

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/7/99

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Zabawa**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - district attys**

Extra Copies:

Pre Topic:

LFB:.....Zabawa -

Topic:

Prosecution of gun violators in Milwaukee

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 05/8/99	ygeller 05/11/99	martykr 05/11/99	_____	lrb_docadmin 05/11/99		

FE Sent For:

<END>

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/1	olsenje	11 5/11 jlg	Rm 5/11	JJ 5/11 Km	5/11		

FE Sent For:

<END>

60257

Senator Burke

DISTRICT ATTORNEYS

Prosecution of Gun Violators . *function only?*

*978.13
(1)(2)*

Motion:

Move to provide: (a) 6.0 assistant district attorney (ADA) positions for Milwaukee County at a cost of \$217,200 GPR in 1999-00 and \$289,200 GPR in 2000-01; (b) \$51,300 GPR in 1999-00 and \$64,400 GPR in 2000-01 to reimburse Milwaukee County for the costs of two clerk typist positions in the District Attorney's Office; (c) \$12,000 GPR in 1999-00 to reimburse Milwaukee County for the costs of eight computers for the assistant district attorneys and clerk typists; and (d) \$90,000 GPR in 1999-00 and \$60,000 GPR in 2000-01 to provide funding to the City of Milwaukee Fire and Police Commission for a media/deterrence campaign to educate the public on the consequences of illegal gun use. Create an appropriation under the District Attorneys for reimbursement to Milwaukee County and for payment to the City of Milwaukee Fire and Police Commission.

Note:

This motion would provide \$370,500 GPR in 1999-00 and \$413,600 GPR in 2000-01 and 6.0 positions for a project in Milwaukee under which ADAs, local law enforcement and federal officials would work together on the following initiatives: (1) an across-the-board police crackdown on persons who illegally possess and/or illegally use weapons; (2) coordinated state and federal prosecution of gun violators; (3) incarceration of convicted gun criminals, including substantial mandatory incarceration recommendations for all state misdemeanor gun offenders and referral of a significant number of felons in possession of a firearm for federal prosecution; and (4) a media/deterrence campaign to educate the public on the consequences of illegal gun use. Under the initiative, the ADAs would be designated as special assistant U.S. attorneys to allow them to prosecute cases in both state and federal courts. If assumptions are made concerning the number of felons who would be diverted from the state prison system to federal prisons and the average time those inmates would have served in state prison, an estimate of correctional savings can be made. Under the assumption that seven prisoners a month would be diverted who would have spent nine months in prison and nine months on parole, estimated correctional savings under this motion would be \$343,600 GPR in 1999-00 and \$1,080,800 GPR in 2000-01.

[Change to Bill: \$784,100 GPR and 6.0 GPR positions]

Motion #694

13-3

Burke	
Decker	
Jauch	
Moore	
Shibitski	
Plache	
Cowles	
Panzer	
Gard	
Porter	
Kaufert	
Albers	
Duff	
Ward	
Huber	
Riley	



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0257/1
JEO:.....

Soon D. Nabe

JLg

LFB:.....Zabawa – Prosecution of gun violators in Milwaukee

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 1. Page 449, line 4: after that line insert:

3 "SECTION 498m. 20.475 (1) (f) of the statutes is created to read:

4 20.475 (1) (f) *Firearm prosecution costs; firearm law media campaign.* The

5 amounts in the schedule to reimburse Milwaukee County for the cost of clerks under

6 s. 978.13 (1) (d) and the cost of computers under 1999 Wisconsin Act ... this act,

7 section 9101 (3) and to reimburse the Milwaukee board of fire and police

8 commissioners for the costs of the media campaign under s. 62.50 (23m)."

9 2. Page 797, line 25: after that line insert:

10 "SECTION 1592g. 62.50 (23m) of the statutes is created to read:

1 62.50 (23m) FIREARM LAW MEDIA CAMPAIGN. The board shall conduct a city-wide
2 communications media campaign designed to deter the unlawful possession and use
3 of firearms by educating the public about the legal consequences of unlawful
4 possession and use of firearms. The department of administration shall provide
5 funding to the board for the media campaign under this subsection from the
6 appropriation under s. 20.475 (1) (f). The amounts paid by the department of
7 administration under this subsection may not exceed \$90,000 in the 1999-2000
8 fiscal year and \$60,000 in the 2000-01 fiscal year."

9 3. Page 1363, line 10: after that line insert:

10 "SECTION 3213c. 978.13 (1) (d) of the statutes is created to read:

11 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
12 and fringe benefit costs of 2 clerk positions providing clerical services to the
13 prosecutors in the district attorney's office handling cases involving the unlawful
14 possession or use of firearms. The state treasurer shall pay the amount authorized
15 under this paragraph to the county treasurer from the appropriation under s. 20.475
16 (1) (f) pursuant to a voucher submitted by the district attorney to the department of
17 administration. The amount paid under this paragraph may not exceed \$51,300 in
18 the 1999-2000 fiscal year and \$64,400 in the 2000-01 fiscal year."

19 4. Page 1389, line 14: after that line insert:

20 "~~(3m)~~^C REIMBURSEMENT TO MILWAUKEE COUNTY FOR COMPUTER PURCHASE. From
21 the appropriation under section 20.475 (1) (f) of the statutes, as created by this act,
22 the department of administration shall reimburse Milwaukee County \$12,000 in
23 fiscal year 1999-2000 for the cost of purchasing computers to be used by prosecutors

1 in the district attorney's office handling cases involving the unlawful possession or
2 use of firearms and by the clerks providing clerical services to those prosecutors." ✓

3 (END)

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

LRBb0257/1dn

JEO:.....
↑
JLO

Barbara Zabawa:

This draft creates a new appropriation that covers, in part, the clerks who will assist the six new ADAs doing firearms prosecutions. I assumed that it was not your intent simply to add money to that paid under s. 978.13 (1) (c), stats., which already provides for clerks to help prosecutors who deal (at least part of the time) with cases under s. 939.63, stats. Is my assumption correct?

Is the description of the media campaign okay? Also, the draft requires the Milwaukee Fire and Police Commission to conduct the media campaign. Is that your intent, or do you want to give them the discretion to do such a campaign?

Finally, I did the computer reimbursement as a nonstatutory provision on the assumption that of the three items covered by the new appropriation it was the most likely to be a one-time expenditure. Is that okay?

Let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0257/1dn

JEO;jlg:km

May 11, 1999

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Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0257/1
JEO:jlj:km

LFB:.....Zabawa – Prosecution of gun violators in Milwaukee

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3 (END)