) as affected by

v.A.R. (B) 12 and

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(Need in both places)

insert attached

GPR

A.R. (A) 4

SECTION 9. 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 9.

(6) ← A.R. (C)

SECTION 10. 20.505 (4) (title) of the statutes is amended to read:

20.505 (4) (title) ATTACHED DIVISIONS, -BOARDS, COUNCILS AND COMMISSIONS AND OFFICES.

SECTION 11. 20.505 (4) (em) of the statutes is created to read:

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

NOTE: See the note to SECTION 9.

(6) ← A.R. (C)

SECTION 12. 46.03 (44) of the statutes is created to read:

46.03 (44) PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE INTERVENTION AND TREATMENT SERVICES. Promote efficient use of resources for alcohol and other drug abuse intervention and treatment services by doing all of the following:

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

(b) Adopting 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) Requiring every application for funding for alcohol and other drug abuse
2 intervention or treatment services to include a plan for the evaluation of the
3 effectiveness of the services in reducing alcohol and other drug abuse by recipients
4 of services.

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

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

8 **SECTION 13. 46.72** of the statutes is created to read:

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

11 (a) "Agency" means a community-based public or private nonprofit
12 organization.

13 (b) "Neighborhood organization" means a community-based, private nonprofit
14 organization that provides any of the following services or programs primarily to
15 residents of the area in which the organization is located:

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

22 (2) **GRANTS.** From the appropriation under s. 20.435 (3) (ft), the department
23 shall award grants to agencies to provide services described under sub. (3) to

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

3 (3) REQUIREMENTS FOR GRANT RECIPIENTS. An agency receiving a grant under
4 this section shall do all of the following:

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

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

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

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

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

16 (f) Undertake any other activities that will increase the effectiveness and
17 facilitate the development of neighborhood organizations.

18 (4) REPORT. An agency receiving a grant under this section shall submit to the
19 department within 90 days after spending the full amount of the grant a report
20 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 funding and becoming more
effective.

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21 SECTION 14. 59.54 (27) of the statutes is created to read:

1 59.54 (27) **RELIGIOUS ORGANIZATIONS; CONTRACT POWERS.** (a) **Definition.** In this
2 subsection, "board" includes any department, as defined in s. 59.60 (2) (a), ~~authorized~~
3 ~~by the board.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: This **SECTION** 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 15.** 230.08 (2) (e) 1. of the statutes is amended to read:

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

3 **SECTION 16.** 301.03 (2t) of the statutes is created to read:

4 301.03 **(2t)** (a) Develop one or more methods to evaluate the effectiveness of
5 alcohol and other drug abuse intervention and treatment services.

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

10 (c) Require every application for funding for ~~an~~ ^{an} alcohol and other drug abuse
11 intervention or treatment services to include a plan for the evaluation of the
12 effectiveness of the services in reducing alcohol and other drug abuse by recipients
13 of the services.

14 (d) Require every recipient of funding for alcohol and other drug abuse
15 intervention or treatment services to provide information requested by the
16 department for evaluating the effectiveness of the services.

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

17 ~~SECTION 17.~~ ^{A.R. (E) 2} 301.047 of the statutes is created to read:

18 **301.047 Inmate rehabilitation and aftercare. (1) PROGRAM.** The
19 department shall permit one or more nonprofit community-based organizations
20 meeting the requirements of this section to operate inmate rehabilitation programs
21 in the Milwaukee alcohol and other drug abuse treatment facility enumerated in

1 1997 Wisconsin Act 27, section 9107 (1) (b) 1. if the department determines that
2 operation of that program does not constitute a threat to the security of the facility
3 or the safety of inmates or the public and that operation of the program is in the best
4 interest of the inmates.

5 (2) , PROGRAM REQUIREMENTS. (a) An organization seeking to operate a
6 rehabilitation program under sub. (1) shall submit to the department a detailed
7 proposal for the operation of the program which includes all of the following:

8 1. A description of the services to be provided, including aftercare services, and
9 a description of the geographic area in which aftercare services will be provided.

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

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

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

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

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

18 7. Any other information specified by the department.

19 (b) An organization seeking to operate a rehabilitation program under sub. (1)
20 shall agree in writing to all of the following:

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

23 2. The organization may not deny an inmate the opportunity to participate in
24 the program for any reason related to the inmate's religious beliefs or nonbelief.

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

1 4. Upon the inmate's release, the organization shall provide community-based
2 aftercare services for each inmate who completes the program and who resides in the
3 geographic area described in par. (a) 1.

4 (3) DUTIES AND AUTHORITY OF THE DEPARTMENT. (a) The department shall
5 establish policies that provide reasonable access to inmates by an organization
6 operating a rehabilitation program under sub. (1).

7 (b) The department shall designate a specific portion of the facility for
8 operation of a rehabilitation program, if one is established, under sub. (1). To the
9 extent possible, inmates participating in the program shall be housed in the portion
10 of the facility in which the program is operated.

11 (c) The department may not require an inmate to participate in a rehabilitation
12 program under sub. (1).

13 (d) The department may not base any decision regarding an inmate's conditions
14 of confinement, including discipline or an inmate's eligibility for release, on an
15 inmate's decision to participate or not to participate in a rehabilitation program
16 under sub. (1).

17 (e) The treatment of inmates, including the provision of housing, activities in
18 which an inmate may participate, freedom of movement and work assignments shall
19 be substantially the same for inmates who participate in a rehabilitation program
20 under sub. (1) and inmates who do not participate in such a program.

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

24 (g) The department may suspend or terminate operation of a rehabilitation
25 program under sub. (1) if an organization operating the program fails to comply with

1 any of the requirements under this section and shall suspend or terminate the
2 operation of a program if the department determines that suspension or termination
3 of the program is necessary for the security of the facility or the safety of the inmates
4 or the public or is in the best interests of the inmates.

5 (4) EVALUATION. The department shall evaluate or contract with a public or
6 private agency for an evaluation of the effectiveness of a rehabilitation program
7 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse
8 among program participants. The department shall collect the data and information
9 necessary to evaluate the program. The department shall submit a report of the
10 evaluation to the governor and to the appropriate standing committees of the
11 legislature, as determined by the speaker of the assembly and the president of the
12 senate, under s. 13.172 (3).

of an inmate's participation

13 (5) SUSPENSION OR TERMINATION. Notwithstanding sub. (2) (b) 2., an
14 organization operating a rehabilitation program under sub. (1) may suspend or
15 terminate an inmate's participation in a program for reasons unrelated to religious
16 beliefs, including the inmate's failure to participate meaningfully in the program.

NOTE: This SECTION requires 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.

17 SECTION 18. 301.047 of the statutes, as created by 1999 Wisconsin Act (this
18 act), is repealed.

NOTE: This SECTION and SECTION 19 sunset the inmate rehabilitation program under SECTION 17 2 years after any such program begins operation.

A.R.F.

19 SECTION 19. 301.065 of the statutes is created to read:

20 **301.065 Religious organizations; contract powers. (1) RELIGIOUS**

21 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the

22 department to contract with, or award grants to, religious organizations, under any

No later than three years from the date of the notice published under 1999 Wisconsin Act (this act), Section 25, A.R.D.

Handwritten notes and signatures on the left margin, including "A.R.F." and "next to each other".

A.R.D. 25 and 29 (1) A.R.E and A.R.EI

1 program administered by the department relating to the prevention of delinquency
2 and crime or the rehabilitation of offenders, 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 **(2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.** If the department is
7 authorized under ch. 16 to contract with a nongovernmental entity, or 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
10 program administered by the department so long as the programs are implemented
11 consistently with the First Amendment of the U.S. Constitution and article I, section
12 18, of the Wisconsin Constitution. Except as provided in sub. (10), the department
13 may not discriminate against an organization that is or applies to be a contractor or
14 grantee on the basis that the organization does or does not have a religious character
15 or because of the specific religious nature of the organization.

16 **(3) RELIGIOUS CHARACTER AND FREEDOM.** (a) The department shall allow a
17 religious organization with which the department contracts or to which the
18 department awards a grant to retain its independence from government, including
19 the organization's control over the definition, development, practice and expression
20 of its religious beliefs.

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

24 **(4) RIGHTS OF BENEFICIARIES OF ASSISTANCE.** If the department contracts with or
25 awards grants to a religious organization for the provisions of crime prevention or

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

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

15 (6) **NONDISCRIMINATION AGAINST BENEFICIARIES.** A religious organization may not
16 discriminate against an individual in regard to rendering assistance funded under
17 any program administered by the department on the basis of religion, a religious
18 ^{or nonbelief} belief or refusal to actively participate in a religious practice.

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

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

4 **(8) COMPLIANCE.** Any party that seeks to enforce its rights under this section
5 may assert a civil action for injunctive relief against the entity that allegedly
6 commits the violation.

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

10 (10) CERTIFICATION OF COMPLIANCE. Every religious organization that contracts
11 with, or receives a grant from, the department to provide delinquency and crime
12 prevention or offender rehabilitation services to eligible recipients shall certify in
13 writing that it has complied with the requirements of subs. (6) and (9) and submit
14 to the department a copy of this certification and a written description of the policies
15 the organization has adopted to ensure that it has complied with the requirements
16 under subs. (6) and (9).

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

NOTE: This SECTION authorizes 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.

21 **SECTION 20.** 302.11 (lg) (b) 2; of the statutes is amended to read:

1 302.11 (lg) (b) 2. Refusal by the inmate to participate in counseling or
 2 treatment that the social service and clinical staff of the institution determines is
 3 necessary for the inmate, including pharmacological treatment using an
 4 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
 5 child sex offender as defined in s. 304.06 (lq) (a). The parole commission may not
 6 deny presumptive mandatory release to an inmate because of the inmate's refusal
 7 to participate in a rehabilitation program under s. 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 17.



8 **SECTION 21.** 302.11 (lg) (b) 2. of the statutes, as affected by 1999 Wisconsin Act
 9 (this act), is repealed and recreated to read:

10 302.11 (**lg**) (b) 2. Refusal by the inmate to participate in counseling or
 11 treatment that the social service and clinical staff of the institution determines is
 12 necessary for the inmate, including pharmacological treatment using an
 13 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
 14 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 17.

15 **SECTION 22.** 978.03 (3) of the statutes is amended to read:

16 978.03 (3) Any assistant district attorney under sub. (1), (lm) or (2) must be
 17 an attorney admitted to practice law in this state and, except as provided in s.
 18 978.044, may perform any duty required by law to be performed by the district
 19 attorney. The district attorney of the prosecutorial unit under sub. (l), (1m) or (2)
 20 may appoint such temporary counsel as may be authorized by the department of
 21 administration.

NOTE: This **SECTION** creates an exception to the general statutory duties of assistant district attorneys to permit the assistant district attorneys filling the project positions created under the draft to perform exclusively restorative justice services.

A.R. ⑥

SECTION 23. 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).

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

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

(2) DUTIES. The district attorneys of Dane and Milwaukee counties shall each assign one assistant district attorney in his or her prosecutorial unit to be a restorative justice coordinator. An assistant district attorney assigned under this

^{Sub}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 offender's crime on the victim or on the community.
2. Provide support to the victim and methods for reintegrating the victim into community life.

3. Explore potential restorative responses by the offender.
4. Provide methods for reintegrating the offender into community life.

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

(c) Maintain a record of all of the following:

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

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

5 3. The types of offenses addressed by programming established under par. (a).

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

9 (3) **REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by
10 the department of administration, the district attorneys of Dane and Milwaukee
11 counties shall each submit to the department of administration a report
12 summarizing the records under sub. (2) (c) covering the preceding 12-month period.
13 The department of administration shall maintain the information submitted under
14 this subsection by the district attorney

15 (4) **EXPIRATION.** This section does not apply after June 30, 2003.

NOTE: This **SECTION** authorizes one assistant district attorney project position for Dane County and one assistant district attorney project position for Milwaukee County for developing and operating restorative justice programming in these counties and for assisting district attorneys in other counties in the development and operation of restorative justice programming in those counties. It also requires the assistant district attorneys in these positions to maintain records regarding restorative justice activities and to submit annual reports to DOA describing the restorative justice activities undertaken. ~~The district attorney project positions created to perform restorative justice services do not apply after June 30, 2003.~~

requires the submission of

This section does

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16 **SECTION 24.** 978.05 (8) (b) of the statutes is amended to read:

17 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
18 978.044, make appropriate assignments of the staff throughout the prosecutorial
19 unit. The district attorney may request the assistance of district attorneys, deputy
20 district attorneys or assistant district attorneys from other prosecutorial units or

1 assistant attorneys general who then may appear and assist in the investigation and
2 prosecution of any matter for which a district attorney is responsible under this
3 chapter in like manner as assistants in the prosecutorial unit and with the same
4 authority as the district attorney in the unit in which the action is brought. Nothing
5 in this paragraph limits the authority of counties to regulate the hiring, employment
6 and supervision of county employees. A.R. (E)

7 **SECTION 25. Nonstatutory provisions; administration.**

8 (1) **ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES.** The
9 authorized FTE positions for the department of administration are increased by 2.0
10 GPR project positions, to be funded from the appropriation under section 20.475 (1)
11 (d) of the statutes, for the purpose of providing one assistant district attorney for
12 Dane County and one assistant district attorney for Milwaukee County to perform
13 restorative justice services under section 978.044 of the statutes. , as created
by this act

14 (2) **OFFICE OF GOVERNMENT-SECTARIAN FACILITATION.** The authorized FTE
15 positions for the department of administration are increased by 1.0 GPR project
16 position to be funded from the appropriation under section 20.505 (4) (em) of the
17 statutes, as created by this act, for the purpose of administering the office of
18 government-sectarian facilitation under section 15.105 (26) of the statutes, as
19 created by this act, beginning on November 1, 1999, and ending on November 1, 2002.

NOTE: This SECTION establishes a full-time government-sectarian facilitator
project position with DOA, beginning on November 1, 1999, and ending on November 1,
2002, to be funded from the appropriation created in SECTION 25.

20 **SECTION 26. Nonstatutory provisions; corrections.**

21 (1) **CERTIFICATION REGARDING INMATE REHABILITATION PROGRAM.** No more than 7
22 days after an inmate begins receiving services through a program established under
23 section 301.047 (1) of the statutes, as created by this act, the department of

CS

1 corrections shall certify to the revisor of statutes that the program has commenced
2 operations. Upon the certification, the revisor of statutes shall publish notice in the
3 Wisconsin Administrative Register of that fact.

Note: See the Note to Section 17.

SECTION 27. Nonstatutory provisions; legislative audit bureau.

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

NOTE: This SECTION 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.

~~MARKED~~
SECTION 28. Appropriation changes; administration.

~~MARKED~~
(1) **ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES.**

13 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
14 to the department of administration under section 20.475 (1) (d) of the statutes, as
15 affected by the acts of 1999, the dollar amount is increased by \$72,200 for fiscal year
16 1999-00 and the dollar amount is increased by \$96,200 for fiscal year 2000-01 to
17 fund 2.0 FTE GPR project positions authorized under SECTION ~~25~~ of this act. ^{A.R. (D) and A.R. (D1)}

18 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
19 to the department of administration under section 20.475 (1) (d) of the statutes, as
20 affected by the acts of 1999, the dollar amount is increased by \$72,200 for fiscal year
21 1999-00 and the dollar amount is increased by \$96,200 for fiscal year 2000-01 to
22 fund 2.0 FTE GPR project positions authorized under SECTION ~~25~~ of this act. ^{A.R. (D)}

NOTE: This SECTION 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.

1 A.R. (E) SECTION 29. Effective dates. This act takes effect on the day after publication, V

2 except as follows:

3 A.R. (E) (1) The repeal of section 301.047 of the statutes, as created by this act, and the
4 repeal and recreation of section 302.11 (lg) (b) 2. of the statutes take effect 2 years
5 after the certification described in SECTION 26 of this act occurs.

NOTE: See the note following SECTION 21

6 (2) SECTION 28 (1) (b) of this act and the treatment of section 20.005 (3)
7 (schedule) of the statutes (by SECTION 7) of this act take effect on the day after
8 publication of the 2001-03 biennial budget act.

9 (END)

this is ok

and

*on the first day of
the 25th month beginning*

11/20

(CS)

Note: This Section duplicates the appropriations
made under the previous Section to account
for the repeal of all schedule entries
upon the ^{enactment} ~~passage~~ of the 1999-2001 biennial
budget.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3404/1dn
MGD:~~wg~~:hnh&kjf

wlj

September 15, 1999

This bill was drafted based on the assumption that it will be enacted before the 1999-2001 budget bill. In view of this, please note that s. 16.47 (2), stats., provides that, before the passage of the budget bill, neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passing the bill as an emergency appropriation. (Of course, s. 16.47 (2), stats., is a rule of legislative procedure; thus, the legislature determines the extent to which it is enforced.)

If the budget bill is enacted before this bill, this bill will need to be redrafted or amended to alter its appropriations provisions.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

AMENDMENT
TO 1999 **BILL**
(LRB-3404/I)

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 12, line 20: before the period insert: “and developing performance standards
3 for alcohol and other drug abuse services”.

4 2. Page 13, line 4: delete the material after “in” and insert “meeting department
5 performance standards for alcohol and other drug abuse services”.

6 3. Page 18, line 5: before the period insert: “and developing performance standards for
7 alcohol and other drug abuse services”.

8 4. Page 18, line 9: delete the material after “in” and insert “meeting department
9 performance standards for alcohol and other drug abuse services”.

NOTE: The provisions of the draft legislation amended by this proposal require the department of health and family services (DHFS) and the department of corrections (DOC) to ensure that to the extent possible under state and federal law, funding for alcohol and other drug abuse (AODA) intervention and treatment programs which they administer is distributed based on the effectiveness of the services in reducing alcohol and other drug abuse among recipients of the services. This amendment requires DHFS and DOC to develop performance standards for AODA services and requires the policies adopted by DHFS and DOC to ensure that funding for these services is distributed based on the effectiveness of the services in meeting these performance standards.



1999 BILL

Please check
auto refs. Thanks.

Regen

1 AN ACT *to repeal* 301.047; *to amend* 15.01 (6), 15.02 (3) (c) 1., 15.105 (title),
2 20.505 (4) (title), 230.08 (2) (e) 1., 302.11 (lg) (b) 2., 978.03 (3) and 978.05 (8) (b);
3 *to repeal and recreate* 302.11 (lg) (b) 2.; and *to create* 15.105 (26), 16.25,
4 20.435 (3) (ft), 20.505 (4) (em), 46.03 (44), 46.72, 59.54 (27), 301.03 (2t), 301.047,
5 301.065 and 978.044 of the statutes; **relating** to: authorizing the appointment
6 of assistant district attorneys to provide restorative justice services;
7 authorizing counties and the department of corrections to contract with
8 religious organizations for the provision of services relating to delinquency and
9 crime prevention and the rehabilitation of offenders; inmate rehabilitation;
10 creating the office of government-sectarian facilitation; establishing a grant

BILL

- 1 program for a neighborhood organization incubator; distributing funding for
2 alcohol and other drug abuse services and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the joint legislative council in the bill.

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:

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 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 that 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 district attorneys for Dane County and Milwaukee County are required under the draft to submit to DOA annual reports describing the restorative justice activities each of them has 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 restorative justice assistant district attorney project positions created under the draft expire after June 30, 2003. In order to aid the legislature in determining

BILL

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 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.** The draft specifies that if 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. The draft prohibits DOC or a county from discriminating against an organization because the organization does or does not have a religious character **or** because of the specific religious nature of the organization.

***Religious character and freedom.** The draft specifies that a religious organization that receives a grant from, or contracts with, 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. The draft prohibits DOC and each 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, DOC or the county.

***Rights of beneficiaries of assistance.** The draft 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 from a program supported with funding administered by DOC or a county, 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 DOC and the 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.** The draft specifies that a religious organization's exemption recognized under federal law regarding employment practices [42 USC 2000e-1a] is not affected by its participation in programs administered by DOC or a county.

***Nondiscrimination against beneficiaries.** The draft 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.

● **Fi.waZ accountability.** The draft specifies that any religious organization that receives grant funding from, or contracts with, DOC or a county is subject to the same

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laws and rules as other contractors and grantees regarding accounting in accord with generally accepted auditing principles for the use of these funds. If the religious organization segregates funding from 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.* The draft prohibits any religious organization that receives funding from DOC or a county from expending any of those funds for sectarian worship, instruction or proselytization.

**Certification of compliance.* The draft requires every religious organization that contracts with, or receives a grant from, 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 the organization has adopted to ensure compliance with these proscriptions.

**Remedy for violation.* The draft 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.* The draft 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

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 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.
- 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 public.
- 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 DOC a detailed proposal for the operation of a program that includes all of the following:

- A description of the services to be provided, including after-care 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.

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- . 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 goals.
- Any other information specified by 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 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 or terminate 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 participation in the program at any time.
- Upon the inmate's release, the organization shall provide community-based aftercare services for each inmate who completes the program and who resides in the area in which the organization is providing such services.

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

The draft requires 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 DOC may not require an inmate to participate in an inmate rehabilitation program established under the draft. Further, 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 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 if DOC determines that suspension or termination of the program is necessary for the security of the facility or the safety of the inmates or the public or that suspension or termination of the program is in the best interests of the inmates.

The draft requires 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 on 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

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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, be otherwise involved in the governance or control of, or be employed by any faith-based organization eligible for funding to provide government services under the draft. 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 the full-time equivalent (FTE) authorized project positions for 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 regarding nondiscrimination against faith-based organizations.
- . Assist government agencies in utilizing the services of faith-based organizations in the provision of governmental services.
- . Assist faith-based organizations in their efforts to participate in the provision of governmental services.
- . Compile and provide to the public information on governmental services available through faith-based organizations.
- . Monitor compliance, by faith-based organizations that it assists, with laws that 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.
- . Conduct an evaluation of the extent to which state and local governments are utilizing the services of faith-based organizations in the provision of 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. 13.172 (3), and the governor no later than October 1, 2002.

BILL**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 abuse, 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.

The draft authorizes 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 DHFS, within 90 days after spending the entire grant, a report detailing the use of the grant proceeds.

Distribution of AODA funding

Currently, DHFS and DOC administer various programs 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 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.

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

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1 15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a
2 department or an independent agency, whether specifically created by law or created
3 by the head of the department or the independent agency for the more economic and
4 efficient administration and operation of the programs assigned to the department
5 or independent agency. The office of justice assistance and the office of
6 government-sectarian facilitation in the department of administration and the
7 office of credit unions in the department of financial institutions have the meaning
8 of "division" under this subsection. The office of the long-term care ombudsman
9 under the board on aging and long-term care and the office of educational
10 accountability in the department of public instruction have the meaning of "bureau"
11 under this subsection.

NOTE: See the NOTE to SECTION 5.

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

13 15.02 (3) (c) 1. The principal subunit of the department is the "division". Each
14 division shall be headed by an "administrator". The office of justice assistance and
15 the office of government-sectarian facilitation in the department of administration
16 and the office of credit unions in the department of financial institutions have the
17 meaning of "division" and the executive staff director of the office of justice assistance
18 and the facilitator heading the office of government-sectarian facilitation in the
19 department of administration and the director of credit unions have the meaning of
20 "administrator" under this subdivision.

NOTE: See the NOTE to SECTION 5.

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

22 **15.105 (title) Same; attached boards, commissions and office offices.**

23 **SECTION 4.** 15.105 (26) of the statutes is created to read:

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1 **15.105 (26) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION.** There is created an
2 office of government-sectarian facilitation, headed by the facilitator, which is
3 attached to the department of administration under s. 15.03. The facilitator shall
4 be nominated by the governor, and with the advice and consent of the senate
5 appointed, to serve at the pleasure of the governor. The facilitator may not be a
6 member of the board of directors of, be otherwise involved in the governance or
7 control of, or be employed by any faith-based organization eligible for contracts or
8 grants under s. 59.54 (27) or 301.065. The facilitator shall have experience relevant
9 to the operation of nonprofit organizations or state or local government and shall
10 have a demonstrated understanding of state and federal laws regarding
11 nondiscrimination against religious organizations. This subsection does not apply
12 after November 1, 2002.

NOTE: For an explanation of this provision, see the NOTE to SECTION 5.

13 **SECTION 5.** 16.25 of the statutes is created to read:

14 **16.25 Office of government-sectarian facilitation. (1)** The office of
15 government-sectarian facilitation shall do all of the following to assist in the
16 implementation of federal and state laws regarding nondiscrimination against
17 religious organizations in the provision of government services and to facilitate
18 interaction between faith-based organizations and state and local governments:

19 (a) Provide information to state and local governments and other interested
20 persons about laws regarding nondiscrimination against faith-based organizations
21 in the provision of government services.

22 (b) Assist state and local governments in using the services of faith-based
23 organizations in the provision of government services.

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1 (c) Assist faith-based organizations in their efforts, to participate in the
2 provision of government services.

3 (d) Compile and provide to the public information on state and local
4 government services available through faith-based organizations.

5 (e) Monitor compliance with ss. **46.027 (6)** and (9), **49.114 (6)** and (9), 59.54 (27)
6 (g) and (j) and 301.065 (6) and (9) by faith-based organizations that it assists.

7 **(2)** The office of government-sectarian facilitation shall also do all of the
8 following:

9 (a) Conduct an evaluation of the extent to which state and local governments
10 utilize the services of faith-based organizations in providing government services
11 and the extent to which faith-based organizations comply with the statutes listed in
12 sub. **(1)** (e).

13 (b) Develop recommendations to increase state and local government
14 utilization of services of faith-based organizations.

15 (c) Submit a report containing its evaluation and recommendations to the
16 governor and to the appropriate standing committees of the legislature, as
17 determined by the speaker of the assembly and the president of the senate, under s.
18 13.172 (3), no later than October 1, 2002.

19 (3) This section does not apply after November 1, 2002.

NOTE: This **SECTION** and **SECTION 4** 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 government services; and (b) facilitate interaction between faith-based organizations and state and local governments. The provisions creating the office of government-sectarian facilitation do not apply **after** November 1, 2002.

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

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1 1999-00 2000-01

2 **20.435 Health and family services, department**

3 **of**

4 (3) CHILDREN AND FAMILY SERVICES

5 (ft) Neighborhood organization incu-

6 bator grants GPR A 100,000 100,000

7 **20.505 Administration, department of**

8 (4) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION

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

NOTE: This SECTION appropriates \$100,000 GPR in each year of the 1999-2001 biennium to fund the neighborhood organization incubator grant program created in SECTION 11 and appropriates \$57,600 GPR in fiscal year 1999-00 and \$67,400 GPR in fiscal year 2000-01 to fund the office of government-sectarian facilitation created in SECTION 4.

SECTION 7. 20.005 (3) (schedule) of the statutes, as affected by 1999 Wisconsin

11 Act (Assembly Bill 133): at the appropriate place, insert the following amounts

12 for the purposes indicated:

13 1999-00 2000-01

14 **20.435 Health and family services, department**

15 **of**

16 (3) CHILDREN AND FAMILY SERVICES

17 (ft) Neighborhood organization incu-

18 bator grants GPR A 100,000 100,000

x
12
A.R. (A)

A.R. (D)

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1 **20.505 Administration, department of**2 **(4) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION**

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

NOTE: This SECTION duplicates the appropriations made under the previous SECTION to account for the repeal of all schedule entries upon the enactment of the 1999-2001 biennial budget.

4 **SECTION 8. 20.435 (3) (ft) of the statutes is created to read:**

5 **20.435 (3) (ft) *Neighborhood organization incubator grants.*** The amounts in
6 the schedule for neighborhood organization incubator grants under s. 46.72.

NOTE: See the NOTE to SECTION 6.

7 **SECTION 9. 20.505 (4) (title) of the statutes is amended to read:**

8 20.505 (4) (title) **ATTACHED DIVISIONS, BOARDS, COUNCILS ~~AND~~ COMMISSIONS AND**
9 **OFFICE.**

10 **SECTION 10. 20.505 (4) (em) of the statutes is created to read:**

11 **20.505 (4) (em) *Office of government-sectarian facilitation.*** The amounts in the
12 schedule for the general program operations of the office of government-sectarian
13 facilitation.

NOTE: See the NOTE to SECTION 6.

14 **SECTION 11. 46.03 (44) of the statutes is created to read:**

15 46.03 (44) **PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE**
16 **INTERVENTION AND TREATMENT SERVICES.** Promote efficient use of resources for alcohol
17 and other drug abuse intervention and treatment services by doing all of the
18 following:

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

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

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

10 (d) Requiring every recipient of funding for alcohol and other drug abuse
 11 intervention and treatment services to provide information requested by the
 12 department for evaluating the effectiveness of the program.

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

13 A.R. (A) SECTION 12. 46.72 of the statutes is created to read:

14 **46.72 Neighborhood organization incubator grants. (1) DEFINITIONS.** In
 15 this section:

16 (a) "Agency" means a community-based public or private nonprofit
 17 organization.

18 (b) "Neighborhood organization" means a community-based, private nonprofit
 19 organization that provides any of the following services or programs primarily to
 20 residents of the area in which the organization is located:

- 21 1. Crime prevention programs.
- 22 2. After-school and recreational programs for youth.
- 23 3. Child abuse and domestic abuse prevention services.

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1 4. Alcohol and other drug abuse counseling and prevention services.

2 5. Programs for diversion of youth from gang activities.

3 6. Inmate and ex-offender rehabilitation or aftercare services.

4 (2) **GRANTS.** From the appropriation under s. 20.435 (3) (ft), the department
5 shall award grants to agencies to provide services described under sub. (3) to
6 neighborhood organizations. An agency application for a grant shall contain a plan
7 detailing the proposed use of the grant.

8 (3) **REQUIREMENTS FOR GRANT RECIPIENTS.** An agency receiving a grant under
9 this section shall do all of the following:

10 (a) Provide information to neighborhood organizations about funding and other
11 assistance that may be available to neighborhood organizations from private and
12 public entities.

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

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

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

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

21 (f) Undertake other activities that will increase the effectiveness and facilitate
22 the development of neighborhood organizations.

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

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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 agencies to assist neighborhood organizations in securing funding and becoming more effective.

1 **SECTION 13.** 59.54 (27) of the statutes is created to read:

2 **59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS.** (a) ***Definition.*** In this
3 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

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

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

21 (d) ***Religious character and freedom.*** 1. The board shall allow a religious
22 organization with which the board contracts or to which the board awards a grant

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1 to retain its independence from government, including the organization's control
2 over the definition, development, practice and expression of its religious beliefs.

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

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

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

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

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

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

9 (i) ***Compliance.*** Any party that seeks to enforce its rights under this subsection
10 may assert a civil action for injunctive relief against the entity that allegedly
11 commits the violation.

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

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

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

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NOTE: This SECTION 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,

SECTION 14. 230.08 (2) (e) 1. of the statutes is amended to read:

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

SECTION 15. 301.03 (2t) of the statutes is created to read:

301.03 (2t) (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 services in reducing alcohol and other drug abuse by recipients of the services.

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

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

SECTION 16. 301.047 of the statutes is created to read:

301.047 Inmate rehabilitation and aftercare. (1) PROGRAM. The department shall permit one or more nonprofit community-based organizations meeting the requirements of this section to operate inmate rehabilitation programs

Ⓢ Note: This Ⓢ Section establishes the position of facilitator in the office of government - sectarian facilitation as an unclassified position Ⓢ

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1 in the Milwaukee alcohol and other drug abuse treatment facility enumerated in
2 1997 Wisconsin Act 27, section 9107 (1) (b) 1. if the department determines that
3 operation of that program does not constitute a threat to the security of the facility
4 or the safety of inmates or the public and that operation of the program is in the best
5 interest of the inmates.

6 (2) PROGRAM REQUIREMENTS. (a) An organization seeking to operate a
7 rehabilitation program under sub. (1) shall submit to the department a detailed
8 proposal for the operation of the program which includes all of the following:

9 1. A description of the services to be provided, including aftercare services, and
10 a description of the geographic area in which aftercare services will be provided.

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

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

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

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

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

19 7. Any other information specified by the department.

20 (b) An organization seeking to operate a rehabilitation program under sub. (1)
21 shall agree in writing to all of the following:

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

24 2. The organization may not deny an inmate the opportunity to participate in
25 the program for any reason related to the inmate's religious beliefs or nonbelief.

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

2 4. Upon the inmate's release, the organization shall provide community-based
3 aftercare services for each inmate who completes the program and who resides in the
4 geographic area described in par. (a) 1.

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

8 (b) The department shall designate a specific portion of the facility for
9 operation of a rehabilitation program, if one is established, under sub. (1). To the
10 extent possible, inmates participating in the program shall be housed in the portion
11 of the facility in which the program is operated.

12 (c) The department may not require an inmate to participate in a rehabilitation
13 program under sub. (1).

14 (d) The department may not base any decision regarding an inmate's conditions
15 of confinement, including discipline, or an inmate's eligibility for release, on an
16 inmate's decision to participate or not to participate in a rehabilitation program
17 under sub. (1).

18 (e) The treatment of inmates, including the provision of housing, activities in
19 which an inmate may participate, freedom of movement and work assignments, shall
20 be substantially the same for inmates who participate in a rehabilitation program
21 under sub. (1) and inmates who do not participate in such a program.

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

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1 (g) The department may suspend or terminate operation of a rehabilitation
2 program under sub. (1) if an organization operating the program fails to comply with
3 any of the requirements under this section and shall suspend or terminate the
4 operation of a program if the department determines that suspension or termination
5 of the program is necessary for the security of the facility or the safety of the inmates
6 or the public or is in the best interests of the inmates.

7 (4) **EVALUATION.** The department shall evaluate or contract with a public or
8 private agency for an evaluation of the effectiveness of a rehabilitation program
9 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse
10 among program participants. The department shall collect the data and information
11 necessary to evaluate the program. No later than 3 years from the date of the notice
12 published under 1999 Wisconsin Act (this act), SECTION 24, the department shall
13 submit a report of the evaluation to the governor and to the appropriate standing
14 committees of the legislature, as determined by the speaker of the assembly and the
15 president of the senate, under s. 13.172 (3).

16 (5) **SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION.** Notwithstanding
17 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (1) may
18 suspend or terminate an inmate's participation in a program for reasons unrelated
19 to religious beliefs, including the inmate's failure to participate meaningfully in the
20 program.

NOTE: This SECTION requires 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.

21 SECTION 17.301.047 of the statutes, as created by 1999 Wisconsin Act (this
22 act), is repealed.

A.R. (E)
25 A.R. (B)

NOTE: This SECTION and SECTION @and 28 (1) sunset the inmate rehabilitation program under SECTION 16 two years after any such program begins operation.

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1 **SECTION 18.** 301.065 of the statutes is created to read:

2 **301.065 Religious organizations; contract powers. (1)** RELIGIOUS
3 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the
4 department to contract with, or award grants to, religious organizations, under any
5 program administered by the department relating to the prevention of delinquency
6 and crime or the rehabilitation of offenders, on the same basis as any other
7 nongovernmental provider without impairing the religious character of such
8 organizations, and without diminishing the religious freedom of beneficiaries of
9 assistance funded under such program.

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

20 (3) RELIGIOUS CHARACTER AND FREEDOM. (a) The department shall allow a
21 religious organization with which the department contracts or to which the
22 department awards a grant to retain its independence from government, including
23 the organization's control over the definition, development, practice and expression
24 of its religious beliefs.

BILL

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

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

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

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

24 (7) **FISCAL ACCOUNTABILITY.** (a) Except as provided in par. (b), any religious
25 organization that contracts with, or receives a grant from, the department is subject

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

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

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

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

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

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

NOTE: This SECTION authorizes **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

BILL

impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs.

1 **SECTION 19.** 302.11 (lg) (b) 2. of the statutes is amended to read:

2 302.11 (lg) (b) 2. Refusal by the inmate to participate in counseling or
3 treatment that the social service and clinical staff of the institution determines is
4 necessary for the inmate, including pharmacological treatment using an
5 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
6 child sex offender as defined in s. 304.06 (lq) (a). The parole commission may not
7 deny presumptive mandatory release to an inmate because of the inmate's refusal
8 to participate in a rehabilitation program under s. 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 an inmate rehabilitation program established in **SECTION 16**.

9 **SECTION 20.** 302.11 (lg) (b) 2. of the statutes, as affected by 1999 Wisconsin Act
10 (this act), is repealed and recreated to read:

11 302.11 (lg) (b) 2. Refusal by the inmate to participate in counseling or
12 treatment that the social service and clinical staff of the institution determines is
13 necessary for the inmate, including pharmacological treatment using an
14 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
15 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 16**.

16 **SECTION 21.** 978.03 (3) of the statutes is amended to read:

17 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
18 an attorney admitted to practice law in this state and except as provided in s.
19 978.044, may perform any duty required by law to be performed by the district
20 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)

BILL

1 may appoint such temporary counsel as may be authorized by the department of
2 administration.

NOTE: This SECTION creates an exception to the general statutory duties of assistant district attorneys to permit the assistant district attorneys filling the project positions created under the draft to perform exclusively restorative justice services.

A.R. (C)

3 SECTION 22. 978.044 of the statutes is created to read:

4 **978.044 Assistants to perform restorative justice services. (1)**

5 **DEFINITIONS.** In this section:

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

7 (b) "Offender" means an individual who is, or could be, charged with or
8 petitioned for having committed a crime.

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

10 (2) **DUTIES.** The district attorneys of Dane and Milwaukee counties shall each
11 assign one assistant district attorney in his or her prosecutorial unit to be a
12 restorative justice coordinator. An assistant district attorney assigned under this
13 subsection to be the restorative justice coordinator shall do all the following:

14 (a) Establish restorative justice programming that provides a forum where an
15 offender meets with his or her victim or engages in other activities to do all of the
16 following:

17 1. Discuss the impact of the offender's crime on the victim or on the community.

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

20 3. Explore potential restorative responses by the offender.

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

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

BILL

1 (c) Maintain a record of all of the following:

2 1. The amount of time spent implementing the requirements of pars. (a) and

3 (b).

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

6 3. The types of offenses addressed by programming established under par. (a).

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

10 (3) REPORT TO DEPARTMENT OF ADMINISTRATION. Annually, on a date specified by
11 the department of administration, the district attorneys of Dane and Milwaukee
12 counties shall each submit to the department of administration a report
13 summarizing the records under sub. (2) (c) covering the preceding 12-month period.
14 The department of administration shall maintain the information submitted under
15 this subsection by the district attorney.

16 (4) **EXPIRATION.** This section does not apply after June 30, 2003.

NOTE: This **SECTION** authorizes one assistant district attorney project position for Dane County and one assistant district attorney project position for Milwaukee County for developing and operating restorative justice programming in these counties and for assisting district attorneys in other counties in the development and operation of restorative justice programming in those counties. It also requires the assistant district attorneys in these positions to maintain records regarding restorative justice activities and requires the submission of annual reports to DOA describing the restorative justice activities undertaken. This **SECTION** does not apply after June 30, 2003.

17 **SECTION 23.** 978.05 (8) (b) of the statutes is amended to read:

18 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
19 978.044, make appropriate assignments of the staff throughout the prosecutorial
20 unit. The district attorney may request the assistance of district attorneys, deputy
21 district attorneys or assistant district attorneys from other prosecutorial units or

BILL

1 assistant attorneys general who then may appear and assist in the investigation and
 2 prosecution of any matter for which a district attorney is responsible under this
 3 chapter in like manner as assistants in the prosecutorial unit and with the same
 4 authority as the district attorney in the unit in which the action is brought. Nothing
 5 in this paragraph limits the authority of counties to regulate the hiring, employment
 6 and supervision of county employees.

NOTE: See the NOTE to SECTION 22... A.R. (C)

7 **SECTION 24. Nonstatutory provisions; administration.**

8 Copy

9 (1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The
 10 authorized FTE positions for the department of administration are increased by 2.0
 11 GPR project positions, to be funded from the appropriation under section 20.475 (1)
 12 (d) of the statutes, for the purpose of providing one assistant district attorney for
 13 Dane County and one assistant district attorney for Milwaukee County to perform
 14 restorative justice services under section 978.044 of the statutes, as created by this
 15 act.

16 (2) OFFICE OF GOVERNMENTSECTARIAN FACILITATION. The authorized FTE
 17 positions for the department of administration are increased by 1.0 GPR project
 18 position to be funded from the appropriation under section 20.505 (4) (em) of the
 19 statutes, as created by this act, for the purpose of administering the office of
 20 government-sectarian facilitation 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: ^{In addition,} This SECTION establishes a full-time government-sectarian facilitator
 project position with DOA, beginning on November 1, 1999, and ending on November 1,
 2002, to be funded from the appropriation created in SECTION 56.

21 **SECTION 25. Nonstatutory provisions; corrections.**

A.R. (B) and (7) A.R. (D)

BILL

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

NOTE: See the NOTE to SECTION 26.

7 **SECTION 26. Nonstatutory provisions; legislative audit bureau.**

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

NOTE: This SECTION 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.

14 **SECTION 27. Appropriation changes; administration.**

15 (1) **ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES.**

16 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
17 to the department of administration under section 20.475 (1) (d) of the statutes, as
18 affected by the acts of 1999, the dollar amount is increased by \$72,200 for fiscal year
19 1999-00 and the dollar amount is increased by \$96,200 for fiscal year 2000-01 to
20 fund 2.0 FTE GPR project positions authorized under SECTION 24 (1) of this act.

21 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
22 to the department of administration under section 20.475 (1) (d) of the statutes, as

BILL

1 affected by the acts of 1999, the dollar amount is increased by \$72,200 for fiscal year
2 1999-00 and the dollar amount is increased by \$96,200 for fiscal year 2000-01 to
3 fund 2.0 FTE GPR project positions authorized under **SECTION 24 (1)** of this act.

NOTE: This SECTION 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.

4 **SECTION 28. Effective dates.** This act takes effect on the day after
5 publication, except as follows:

6 (1) The repeal of section 301.047 of the statutes and the repeal and recreation
7 of section 302.11 (1g)(b) 2. of the statutes take effect on the first day of the 25th month
8 beginning after the certification described in **SECTION 25** of this act occurs.

9 (2) The treatment of section 20.005 (3) (schedule) (by **SECTION 7**) of the statutes
10 and **SECTION 27 (1) (b)** of this act take effect on the day after publication of the
11 2001-03 biennial budget act.

12 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3404/2dn
MGD:wlj:kjf&hnh

September 16,1999

This bill was drafted based on the assumption that it will be enacted before the 1999-2001 budget bill. In view of this, please note that s. 16.47 (2), stats., provides that, before the passage of the budget bill, neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passing the bill as an emergency appropriation. (Of course, s. 16.47 (2), stats., is a rule of legislative procedure; thus, the legislature determines the extent to which it is enforced.)

If the budget bill is enacted before this bill, this bill will need to be redrafted or amended to alter its appropriations provisions.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

P/c from Mary

Add 1 DA to county other than Dane/Misc