

**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 533**

March 14, 2000 – Offered by COMMITTEE ON JUDICIARY AND CONSUMER AFFAIRS.

1 **AN ACT** *to amend* 978.03 (3) and 978.05 (8) (b); and *to create* 978.044 of the
2 statutes; **relating to:** authorizing the appointment of assistant district
3 attorneys to provide restorative justice services and making an appropriation.

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

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

5 978.03 **(3)** Any assistant district attorney under sub. (1), (1m) or (2) must be
6 an attorney admitted to practice law in this state and, except as provided in s.
7 978.044, may perform any duty required by law to be performed by the district
8 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)
9 may appoint such temporary counsel as may be authorized by the department of
10 administration.

11 **SECTION 2.** 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 and of the county selected under sub. (4) 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 subsection 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. The amount of time spent implementing the requirements of pars. (a) and

(b).

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

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

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

7 **(3) REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by
8 the department of administration, the district attorneys of Dane and Milwaukee
9 counties and of the county selected under sub. (4) shall each submit to the
10 department of administration a report summarizing the records under sub. (2) (c)
11 covering the preceding 12-month period. The department of administration shall
12 maintain the information submitted under this subsection by the district attorney.

13 **(4) SELECTION OF 3RD COUNTY.** The attorney general, in consultation with the
14 department of corrections, shall select a county other than Dane or Milwaukee in
15 which restorative justice services are to be provided under sub. (2).

16 **(5) EXPIRATION.** This section does not apply after June 30, 2004.

17 **SECTION 3.** 978.05 (8) (b) of the statutes, as affected by 1999 Wisconsin Act 9,
18 is amended to read:

19 978.05 **(8)** (b) Hire, employ and supervise his or her staff and, subject to ~~s.~~ ss.
20 978.043 and 978.044, make appropriate assignments of the staff throughout the
21 prosecutorial unit. The district attorney may request the assistance of district
22 attorneys, deputy district attorneys or assistant district attorneys from other
23 prosecutorial units or assistant attorneys general who then may appear and assist
24 in the investigation and prosecution of any matter for which a district attorney is
25 responsible under this chapter in like manner as assistants in the prosecutorial unit

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

4 **SECTION 4. Nonstatutory provisions; administration.**

5 (1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The
6 authorized FTE positions for the department of administration are increased by 3.0
7 GPR project positions for the period beginning on July 1, 2000, and ending on June
8 30, 2004, to be funded from the appropriation under section 20.475 (1) (d) of the
9 statutes, for the purpose of providing one assistant district attorney for Dane County,
10 one assistant district attorney for Milwaukee County and one assistant district
11 attorney for a county other than Dane or Milwaukee to perform restorative justice
12 services under section 978.044 of the statutes, as created by this act.

13 **SECTION 5. Nonstatutory provisions; legislative audit bureau.**

14 (1) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2002, the legislative
15 audit bureau shall evaluate, on a quantitative and qualitative basis, the success of
16 restorative justice programming in Dane and Milwaukee counties and the county
17 selected under section 978.044 (4) of the statutes, as created by this act, in serving
18 victims, offenders, and communities affected by crime and shall report its findings
19 to the appropriate standing committees of the legislature, as determined by the
20 speaker of the assembly and the president of the senate, under section 13.172 (3) of
21 the statutes.

22 **SECTION 6. Appropriation changes; administration.**

23 (1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. In the
24 schedule under section 20.005 (3) of the statutes for the appropriation to the
25 department of administration under section 20.475 (1) (d) of the statutes, as affected

1 by the acts of 1999, the dollar amount is increased by \$144,300 for fiscal year 2000–01
2 to fund 3.0 FTE GPR project positions authorized under SECTION 4 (1) of this act.

3 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) The treatment of sections 978.03 (3), 978.044 and 978.05 (8) (b) of the
6 statutes and SECTION 4 (1) of this act take effect on July 1, 2000.

7 (END)