

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **05/28/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Zabawa (DS)**

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

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Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **RPN  
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**Pre Topic:**

LFB:.....Zabawa (DS) -

**Topic:**

Penalty assessment allocation

**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 06/3/99	wjackson 06/4/99	haugeca 06/4/99	_____	lrb_docadmin 06/4/99		
/2	olsenje 06/13/99	chanaman 06/14/99	jfrantze 06/14/99	_____	lrb_docadmin 06/14/99		
/3	olsenje 06/15/99	chanaman 06/15/99	hhagen 06/15/99	_____	lrb_docadmin 06/15/99		
/4	olsenje	chanaman	jfrantze	_____	lrb_docadmin		

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*Chris*  
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2 Transfers from  
455 (2) (c)  
to 505 (6) (c)

Senator Burke  
Representative Gard  
Representative Kaufert  
Representative Huber

PENALTY ASSESSMENT ALLOCATION

60461

Motion:

Move to approve the Governor's recommendations contained in Fiscal Bureau Papers #187 through #192, with the following modifications:

a. LFB Paper #187, Alt 3. Approve the Governor's recommendation, with the following modifications: (a) specify that the balance transfer would be 90% of the unencumbered balances on June 30, 1999, plus any revenue credited to the appropriations between June 30, 1999, and the effective date of the bill, and would take place immediately before the transfer to the renumbered appropriations; (b) reestimate the amount of the unencumbered balances to be transferred to OJA from \$3,332,800 PR-REV to \$2,564,400 PR-REV; and (c) retain DOJ's penalty assessment surcharge receipts appropriation and its receipt of 49.09% of penalty assessment revenues.

b. LFB Paper #188, Alt. B1 and B3. Approve the Governor's recommendation to: (a) provide \$248,200 in 1999-00 and \$328,200 in 2000-01 for law enforcement training; (b) provide \$97,800 in 1999-00 and \$152,000 in 2000-01 and 1.0 forensic scientist position annually for a training and field response coordinator at the Wausau crime lab, funded from the LETF; (c) transfer funding in the law enforcement training fund--local assistance appropriation from the local assistance line to the aids to individuals and organizations line; and (d) delete obsolete statutory language relating to local law enforcement supplemental payments DOJ was authorized to request in 1990-91. In addition: (a) reestimate the amount of the unencumbered balance on June 30, 1999, to be transferred to OJA from DOJ's penalty assessment surcharge receipts appropriation from \$1,370,000 to \$1,960,200; (b) transfer 90% of the unencumbered balance of the penalty assessment surcharge receipts appropriation on June 30, 2000 to the OJA penalty assessment receipts appropriation; and (c) provide an additional \$388,100 in 1999-00 and \$345,100 in 2000-01 and 2.5 positions annually for Training for Tomorrow, placed in unallotted reserve. Provide that the funds for Training for Tomorrow would not be released until a plan for use of the funds has been approved by the Joint Committee on Finance through a 14-day passive review process. It is estimated that an additional \$805,400 in revenues would transfer to OJA on June 30, 2000, and DOJ's penalty assessment receipts appropriation would have a balance of \$980,400 on June 30, 2001.

DOJ's?

✓ c. LFB Paper #189, Alt. A1 and B2. Approve the Governor's recommendation concerning victim and witness services except delete the Governor's recommendation to authorize DOJ to use VOCA and "part B" funds from the victim and witness surcharge for reimbursement to counties that provide victim and witness services. SECTION 49C

✓ d. LFB Paper #190, Alt. 2a, b, c, d, 3b, and 5. Modify the Governor's recommendation by: (a) reducing funding by \$184,500 in 1999-00 and \$181,400 in 2000-01 to reflect the lower operating costs for BJIS as identified by DOA (of this amount, \$151,900 in 1999-00 and \$153,500 in 2000-01 are attributable to anti-drug funding); (b) providing \$35,800 in 1999-00 and \$10,500 in 2000-01 to correct an error made in calculating costs of equipment necessary for DA LAN network infrastructure; (c) converting contracted DA LAN and case management contracted staff support to state employees, and providing an additional 9.0 positions in 1999-00 and 12.0 positions in 2000-01 in BJIS and reducing funding provided in the bill by \$577,400 in 1999-00 and \$662,400 in 2000-01; (d) reducing funding by \$483,100 in 1999-00 and \$375,100 in 2000-01 to account for a delayed installation schedule for the DA LAN system; (e) reducing funding by \$623,300 in 1999-00 and \$749,500 in 2000-01 to provide a user to staff support ratio of approximately 61 to 1 in 2000-01; and (f) specifying that the reduction made under this motion first be made to correct the Governor's OJA funding, second to the penalty assessment appropriation, and third to the penalty assessment match portion of the Byrne grant appropriation. In addition, specify that the amounts specified in nonstatutory language directing the Secretary of DOA to allot specific amounts of Byrne grant funding to BJIS be reduced accordingly. Specify that the BJIS interagency assistance appropriation be modified to allow the transfer of OJA penalty assessment match monies to BJIS. Direct BJIS to implement the information system with priority to the counties that show the greatest assistant district attorney need according to the district attorney workload analysis, unless otherwise specified by the county.

\$ amounts to be provided

✓ X-ref (6) (kt) in (1) (kp)

✓ e. LFB Paper #191, Alt. A2 and B2. Modify the Governor's recommendation by transferring 80% of the unencumbered balances of the anti-drug enforcement local, state and administrative appropriations on June 30, 1999, and any revenues credited to the appropriations between June 30, 1999 and the effective date of the bill, to the newly-created OJA receipts appropriation. It is estimated that \$1,080,800 in penalty assessment revenues would be transferred under this motion. In addition, maintain the current law provision that requires at least a 10% match from local units of government for grant awards under the Byrne anti-drug program.

Put in 16.964

✓ f. LFB Paper #192, Alt. 2. Delete funding provided from penalty assessment revenues and instead provide GPR funding for these items. Provide funding as follows: (a) \$939,600 GPR and \$533,300 PR in 1999-00 and \$981,600 GPR and \$1,200,000 PR in 2000-01 and 4.0 GPR positions for database improvements in the Department of Corrections; (b) \$795,600 GPR annually to support the continued costs of data transmission lines for information technology activities in the Department; (c) \$96,500 GPR in 1999-00 and \$96,800 GPR in 2000-01 and 3.0 GPR positions for increased central records staff; (d) \$107,600 GPR in 1999-00 and \$55,900 GPR in 2000-01 and 1.0 GPR information systems applications programmer position for the sex offender registry; and (e) \$60,700 GPR in 1999-00 and \$70,100 GPR in 2000-01 and 1.0 GPR network specialist position to provide staff support for an identification card system. Direct the Secretary of DOA to allocate \$533,300 in 1999-00 and \$1,200,000 in 2000-01 from federal and

delete PR-S A 4. in bill 4(10) (1) (kw)



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state anti-drug funds received by OJA to Corrections to fund information technology.

g. Effective July 1, 2000, authorize the Circuit Court Automation Program to receive \$6 of the justice information fee, and provide \$1,200,000 PR and 10.0 PR positions in 2000-01 to the CCAP appropriation funded through justice information fee revenues. Delete \$1,200,000 PR and 10.0 PR positions in 2000-01 and eliminate CCAP's penalty assessment appropriation, effective July 1, 2000. Modify statutory language to decrease the revenue received by the Bureau of Justice Information Systems (BJIS) from \$4 to \$2 of the justice information fee. Provide \$1,200,000 PR in 2000-01 in penalty assessment revenues to a newly-created penalty assessment receipts appropriation in BJIS and delete \$1,200,000 PR in 2000-01 from the justice information fee appropriation in BJIS.

h. Provide \$75,000 annually for the youth diversion program for services relating to the diversion of youth from gangs in Brown County. 30(.265 / 20.40(3)(kj)

i. Provide \$104,100 in 1999-00 and \$171,400 in 2000-01 and 3.0 positions beginning February 1, 2000 in the Department of Corrections to create an Office of Victim Services and Programs. Transfer funding for one existing position from the Parole Commission to the Office of Victim Services and Programs.

Note:

Under this motion, the following programs would be funded with penalty assessment revenues:

Agency/Purpose	1999-00	2000-01
DOJ - LETF State Operations		
Base	\$2,385,100	\$2,385,200
LETF Increase	\$32,800	\$32,800
Wausau crime lab field response and training	\$97,800	\$152,000
DOJ - LETF Local Assistance		
Base	\$3,420,100	\$3,420,100
Increase	\$215,400	\$295,400
Training for Tomorrow	\$388,100	\$345,100
DOJ Crime Lab Equipment		
Base	\$377,300	\$377,300
DOJ Division of Narcotics Enforcement Intelligence		
Base	\$1,265,700	\$1,266,600
DOJ County Reimbursement for Victim and Witness Assistance Programs		
Base	\$0	\$0
Increase	\$660,800	\$733,100
DOC - Correctional Officer Training		
Base	\$1,440,700	\$1,440,700
DOC - Youth Diversion Program		
Base	\$645,000	\$645,000
Increase	\$75,000	\$75,000
DOC - Office of Victim Services and Programs		
Increase	\$104,100	\$171,400
SPD - Conferences and Training		
Base	\$113,300	\$113,300

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DPI – Alcohol and Other Drug Abuse (AODA) Program Administration		
Base	\$834,700	\$834,700
Increase	\$33,700	\$77,200
DPI – AODA Programs		
Base	\$1,248,500	\$1,248,500
Increase	\$178,600	\$250,100
DOA – Bureau of Justice Information Systems DA Information Technology Project		
Base	\$0	\$0
Increase	\$0	\$1,200,000
CCAP		
Base	\$0	\$0
Increase	\$950,000	\$0
OJA – Anti-drug Enforcement Program Administration		
Base	\$115,600	\$115,600
Increase	\$20,000	\$20,000
OJA – Anti-drug Enforcement Program, Local		
Base	\$3,103,500	\$3,103,500
Reduction	-\$1,920,400	-\$1,919,300
OJA – Anti-drug Enforcement Program, State		
Base	\$1,068,900	\$1,068,900
Increase	-\$72,000	\$225,300

Under the motion, the first three items listed in the table would be funded with 49.09% of penalty assessment revenues because the Law Enforcement Training Fund would be retained under the Department of Justice. In addition, the motion allows the Department of Justice to reimburse counties 73% of their costs related to providing victim and witness services.

[Change to Bill: -\$6,631,700 PR, 8.5 PR positions, \$1,886,200 PR-REV, \$4,000,000 GPR and 9.0 GPR positions]

MO# 966  
 Burke  
 Decker  
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 Plache  
 Cowles  
 Panzer  
 Gard  
 Porter  
 Kaufert  
 Albers  
 Duff  
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 Huber  
 Riley

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## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 27, 1999

Joint Committee on Finance

Paper #187

### *Penalty Assessment Revenue Allocations*

### **Penalty Assessment Revenue Distribution (DOA -- Office of Justice Assistance)**

[LFB 1999-01 Budget Summary: Page 78, #1, Page 173, #25 and Page 494, #15]

#### **CURRENT LAW**

Whenever a court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, and nonmoving traffic violations or safety belt use), the court also imposes a penalty assessment of 23% of the total fine or forfeiture.

Under current law, penalty assessment revenues are deposited to the following program revenue appropriations on a percentage basis: (a) the Department of Justice's (DOJ) penalty assessment receipts appropriation for the law enforcement training fund (LETF) and crime lab equipment (49.09% of penalty assessment revenues); (b) DOJ's county-tribal receipts appropriation for the county-tribal law enforcement programs (4.55%); (c) the Office of Justice Assistance's (OJA's) anti-drug enforcement program--local appropriation which provides state match for the federal Byrne anti-drug law enforcement funds for OJA's anti-drug match local, state and administrative appropriations (22.73%); (d) the Department of Correction's (DOC) correctional officer training appropriation (9.09%); (e) the State Public Defender's (SPD) conferences and training appropriation (0.91%); (f) the Department of Public Instruction's (DPI) alcohol and other drug abuse (AODA) programs appropriation (8.48%); and (g) DPI's AODA--state operations appropriation (5.15%).

#### **GOVERNOR**

Make the following changes concerning the receipt and distribution of penalty assessment program revenues: (a) create a new appropriation under the Office of Justice Assistance (OJA) to receive all penalty assessment revenues; (b) delete certain existing penalty assessment appropriations and modify others that receive penalty assessment revenues to reflect

this change; (c) move the statutory language concerning levy of penalty assessment from Chapter 165 (Department of Justice) to Chapter 757 (general provisions concerning courts of record, judges, attorneys and clerks); (d) provide that all appropriations funded from penalty assessment revenues be annual appropriations limited to the appropriated amounts; and (e) provide that 90% of the unencumbered balances of certain penalty assessment appropriations on the effective date of the bill be transferred to the newly-created OJA penalty assessment receipts appropriation.

## DISCUSSION POINTS

### Penalty Assessment Revenue Receipts

1. Under Chapter 29, Laws of 1977, the Legislature created a penalty assessment surcharge in the amount of 10% of a fine or forfeiture imposed for the violation of state law, or a municipal or county ordinance (except for nonmoving traffic violations). The penalty assessment served as the funding source for the law enforcement training fund (LETF).

2. Over time, the penalty assessment percent has increased as have the uses of the revenues to include: (a) Alcohol and Other Drug Abuse (AODA) programs under the Department of Public Instruction (DPI); (b) correctional officer training under the Department of Corrections (DOC); (c) county-tribal law enforcement programs under DOJ; (d) state match for federal anti-drug programs under the Office of Justice Assistance (OJA); (e) youth diversion programs under DOC; and (f) training and conferences under the State Public Defender (SPD). The following table illustrates the history of increases in the penalty assessment surcharge and uses of penalty assessment revenue since 1977.

<u>Year</u>	<u>Penalty Assessment Surcharge (% of Fine or Forfeiture)</u>	<u>Distribution of Revenues/Programs Supported</u>
1977	10%	100% DOJ LETF.
1979	12%	83.3% DOJ LETF; 16.7% DPI AODA.
1981	12%	83.3% DOJ LETF; DOJ can transfer some of its funding to DHSS for correctional officer training; 16.7% DPI AODA.
1983	15%	73.3% DOJ LETF; 13.3% DHSS for correctional officer training; 13.4% DPI AODA.
1987	20%	55% DOJ LETF and crime lab equipment; 10% DHSS for correctional officer training; 15% OJA for anti-drug enforcement (state and local), and DHSS for youth diversion; 5% DOJ county-tribal programs; 15% DPI AODA.
1993	22%	49.09% DOJ LETF and crime lab and identification system equipment; 9.09% DOC correctional officer training; 22.7% OJA anti-drug enforcement and DHSS youth diversion; 4.54% DOJ county-tribal programs; 0.91% SPD conferences and training; 13.67% DPI AODA.
1995	23%	49.09% DOJ LETF and crime lab equipment; 9.09% DOC correctional officer training; 22.7% OJA anti-drug enforcement and DHSS youth diversion; 4.54% DOJ county-tribal programs; 0.91% SPD conferences and training; 13.67% DPI AODA.

3. Under the Governor's recommendation, statutory percentages designating receipt of penalty assessment revenues would be eliminated; instead, all penalty assessment revenues would initially be deposited into a newly-created appropriation under OJA. All state programs that currently receive a statutory percentage of penalty assessment revenues, with the exception of the county-tribal law enforcement program within DOJ, would continue to be funded with penalty assessment revenues. The amounts appropriated for the various programs would be transferred from the new appropriation under OJA.

4. The primary effect of this provision is that any growth in penalty assessment revenues would not accrue to the individual appropriations, but rather to one OJA receipts appropriation. Additionally, the provision to make all penalty assessment-funded appropriations annual would change DOJ's crime laboratory equipment and supplies appropriation from biennial to annual; and change DPI's AODA and OJA's anti-drug appropriations from continuing to annual.

5. The bill would also transfer 90% of the unencumbered balances of five of the seven appropriations that currently receive penalty assessment revenues to the new OJA appropriation on the effective date of the bill. (The exceptions are the OJA anti-drug enforcement--local appropriation and DOC's correctional officer training appropriation.) Under this provision, the Governor assumes the following amounts would be transferred to the new OJA receipts appropriation:

<u>Appropriation</u>	<u>90% Transfer Amount</u>
SPD Conferences and Training	\$63,400
DPI AODA Administration	710,700
DPI AODA Program	1,116,800
DOJ Penalty Assessment Surcharge (Law Enforcement Training Fund and Crime Lab)	1,370,000
DOJ County Tribal Program	<u>71,900</u>
TOTAL	\$3,332,800

6. In its deliberations of the Governor's proposed penalty assessment distribution, the Committee will need to be aware of the condition of the penalty assessment fund. The following table shows the condition of penalty assessment fund under the bill.

**OJA Penalty Assessment Receipts Fund Condition -- AB 133**

	<u>1999-00</u>	<u>2000-01</u>
<b>Revenues</b>		
Opening Balance	\$0	\$1,589,000
Revenue from Penalty Assessment	17,152,300	18,181,400
90% Balance Transfers	<u>3,332,800</u>	<u>0</u>
 Total Available	 \$20,485,100	 \$19,770,400
<b>Appropriations &amp; Reserves</b>		
Appropriations	\$18,865,100	\$19,485,900
Compensation Reserves	<u>31,000</u>	<u>104,800</u>
Total Appropriations + Reserves	\$18,896,100	\$19,590,700
 Balance	 \$1,589,000	 \$179,700

7. Penalty assessment revenues were reestimated using data collected through March, 1999, which showed that revenues for 1998-99 will not be as high as the Governor estimated. The reestimate assumes 5% increases in penalty assessment revenues in each year of the 1999-01 biennium. This reflects the average increase over the last four years. The Governor's recommendation assumes 6% annual increases for 1998-99 through 2000-01.

8. The 90% balance transfer amounts have also been reestimated. The two DPI AODA estimates are lower than projected because the State Budget Office approved a DPI request for additional expenditure authority that was not taken into account. The DOJ penalty assessment surcharge estimate is higher because the State Budget Office denied DOJ's s. 16.515 request for increased expenditure authority in 1998-99 for its "Training for Tomorrow" initiative. (This initiative is discussed in LFB Paper #188 entitled "Law Enforcement Officer Training and Crime Laboratories.") The following table shows the revised 90% balance transfer estimates.

<u>Appropriation</u>	<u>AB 133</u>	<u>Reestimate</u>	<u>Difference</u>
SPD Conferences and Training	\$63,400	\$93,800	\$30,400
DPI AODA Administration	710,700	363,000	-347,700
DPI AODA Programs	1,116,800	93,500	-1,023,300
DOJ Penalty Assessment Surcharge	1,370,000	1,960,200	590,200
DOJ County Tribal Programs	<u>71,900</u>	<u>54,100</u>	<u>-17,800</u>
<b>TOTAL</b>	<b>\$3,332,800</b>	<b>\$2,564,600</b>	<b>-\$768,200</b>

9. These amounts are based on estimated June 30, 1999, closing balances. However, under the bill, the transfers would not take effect until the effective date of the bill. If the transfer provisions are adopted by the Committee, a technical correction is needed to specify that the

amounts transferred to the new OJA appropriation would be 90% of the unencumbered balances on June 30, 1999, plus any revenues credited to the appropriations between June 30, 1999 and the effective date of the bill. This transfer would take place immediately before the transfer to the renumbered agency appropriations.

10. The following table shows the revised fund condition under the bill using the revised penalty assessment revenue projections and revised 90% balance transfer estimates.

**OJA Penalty Assessment Receipts Fund Condition -- AB 133  
As Reestimated**

	<u>1999-00</u>	<u>2000-01</u>
<b>Revenues</b>		
Opening Balance	\$0	- \$794,800
Revenue from Penalty Assessment	15,536,700	16,313,600
90% Balance Transfers	<u>2,564,600</u>	<u>0</u>
 Total Available	 \$18,101,300	 \$15,518,800
 <b>Appropriations &amp; Reserves</b>		
Appropriations	\$18,865,100	\$19,485,900
Compensation Reserves	<u>31,000</u>	<u>102,100</u>
Total Appropriations + Reserves	\$18,896,100	\$19,588,000
 Balance	 -\$794,800	 -\$4,069,200

Under the revised fund condition, the penalty assessment receipts appropriation under the Governor's proposal would have a deficit of \$4,069,200 at the end of the 1999-01 biennium.

11. On May 5, 1999, the Joint Committee on Finance voted to provide the Circuit Court Automation Program (CCAP) with \$950,000 PR and 6.0 positions in 1999-00 and \$1,200,000 PR and 10.0 positions in 2000-01 (\$500,000 PR annually would be one-time funding), funded from penalty assessment revenues.

12. As a result of the Committee's action on May 5, 1999, the penalty assessment fund condition appears as follows:

**OJA Penalty Assessment Receipts Fund Condition -- AB 133 as Reestimated  
and Reflecting the Committee's May 5, 1999 Action on  
the Circuit Court Automation Program**

	<u>1999-00</u>	<u>2000-01</u>
<b>Revenues</b>		
Opening Balance	\$0	-\$1,744,800
Revenue from Penalty Assessment	15,536,700	16,313,600
90% Balance Transfers	<u>2,564,600</u>	<u>0</u>
<b>Total Available</b>	<b>\$18,101,300</b>	<b>\$14,568,800</b>
<b>Appropriations &amp; Reserves</b>		
Appropriations	\$19,815,100	\$20,685,900
Compensation Reserves	<u>31,000</u>	<u>102,100</u>
<b>Total Appropriations + Reserves</b>	<b>\$19,846,100</b>	<b>\$20,788,000</b>
<b>Balance</b>	<b>-\$1,744,800</b>	<b>-\$6,219,200</b>

13. Under the Governor's recommendation, the statutory designation of 49.09% of penalty assessment monies dedicated for law enforcement training would no longer exist. One could argue, therefore, that the statutory language remaining under the bill that refers to a "law enforcement training fund" would no longer be accurate. Accordingly, if the Governor's proposal regarding the LETF was accepted, statutory references to the law enforcement training fund should be deleted.

14. In his testimony before the Joint Finance Committee on March 11, 1999, the Attorney General stated that the Governor's proposal concerning the LETF poses a serious threat to law enforcement training and asked that it be rejected.

15. The Law Enforcement Training Fund has provided a dedicated source of revenue for law enforcement training since its inception (training for jail and secure detention officers was subsequently added). Under s. 165.85(1) of the statutes, "[t]he legislature finds that the administration of criminal justice is of statewide concern, and that law enforcement work is of vital importance to the health, safety and welfare of the people of this state and is of such a nature as to require training, education and the establishment of standards of a proper professional character." Concerns have been expressed that the Governor's recommendation to remove the statutory fund, maintained for the purpose of providing state-wide law enforcement training, would have a negative impact on the stability of these training resources and the ability to plan for continued improvement.

16. Retaining the LETF's statutory receipt of 49.09% of penalty assessment revenues would reduce the amount of penalty assessment revenues available to fund the other programs under



the bill. The following fund condition shows the Governor's proposals under AB 133, as reestimated, with the following changes: (a) it reflects the Committee's action on May 5, 1999, with regard to CCAP; and (b) it excludes the LETF revenues (49.09% of penalty assessment receipts) and the Governor's recommended LETF-funded appropriations. The Governor's proposal to transfer, to the new OJA appropriation, 90% of the unencumbered balance from DOJ's penalty assessment surcharge receipts appropriation (the appropriation into which 49.09% of penalty assessment revenues is deposited) is included in the calculations.

**OJA Penalty Assessment Receipts Fund Condition -- AB 133 as Reestimated,  
with CCAP Funding Reflected and with LETF Revenues and Appropriations Removed**

	<u>1999-00</u>	<u>2000-01</u>
<b>Revenues</b>		
Opening Balance	\$0	-\$2,843,300
Revenue from Penalty Assessment	7,909,700	8,305,300
90% Balance Transfers	<u>2,564,600</u>	<u>0</u>
Total Available	\$10,474,300	\$5,462,000
<b>Appropriations &amp; Reserves</b>		
Appropriations	\$13,286,600	\$14,023,100
Compensation Reserves	<u>31,000</u>	<u>102,100</u>
Total Appropriations + Reserves	\$13,317,600	\$14,125,200
Balance	-\$2,843,300	-\$8,663,200

17. Consequently, if the LETF retained 49.09% of penalty assessment revenue and no other changes were made to the bill except for CCAP funding, the penalty assessment receipts appropriation would have a deficit of \$8,663,200 under the bill.

**Overview of Penalty Assessment Distribution**

18. This section of the paper provides an overview of the programs funded under AB 133 with penalty assessment revenues. This includes programs currently funded with penalty assessment revenues, as well as programs that have not previously been funded with penalty assessment revenues. The bill would distribute penalty assessment revenues as shown in the following table. The table separately identifies base funding (which includes standard budget adjustments) and funding increases provided under the bill. Note that this table does not include funding provided to CCAP as a result of the Joint Finance Committee's action on May 5, 1999.

### Appropriations Funded With Penalty Assessment Revenues Under AB 133

Agency/Purpose	1999-00	2000-01
DOJ – LETF State Operations		
Base	\$2,385,100	\$2,385,200
LETF Increase	\$32,800	\$32,800
Wausau crime lab field response and training	\$97,800	\$152,000
DOJ – LETF Local Assistance		
Base	\$3,420,100	\$3,420,100
Increase	\$215,400	\$295,400
DOJ Crime Lab Equipment		
Base	\$377,300	\$377,300
DOJ Division of Narcotics Enforcement Intelligence		
Base	\$1,265,700	\$1,266,600
DOJ County Reimbursement for Victim and Witness Assistance Programs		
Base	\$0	\$0
Increase	\$660,800	\$733,100
DOC – Correctional Officer Training		
Base	\$1,440,700	\$1,440,700
DOC – Youth Diversion Program		
Base	\$645,000	\$645,000
DOC – Information Technology		
Base	\$0	\$0
Increase	\$2,000,000	\$2,000,000
SPD – Conferences and Training		
Base	\$113,300	\$113,300
DPI – Alcohol and Other Drug Abuse (AODA) Program Administration		
Base	\$834,700	\$834,700
Increase	\$33,700	\$77,200
DPI – AODA Programs		
Base	\$1,248,500	\$1,248,500
Increase	\$178,600	\$250,100
DOA – Bureau of Justice Information Systems DA Information Technology Project		
Base	\$0	\$0
Increase	\$1,600,000	\$1,600,000
OJA – Anti-drug Enforcement Program Administration		
Base	\$115,600	\$115,600
Increase	\$20,000	\$20,000
OJA – Anti-drug Enforcement Program, Local		
Base	\$3,103,500	\$3,103,500
Reduction*	-\$1,920,400	-\$1,919,300
OJA – Anti-drug Enforcement Program, State		
Base	\$1,068,900	\$1,068,900
Increase	-\$72,000	\$225,300
<b>TOTAL Amount Appropriated</b>	<b>\$18,865,100</b>	<b>\$19,485,900</b>

\* Reflects reduction due to duplicate funding of DOJ DNE and DOC youth diversion, plus federal reestimates.

Note: Base includes standard budget adjustments.

19. The following issue papers have been prepared separately for the following programs that affect penalty assessment revenues:

- Law Enforcement Training and Crime Laboratories -- Justice (Paper #188)
- Reimbursement to Counties for Victim and Witness Services -- Justice (Paper #189)
- Bureau of Justice Information Systems District Attorney and Integrated Justice Information System Projects -- Administration (Paper #190)
- Penalty Assessment State Match Funding for the Federal Anti-Drug Enforcement Program -- Administration (Paper #191)
- Database Improvements -- Corrections (Paper #192)

20. The issue papers provide a series of alternatives which, if adopted, could serve to reduce the deficit. Alternatively, if the Committee wishes to accept the Governor's proposal but eliminate the deficit, the penalty assessment surcharge could be increased. It is estimated that every increase of 1% in the penalty assessment surcharge would generate \$487,500 in revenues in 1999-00, and \$650,000 in 2000-01. If the Governor's recommendation was approved, as modified by the Committee's action concerning CCAP, the penalty assessment surcharge would need to be increased by 6%, to 29%. If the Committee wishes to retain the LETF's statutory receipt of 49.09% of penalty assessment revenues, the penalty assessment surcharge would need to be increased by 8%, to 31%.

## ALTERNATIVES FOR PENALTY ASSESSMENT REVENUE RECEIPTS

### OJA Penalty Assessment Surcharge Receipts Appropriation -- Governor's Recommendation

1. Approve the Governor's recommendation to make the following changes concerning the receipt of penalty assessment program revenues: (a) create a new appropriation under the Office of Justice Assistance (OJA) to receive all penalty assessment revenues; (b) delete certain existing penalty assessment appropriations and modify others that receive penalty assessment revenues to reflect this change; (c) move the statutory language concerning levy of penalty assessment from Chapter 165 (Department of Justice) to Chapter 757 (general provisions concerning courts of record, judges, attorneys and clerks); (d) provide that all appropriations funded from penalty assessment revenues be annual appropriations limited to the appropriated amounts; and (e) provide that 90% of the unencumbered balances of DOJ's penalty assessment surcharge receipts appropriation, DOJ's county-tribal programs--surcharge receipts appropriation, the SPD's conferences and training appropriation, the Department of Public Instruction's (DPI) AODA programs appropriation, and DPI's AODA--state operations appropriation be transferred to the newly-created OJA penalty assessment receipts appropriation, but technically modify the transfer language to specify that the amounts transferred would be 90% of the unencumbered balances on June 30, 1999, plus any revenue credited to the appropriations between June 30, 1999, and the effective date of the bill, and would take place immediately before the transfer to the renumbered appropriations. Reestimate the amount of the unencumbered balances to be transferred to OJA from \$3,332,800 PR-REV to \$2,564,400 PR-REV. In addition, delete statutory language regarding the law enforcement training fund to reflect that there would no longer be a dedicated fund.

<b>Alternative 1</b>	<b>PR</b>
1999-01 REVENUE (Change to Bill)	- \$768,200

2. In addition to Alternative 1, increase the penalty assessment surcharge by 6%, to 29% of the total of a fine or forfeiture.

<b>Alternative 2</b>	<b>PR</b>
1999-01 REVENUE (Change to Bill)	\$6,825,000

**Retain the Law Enforcement Training Fund**

3. Approve the Governor's recommendation, as modified under Alternative #1, except retain DOJ's penalty assessment surcharge receipts appropriation and its receipt of 49.09% of penalty assessment revenues. Under this alternative, 90% of the unencumbered balance of DOJ's penalty assessment surcharge receipts appropriation on June 30, 1999 (estimated to be \$1,960,200) would be transferred to the newly-created OJA appropriation as proposed by the Governor, and the remaining 10% would remain in DOJ's penalty assessment--surcharge receipts appropriation.

<b>Alternative 3</b>	<b>PR</b>
1999-01 REVENUE (Change to Bill)	- \$768,200

4. In addition to Alternative 3, increase the penalty assessment surcharge by 8%, to 31% of the total of a fine or forfeiture.

<b>Alternative 4</b>	<b>PR</b>
1999-01 REVENUE (Change to Bill)	\$9,100,000

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May 27, 1999

Joint Committee on Finance

Paper #188

### *Penalty Assessment Revenue Allocations*

#### **Law Enforcement Training and Crime Laboratories (Justice)**

[LFB 1999-01 Budget Summary: Page 381, #5, Page 383, #10 and Page 387, #24]

#### **CURRENT LAW**

Under current law, whenever a court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, and nonmoving traffic violation or safety belt use), the court also imposes a penalty assessment of 23% of the total fine or forfeiture. The Department of Justice's penalty assessment surcharge receipts appropriation currently receives 49.09% of penalty assessment revenues. Funds are transferred from this appropriation to the law enforcement training fund--local assistance, law enforcement training fund--state operations and the crime laboratory equipment and supplies appropriations.

The Law Enforcement Standards Board (the Board), which is attached to the Department of Justice (DOJ), sets employment standards for law enforcement officers and governs recruit training. The Board also certifies officers upon graduation from police academies. Through the Law Enforcement Training Fund (LETF), DOJ (as an agent of the Board) reimburses state and local agencies for law enforcement, jail and secure detention officer training costs such as tuition, living and travel expenses incurred for the first 400 hours of preparatory law enforcement training and for the first 120 hours of jail or secure detention officer training. DOJ also reimburses local law enforcement agencies a minimum of \$160 per officer per year for the completion of annual recertification training, which requires at least 24 hours of training annually per officer. Funds may also be distributed for attendance at other training programs and courses, or for training services on a priority basis as determined by DOJ.

## **GOVERNOR**

Make the following changes to the law enforcement training fund and the receipt of penalty assessment revenues: (a) provide \$248,200 PR in 1999-00 and \$328,200 PR in 2000-01 for law enforcement training; (b) change funding for the law enforcement training fund and crime laboratory equipment and supplies from 49.09% of penalty assessment revenues to the appropriated amounts, and delete and modify statutory language and certain appropriations to reflect this change; (c) move the statutory language relating to levy of penalty assessments from Chapter 165 (Department of Justice) to Chapter 757 (general provisions concerning courts of record, judges, attorneys and clerks); (d) transfer 90% of the unencumbered balance of the penalty assessment surcharge receipts appropriation (which would be repealed) on the effective date of the bill to a newly-created penalty assessment receipts appropriation under the Office of Justice Assistance (OJA); (e) transfer the remaining 10% balance to the law enforcement training fund--state operations appropriation; (f) transfer funding in the law enforcement training fund--local assistance appropriation from the local assistance line to the aids to individuals and organizations line; and (g) delete obsolete statutory language relating to local law enforcement supplemental payments DOJ was authorized to request in 1990-91.

Provide \$97,800 PR in 1999-00 and \$152,000 PR in 2000-01 and 1.0 forensic scientist position annually for a training and field response coordinator at the Wausau crime lab. Program revenue funding would be provided from penalty assessment revenues from the law enforcement training fund--state operations appropriation.

## **DISCUSSION POINTS**

### **Law Enforcement Training**

1. The Law Enforcement Training Fund (LETF) was created under Chapter 29, Laws of 1977, to fund law enforcement training. In 1983, jail officer training was added and, in 1988, secure detention officer training. Currently, the LETF also provides \$412,000 annually for the Statewide Prosecutor's Education and Training program (SPET) for district attorneys. According to DOJ officials, the LETF has supported the SPET program for approximately 20 years. For the SPET program, the LETF funds three staff positions (1.0 attorney, 1.0 SPET coordinator, and 0.5 legal secretary), costs associated with the annual SPET conference, supplies and other expenses needed to operate a toll-free technical assistance line, and publication costs for a monthly newsletter.

2. The funding provided under the bill for law enforcement training is for: (a) increases in reimbursement payments to law enforcement agencies to cover the additional number of law enforcement officers being trained (\$48,200 in 1999-00 and \$128,200 in 2000-01); and (b) specialized training, especially in the areas of management and community policing (\$200,000 annually).

3. In his testimony to the Joint Committee on Finance on March 11, 1999, the Attorney

General described the development of a comprehensive overhaul of the way law enforcement officers are trained. This plan, called "Training for Tomorrow," would be funded by the LETF. DOJ did not request funding and position authority for the Training for Tomorrow initiative in its biennial budget request. Instead, Training for Tomorrow was identified in the biennial budget request as a program reserve to reflect the Department's plan to submit a s. 16.515/.505 request. Accordingly, DOJ submitted a request on November 25, 1998, for \$595,700 in 1998-99, \$1,313,600 in 1999-00 and \$1,688,100 in 2000-01 and 3.0 positions for the Training for Tomorrow initiative. The Department indicates that the proposal was submitted under s. 16.515/.505 because the agency was ready to begin the initiative and wanted approval before the budget would pass. On February 18, 1999, DOA denied the request, indicating that the initiative should have been submitted as a budget item and that by the time the request had been submitted, "key law enforcement issues had been discussed in the budget process and monies expected to be available from the penalty assessment surcharge were utilized for other law enforcement purposes." This request would have been funded with penalty assessment revenues, including DOJ's unencumbered balance in its penalty assessment surcharge appropriation.

4. If the Governor's proposal is modified so that DOJ's receipt of 49.09% of penalty assessment revenues for the LETF and crime lab equipment is maintained, and no other changes are made, it is estimated that the DOJ appropriation would have an unencumbered balance of approximately \$2.5 million on June 30, 2001. Consequently, if the Committee chooses to maintain DOJ's designated receipt of penalty assessment revenues, alternatives to fund the Training for Tomorrow initiative and to transfer additional revenues to the OJA receipts appropriation may be considered.

5. In July, 1997, DOJ began a statewide review of its basic law enforcement training. According to DOJ, 30 states exceed Wisconsin's requirement for 400 hours of entry-level training. The basic course for law enforcement training, for the most part, has not been changed in 25 years. There are concerns that basic training has not kept up with changes in law enforcement and in society. With the help of a consultant, DOJ conducted a series of strategic planning sessions throughout the state to develop recommendations for changing basic law enforcement training in Wisconsin. These recommendations called for: (a) expanding the number of hours required for training (from the current 400 hour requirement, to as many as 800 hours); (b) using new instructional methods, including distance learning, computer-based instruction, and increased use of scenarios, case studies and simulations; (c) revising and expanding testing of graduates, including new instructional unit exams and a comprehensive scenario-based final exam; and (d) enhancing employment standards with respect to physical fitness, psychological, and reading and writing standards and testing procedures.

6. As a result, DOJ has developed a plan to completely overhaul the basic training program. The areas of the new curriculum have been identified. Under the Training for Tomorrow initiative, DOJ would: (a) develop, test and implement the new curriculum; (b) produce and implement competency-based final exams; (c) develop and maintain testing centers affiliated with certified training academies; and (d) increase the training requirements, require field training, and reimburse some portion of the related costs incurred by law enforcement agencies.

7. Training for Tomorrow would require additional staff within DOJ's Training and Standards Bureau, curriculum development consultants, new testing centers, and an increase in reimbursement monies once the number of required law enforcement training hours increase. (A statutory change would be required to increase the required hours of basic training.) Once Training for Tomorrow is fully implemented, DOJ estimates the reimbursement costs for training 450 officers for approximately 800 hours each would require an increase of \$420,000 annually for tuition and training costs and \$166,200 annually for travel and lodging. DOJ estimates that the testing centers will cost \$805,000 annually once Training for Tomorrow is fully implemented.

8. DOJ has revised its original request to reflect a delayed implementation of the proposal. DOJ requests \$739,100 in 1999-00 and \$1,299,600 in 2000-01 and 3.0 positions annually (1.0 curriculum development coordinator, 1.0 instructional testing coordinator, and 1.0 program assistant) to begin implementing Training for Tomorrow. If DOJ's request is modified to provide 0.5, rather than 1.0 program assistant and to properly reflect other position costs, \$732,100 in 1999-00 and \$1,272,000 in 2000-01 would be needed.

9. Alternatively, the Committee may wish to fund Training for Tomorrow, but at a reduced cost. The next phase for the Training for Tomorrow initiative is to design the curriculum. The Committee could provide \$123,100 in 1999-00 and \$135,100 in 2000-01 and 2.5 positions annually to help design the curriculum and testing procedures, and \$265,000 in 1999-00 and \$210,000 in 2000-01 for consultant costs. Under this alternative, testing center and reimbursement funding would be deleted. According to DOJ, designing the curriculum for Training for Tomorrow will take at least one year. Once the curriculum design phase is complete, DOJ will be able to more accurately determine what funding is needed for developing the testing centers and the increased training reimbursement to law enforcement agencies.

10. Either alternative to fund the Training for Tomorrow would still leave a balance in DOJ's penalty assessment receipts appropriation. Given the deficit under the bill in the OJA receipts appropriation, an alternative to transfer 90% of the unencumbered balance of DOJ's penalty assessment receipts appropriation on June 30, 2000, to the new OJA appropriation could be considered. With this transfer, and if DOJ's request, as modified, was approved, it is estimated that \$495,800 would be transferred and the DOJ receipts appropriation would have a balance of \$19,100 on June 30, 2001. Alternatively, if only the 2.5 positions and the consultant costs were provided, it is estimated that \$805,400 would be transferred to OJA on June 30, 2000, and the DOJ receipts appropriation would have a balance of \$980,400 on June 30, 2001. If no funds were provided for Training for Tomorrow, it is estimated that \$1,154,600 would be transferred to OJA on June 30, 2000, and the DOJ receipts appropriation would have a balance of \$1,364,400 on June 30, 2001.

11. If additional resources are not provided for Training for Tomorrow, DOJ indicates it will proceed with the plan at a slower pace, using available resources. As part of that strategy, all or a portion of the \$200,000 annually provided under the bill for specialized training may instead be used for Training for Tomorrow curriculum development.



## Crime Laboratories Funding

12. Under the bill, the crime laboratories equipment and supplies appropriation would continue to be funded with penalty assessment revenues at its base level of \$377,300. Under current law, this funding is provided through DOJ's penalty assessment receipts appropriation (the remainder of the revenues constitute the law enforcement training fund). The bill would also provide \$97,800 in 1999-00 and \$152,000 in 2000-01 and 1.0 forensic scientist position for a training and field response coordinator at the Wausau crime lab to provide advanced-level training to law enforcement personnel regarding crime scene investigation and evidence, coordinate field response activities and perform casework. Under the bill, the funding would come from the law enforcement training fund--state operations appropriation.

13. If the Committee chooses to maintain DOJ's receipt of penalty assessment revenues, it could be considered appropriate to maintain funding for crime lab equipment and the training and field response coordinator position from the penalty assessment receipts appropriation.

## ALTERNATIVES

A. **Funding for Law Enforcement Training and Crime Labs** *(to be considered if Alternatives 1 or 2 under LFB Paper #187, entitled "Penalty Assessment Revenue Distribution," is adopted to eliminate DOJ's receipt of 49.09% of penalty assessment revenues for the law enforcement training fund and crime laboratory equipment and supplies).*

A1. Approve the Governor's recommendation to: (a) provide \$248,200 in 1999-00 and \$328,200 in 2000-01 for law enforcement training; (b) provide \$97,800 in 1999-00 and \$152,000 in 2000-01 and 1.0 forensic scientist position annually for a training and field response coordinator at the Wausau crime lab; (c) transfer funding in the law enforcement training fund-- local assistance appropriation from the local assistance line to the aids to individuals and organizations line; and (d) delete obsolete statutory language relating to local law enforcement supplemental payments DOJ was authorized to request in 1990-91. Reestimate the amount of the unencumbered balance to be transferred to OJA from DOJ's penalty assessment surcharge receipts appropriation from \$1,370,000 to \$1,960,200.

<b>Alternative A1</b>	<b>PR</b>
1999-01 REVENUE (Change to Bill)	-\$590,200

A2. Modify the Governor's recommendation by deleting \$346,000 in 1999-00 and \$480,200 in 2000-01 and 1.0 position to remove funding for law enforcement training and the crime lab training and field response coordinator position.

<u>Alternative A2</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	- \$826,200
2000-01 POSITIONS (Change to Base)	- 1.00

**B. Funding for the Law Enforcement Training Fund and Crime Labs** *(to be considered if Alternatives 3 or 4 in LFB Paper #187 is adopted to retain DOJ's receipt of 49.09% of penalty assessment revenues).*

B1. Approve the Governor's recommendation to: (a) provide \$248,200 in 1999-00 and \$328,200 in 2000-01 for law enforcement training; (b) provide \$97,800 in 1999-00 and \$152,000 in 2000-01 and 1.0 forensic scientist position annually for a training and field response coordinator at the Wausau crime lab, funded from the LETF; (c) transfer funding in the law enforcement training fund--local assistance appropriation from the local assistance line to the aids to individuals and organizations line; and (d) delete obsolete statutory language relating to local law enforcement supplemental payments DOJ was authorized to request in 1990-91. In addition: (a) reestimate the amount of the unencumbered balance on June 30, 1999, to be transferred to OJA from DOJ's penalty assessment surcharge receipts appropriation from \$1,370,000 to \$1,960,200; and (b) transfer 90% of the unencumbered balance of the penalty assessment surcharge receipts appropriation on June 30, 2000, to the OJA penalty assessment receipts appropriation. Under this alternative, it is estimated that \$1,154,600 in revenues would transfer to OJA on June 30, 2000, and DOJ's penalty assessment receipts appropriation would have a balance of \$1,364,400 on June 30, 2001.

<u>Alternative B1</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,744,800

B2. In addition to Alternative B1, provide an additional \$732,100 in 1999-00 and \$1,272,000 in 2000-01 and 2.5 positions annually to implement Training for Tomorrow. Under this alternative, it is estimated that an additional \$495,800 in revenues would transfer to OJA on June 30, 2000, and DOJ's penalty assessment receipts appropriation would have a balance of \$19,100 on June 30, 2001.

<u>Alternative B2</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,086,000
1999-01 FUNDING (Change to Bill)	\$2,004,100
2000-01 POSITIONS (Change to Bill)	2.50

B3. In addition to Alternative B1, provide an additional \$388,100 in 1999-00 and \$345,100 in 2000-01 and 2.5 positions annually for Training for Tomorrow. Under this alternative, it is estimated that an additional \$805,400 in revenues would transfer to OJA on June 30, 2000, and

DOJ's penalty assessment receipts appropriation would have a balance of \$980,400 on June 30, 2001.

<u>Alternative B3</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,395,600
1999-01 FUNDING (Change to Bill)	\$733,200
2000-01 POSITIONS (Change to Bill)	2.50

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May 27, 1999

Joint Committee on Finance

Paper #189

### *Penalty Assessment Revenue Allocations*

#### **Reimbursement to Counties for Victim and Witness Services (Justice)**

[LFB 1999-01 Budget Summary: Page 379, #2, 3 and 4]

#### **CURRENT LAW**

The Department of Justice (DOJ) reimburses counties for up to 90% of their costs for providing crime victim and witness services, such as court appearance and case progress notification, referrals to crime victim compensation and social services programs, and escort and other transportation services. Under current law, funding is provided from GPR, "part A" of a victim and witness assistance surcharge and a delinquency victim and witness surcharge, and anti-drug monies received from the Office of Justice Assistance (OJA). In addition, DOJ has the authority to use any crime victim and witness assistance surcharge monies not needed in a fiscal year to compensate victims of crime for county reimbursement. Base funding for the program is \$4,605,300 (\$1,497,100 GPR, \$2,257,400 PR from the surcharge revenues and \$850,800 PR from OJA anti-drug monies).

Under current law, a crime victim and witness surcharge is assessed against any person convicted of a misdemeanor (\$50 surcharge) or felony (\$70 surcharge). The initial \$30 of the surcharge for a misdemeanor and \$50 for a felony is termed "part A" of the surcharge and is authorized to fund victim compensation and reimburse counties for providing victim and witness services. The additional \$20 for both misdemeanor and felony violations is termed "part B" and is authorized to fund the sexual assault victim services program.

Currently, DOJ also provides grants with federal Victims of Crime Act (VOCA) funds to public and private nonprofit agencies that provide services for victims of sexual assault, domestic violence, child abuse and personal injury crimes. The adjusted base for the program is \$2,433,000 FED.

The sexual assault victim services program awards grants to nonprofit agencies that provide sexual assault victim services. Base funding for the program is \$1,000,000 PR. Funding is provided from "part B" revenues of the victim and witness assistance surcharge.

## **GOVERNOR**

Provide \$463,600 PR in 1999-00 and \$647,200 PR in 2000-01 for county reimbursement of victim and witness assistance services from the following sources: (a) \$660,800 in 1999-00 and \$773,000 in 2000-01 in a newly-created appropriation funded with penalty assessment revenues; and (b) -\$197,200 in 1999-00 and -\$125,800 in 2000-01 to reflect a reestimate of "part A" victim and witness surcharge and delinquency victim and witness surcharge revenues. Direct the Secretary of Administration to continue to allocate \$850,800 annually in federal Byrne anti-drug law enforcement monies and matching penalty assessment revenues for reimbursing counties that provide crime victim and witness services. Modify the interagency and intra-agency assistance appropriation that receives the anti-drug monies from OJA to specify that the monies may be used to provide reimbursement to counties. Expand the funding sources for county victim-witness services reimbursement by allowing DOJ to use federal VOCA funding and "part B" surcharge revenues for county reimbursement.

[The Governor's recommendation would also provide: (a) \$2,167,000 FED in 1999-00 and \$1,567,000 FED in 2000-01 and 2.0 positions annually to reflect increased federal revenues estimated to be expended under the federal Victims of Crime Act (VOCA); and (b) \$500,000 PR in 1999-00 and \$1,000,000 PR in 2000-01 for the sexual assault victim services program.]

## **DISCUSSION POINTS**

1. DOJ's Office of Crime Victim Services (OCVS) currently reimburses counties for providing victim and witness services with a combination of GPR and program revenues from victim and witness surcharge monies and federal anti-drug abuse monies from OJA. Under the bill, penalty assessment monies would also be provided. In addition to the new penalty assessment funding, the bill would: (a) modify the sexual assault victim services appropriation to allow revenues from "part B" of the victim and witness surcharge to also be used to reimburse counties for the costs of victim and witness services; and (b) authorize county payments from the federal appropriation that receives VOCA monies.

2. Currently, VOCA funding is used for crime victim compensation programs and for subgrants to public or private nonprofit agencies that provide social services to crime victims (as opposed to the county victim and witness services programs, which typically assist victims and witnesses with court proceedings). "Part B" revenues are used to provide grants to nonprofit agencies that provide sexual assault victim services. Services to sexual assault victims include 24-hour crisis lines, legal and medical advocacy, counseling, support groups, community and prevention education, and child care and transportation services.

3. The bill does not identify a method or priority for allocating "part B" funds between the sexual assault victim services program and the county victim and witness reimbursement program, or for allocating the victim assistance VOCA funds. According to DOA, the Governor did not assume that any of these funds would be used for county reimbursements. Instead, the bill gives DOJ the option to use these funding sources to increase state reimbursement to counties.

4. The bill would provide an additional \$3.7 million for the VOCA appropriation and an additional \$1.5 million for the sexual assault victim services appropriation over the biennium. These appropriation increases reflect increases over the current biennium in federal VOCA and "part B" surcharge revenues, respectively. It could be considered appropriate, therefore, to use the increased funding for these victim programs to increase reimbursements to counties for victim-witness services.

5. However, although the Governor's recommendation would provide DOJ with more flexibility in reimbursing counties for the provision of victim and witness services, DOJ indicates that the additional sources of revenue (VOCA monies and "part B" monies) would not be used. According to DOJ officials, the increased expenditure authority will be used to provide a sustainable level of grant funding for sexual assault victim services (SAVS) and the VOCA victim assistance programs.

6. DOJ also indicates that it would not use VOCA funding for county reimbursement because under the federal statute: (a) VOCA monies cannot be used to supplant funding for existing programs; and (b) VOCA monies cannot be used to fund witness services. Providing additional state reimbursement with VOCA funds can be seen as simply shifting the source of funding for existing programs and not providing an expansion of services, as VOCA requires under the supplantation prohibition.

7. Moreover, federal statutes do not permit VOCA monies to be used for witness services, which counties must provide to receive reimbursement under the reimbursement program. Counties must provide the following services to both victims and witnesses to receive reimbursement:

- Court appearance notification services
- Victim compensation and social services referrals, including witness fee collection, case-by-case referrals and public information
- Escort and other transportation services
- Case progress notification services
- Waiting facilities.

8. According to DOJ, there are often more witnesses than victims in a case. In addition, many victims also serve as witnesses in court proceedings. Therefore, it would be difficult to separate victim services from witness services in a county victim-witness office.

9. It could be possible to meet the federal requirements by requiring counties, when requesting to be reimbursed for providing victim-witness services, to: (a) identify new programs (not inflationary increases to existing programs) for which reimbursement is sought; and (b) quantify the amount needed for victim services only within those new programs. As a result, VOCA monies potentially could be used to fund those new programs. This would not, however, result in any increase to the state reimbursement rate for current victim-witness services programs.

10. DOJ indicates it would not use "part B" monies from the victim and witness surcharge because that money is a dedicated source of revenue specifically for sexual assault services. "Part B" of the victim/witness surcharge was created under 1993 Act 16 to provide grants for sexual assault victim services. The Governor's recommendation would allow "part B" revenues to be used to reimburse counties, without a requirement to assure that the funds be used for sexual assault victims. This could be seen as a change in legislative intent in the use of "part B" revenues.

11. According to DOJ, SAVS grants funded with "part B" revenues provide the majority, and in some cases the sole, source of state funding for sexual assault victim services programs throughout the state. DOJ indicates that county victim-witness programs often do not provide sexual assault services because the majority of sexual assault crimes are unreported. As a result, the only agencies from which a victim of sexual assault may seek services are nonprofit agencies that are often supported by SAVS grants. Consequently, DOJ believes that using "part B" revenues to reimburse county victim-witness service programs would reduce the amount of sexual assault services for victims.

12. In his testimony before the Joint Committee on Finance on March 11, 1999, Attorney General Doyle stated that allowing DOJ to use VOCA and "part B" monies for county reimbursement for victim-witness services would pit "counties against sexual assault victims and other crime victim service providers."

13. Since DOJ indicates it would not use VOCA or "part B" surcharge revenues for county reimbursements, the Committee may wish to eliminate the Governor's statutory provisions allowing VOCA and "part B" monies to be used to reimburse counties for providing victim-witness services.

14. The Governor's proposal to provide additional funding sources for county reimbursement responds to the decline in reimbursements provided to counties. Although the statutes allow for state reimbursement of up to 90% of counties' costs, the actual reimbursement rate in most years has generally been lower. The table below illustrates the history of county reimbursement rates for the provision of victim/witness services.

### State Reimbursement to Counties

<u>Fiscal Year</u>	<u>Amount of State Reimbursement</u>	<u>Percentage of Counties' Cost Reimbursed</u>	<u>Number of Counties Receiving Reimbursement</u>
1985-86	\$1,228,000	90%	29
1986-87	1,475,400	90	33
1987-88	1,559,100	80	33
1988-89	1,572,900	74	37
1989-90	2,097,100	85	43
1990-91	2,370,600	84	43
1991-92	3,129,400	90	49
1992-93	3,132,000	78	55
1993-94	3,664,900	78	58
1994-95	4,081,600	83	58
1995-96	4,074,100	79	60
1996-97	4,069,100	72	64
1997-98	4,655,000	78	66
1998-99	4,605,300*	68*	68

\*Estimated

15. DOJ estimates a 68% reimbursement rate in 1998-99, compared with a 78% reimbursement rate in 1997-98. DOJ attributes the lower reimbursement rate in 1998-99 to: (a) the addition and expansion of victim-witness service programs, in part in response to 1997 Act 181, which expanded the rights of crime victims and witnesses; (b) increasing county costs (the majority of costs associated with victim-witness services are salary and fringe benefit costs); and (c) county victim-witness computer costs associated with the automated district attorney information system (most victim-witness services programs are housed in DA offices).

16. Assuming a 3% annual increase in county victim-witness costs over the biennium, it is estimated that, under the bill, DOJ would be able to reimburse counties for 72.7% of their costs in 1999-00 and for 73.1% of their costs in 2000-01.

17. Alternatively, the Committee may wish to decrease the penalty assessment revenues appropriated for victim-witness services reimbursement. Some counties have resolutions indicating that if the reimbursement rate falls below 70%, the county board will reconsider the existence of the victim-witness services program. If funding were provided to reimburse counties for an estimated 70% of their costs in each year of the biennium, funding could be reduced by \$185,900 PR in 1999-00 and \$223,000 PR in 2000-01.

18. If the Committee wishes to maintain current law and provide no penalty assessment revenue funding for county victim-witness services reimbursement, the penalty assessment appropriation could be deleted, along with \$660,800 PR in 1999-00 and \$773,000 PR in 2000-01. Along with the "part A" revenue reestimate, it is estimated that this would provide funding to reimburse counties for 63% of their costs in 1999-00 and 62% of their costs in 2000-01.



19. The Committee may also wish to increase the percentage reimbursement to counties for providing victim-witness services. It is estimated that an additional \$165,000 PR in 1999-00 and \$140,000 PR in 2000-01 in penalty assessment revenues would allow DOJ to annually reimburse counties for 75% of their costs. An additional \$372,100 PR in 1999-00 and \$351,800 PR in 2000-01 in penalty assessment revenues would allow DOJ to annually reimburse counties for 78% of their costs.

## ALTERNATIVES

### A. Funding

1. Approve the Governor's recommendation to: (a) provide \$660,800 PR in 1999-00 and \$773,000 PR in 2000-01 in a newly-created appropriation funded with penalty assessment revenues; (b) delete \$197,200 PR in 1999-00 and \$125,800 PR in 2000-01 to reflect a reestimate of "part A" victim and witness surcharge and delinquency victim and witness surcharge revenues; (c) direct the Secretary of Administration to continue to allocate \$850,800 annually in federal Byrne anti-drug law enforcement monies and matching penalty assessment revenues for reimbursing counties that provide crime victim and witness services; and (d) modify the interagency and intra-agency assistance appropriation that receives the anti-drug monies from OJA to specify that the monies may be used to provide reimbursement to counties. It is estimated that the Governor's recommendation would allow DOJ to annually reimburse counties for approximately 73% of their costs.

2. Modify the Governor's recommendation by reducing the newly-created appropriation funded with penalty assessment revenues by \$185,900 PR in 1999-00 and \$223,000 PR in 2000-01. It is estimated that this alternative would allow DOJ to annually reimburse counties for approximately 70% of their costs.

<u>Alternative A2</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	- \$408,900

3. Delete \$660,800 PR in 1999-00 and \$773,000 PR in 2000-01 and delete the penalty assessment appropriation. It is estimated that this alternative would allow DOJ to reimburse counties for 63% of their costs in 1999-00 and 62% of their costs in 2000-01.

<u>Alternative A3</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	- \$1,433,800

4. Provide \$165,000 PR in 1999-00 and \$140,000 PR in 2000-01 to allow DOJ to annually reimburse counties for 75% of the costs relating to providing victim and witness services.

<u>Alternative A4</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	\$305,000

5. Provide \$372,100 PR in 1999-00 and \$351,800 PR in 2000-01 to allow DOJ to annually reimburse counties for 78% of the costs relating to providing victim and witness services.

<u>Alternative A5</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	\$723,900

**B. Use of VOCA and "Part B" Funds**

1. Approve the Governor's recommendation to give DOJ the authority to use federal VOCA funding and "part B" funds from the victim and witness surcharge for reimbursement to counties that provide victim and witness services.

2. Maintain current law.

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May 27, 1999

Joint Committee on Finance

Paper #190

### *Penalty Assessment Revenue Allocations*

#### **Bureau of Justice Information Systems -- District Attorney and Integrated Justice Information System Projects (Administration -- Information Technology)**

[LFB 1999-01 Budget Summary: Page 58, #1]

#### **CURRENT LAW**

Base funding for the Bureau of Justice Information Systems (BJIS) is \$5,090,700 PR and 10.0 PR positions (\$3,595,400 and 10.0 positions funded from the justice information system fee and \$1,495,300 funded from federal anti-drug funding and state penalty assessment match monies received by the Office of Justice Assistance).

#### **GOVERNOR**

Provide \$4,894,600 PR annually for BJIS to complete information technology automation in all district attorneys' (DA) offices statewide and for other integrated justice information system projects. Create a separate, annual appropriation for justice information systems development, operation and maintenance funded from penalty assessment revenues, with the amounts appropriated transferred from the Office of Justice Assistance (OJA) to BJIS.

As a nonstatutory provision, direct the Secretary of DOA to allocate \$363,900 in 1999-00 and \$1,782,000 in 2000-01 from OJA's federal anti-drug enforcement and matching state penalty assessment appropriations to fund the installation of equipment for automated justice information systems. Direct the Secretary of DOA to allocate \$446,500 annually from OJA federal anti-drug enforcement monies to fund the general operations of BJIS related to automated justice information systems.

## DISCUSSION POINTS

1. BJIS was created under the Department of Administration in the 1995-97 biennial budget act to maintain, coordinate and promote automated information sharing among justice agencies at the state and local level. The 1997-99 biennial budget act provided funding for BJIS to continue computer automation in district attorney offices statewide, including the development of a case management system, and to begin computer automation in the State Public Defender's Office (SPD).

2. For 1998-99, BJIS has a total of \$5,057,400 budgeted for the following: (a) general administration, \$995,000 (\$843,000 from the justice information system fee and \$152,000 from the federal Byrne grant); (b) district attorney projects, \$1,910,800 (\$1,467,500 from the justice information fee and \$443,300 from the federal Byrne grant); and (c) SPD projects, \$2,151,600 (\$1,251,600 from the justice system information fee and \$900,000 from the federal Byrne grant). Of the total, \$3,451,500 is one-time costs for both district attorney projects (\$1,399,200) and SPD projects (\$2,052,300). These one-time costs are removed as a standard budget adjustment in AB 133. The Committee should note that AB 133 also transfers responsibility for Public Defender information technology from BJIS to the SPD, but does not transfer funding.

3. Table 1 identifies total funding recommended by the Governor for BJIS in the 1999-01 biennium, including base funding. In the table, the following funding sources are identified: (a) the justice information system fee (currently \$4 of the \$7 fee on forfeitures and certain civil court filings is provided to BJIS, \$2 is provided for the Circuit Court Automation Project (CCAP) and \$1 is placed in the general fund); (b) federal Byrne anti-drug funding and penalty assessment matching monies provided through the Office of Justice Assistance (OJA); and (c) penalty assessment revenues appropriated directly to BJIS (a new source of funding created under the bill).

**TABLE 1**

### Total Funding Under AB 133

Item	1999-00	2000-01	Funding Source
	Recommended Funding	Recommended Funding	
Base funding*	\$1,435,400	\$1,435,400	PR-justice information system fee
Base funding*	<u>152,000</u>	<u>152,000</u>	PR-Byrne anti-drug grant
Subtotal	\$1,587,400	\$1,587,400	
DA automation and integrated justice information	2,484,300	1,064,600	PR-justice information system fee
DA automation and integrated justice information	810,300	2,230,000	PR-Byrne anti-drug grant
DA automation and integrated justice information	<u>1,600,000</u>	<u>1,600,000</u>	PR-penalty assessment surcharge
Subtotal	\$4,894,600	\$4,894,600	
Total	\$6,482,000	\$6,482,000	

\*Base funding includes standard budget adjustments.

4. In the bill, the Governor provides an increase of \$4,894,600 PR annually for BJIS to complete information technology automation in all DA offices statewide and for other integrated justice information system projects. The budget does not specifically identify the expenditure items associated with the various components of DA automation (for example, technical support, hardware, software, training, software development or equipment replacement) or the other activities of BJIS. The Governor's Budget in Brief does, however, indicate the following with regard to BJIS:

a. "Provide \$6.3 million in each year to complete the installation of the statewide district attorney computer network (DANET) in all 71 DA offices. The recommended funds will cover installation and equipment costs, ongoing support and maintenance and continued development of the unified case management system. Once complete, DAs will have access to legal research tools, critical charging information from DOJ's criminal history records, the TIME system [telecommunications services and access to criminal history data] and local law enforcement. Completion of the system will also improve the efficiency of DA offices by providing electronic access to court calendars, allowing the electronic filing of cases and providing timely notification of court dates."

b. "Provide \$300,000 in each year to the DOA Bureau of Justice Information Systems (BJIS) to enable BJIS to meet its statutory mission of promoting, maintaining and coordinating automated information systems among Wisconsin's justice-related agencies. The additional funding will enable BJIS to complete the *Integrated Justice System Data Dictionary* that will provide standard data definitions for use by all criminal justice agencies. In addition, BJIS will develop a secure law enforcement website consisting of real-time information on offender status such as pending charges, active restraining orders and bail conditions."

5. According to the Department, BJIS's operating budget for 1999-01 is divided as identified in Table 2. The following items have been identified: (a) DA local area network (LAN) installation and support (initial hardware and software installation and training, initial hardware and software upgrades and initial hardware replacement); (b) technical support center (consultant-staffed center providing such services as training and network documentation, troubleshooting, help desk support, pre-installation work, on-site support at county installations and computer server operations); (c) DA case management system (CMS) development (extended development of the existing CMS, training materials and maintenance of the CMS); (d) integrated justice information systems (development of a data dictionary, system operational planning, development of an electronic criminal rap sheet and a justice system computer applications survey); and (e) general bureau operations.

**TABLE 2**

**BJIS Operating Budget  
1999-01**

<u>Item</u>	1999-00 Operational <u>Funding</u>	2000-01 Operational <u>Funding</u>
DA LAN installation and support	\$2,059,700	\$2,198,100
Support center	1,853,000	2,216,200
DA case management system development	1,334,800	836,300
Integrated justice information systems	250,000	250,000
Bureau operations	<u>800,000</u>	<u>800,000</u>
Total	\$6,297,500	\$6,300,600

6. As a technical adjustment, the Committee could reduce the Governor's recommendation (\$6,482,000 annually) by \$184,500 in 1999-00 and \$181,400 in 2000-01 to reflect the lower operating costs identified by DOA (\$6,297,500 PR in 1999-01 and \$6,300,600 PR in 2000-01). Of this amount, DOA indicates that \$151,900 in 1999-00 and \$153,500 in 2000-01 is attributed to a discrepancy between the amount of anti-drug monies appropriated to BJIS and the amounts indicated in the nonstatutory provisions of the bill. The Committee should also note that not all necessary equipment was included in calculating costs for network infrastructure. As a result, costs could be increased by \$35,800 PR in 1999-00 and \$10,500 in 2000-01.

7. DOA indicates that using base resources and the increased funding provided by the Governor, it will be able to: (a) install LANs in all 71 counties by the end of 2000-01; (b) connect all LANs to the state telecommunications network; (c) add the case management system to the DA LANs; (d) begin a standard four-year replacement cycle for hardware and software; (e) provide training, help desk service and technical support; (f) install the first version of CMS in all 71 counties to allow interfaces with the court system and the Department of Justice's criminal history information; (g) train users of the CMS; (h) begin the development of the second version of the CMS that will allow access to law enforcement, DOJ's Crime Information Bureau and legal services and the Department of Transportation; (i) begin installation of the second version of the CMS; (j) create a data storage system for the CMS; (k) provide technical assistance and support for all 71 counties; and (l) begin to develop an integrated justice information system by developing a data dictionary, system operational plan, an electronic criminal rap sheet and a justice system computer applications survey.

8. DOA has installed DA LANs in 18 counties as of April 1, 1999. BJIS estimates that it will install LANs in another seven counties (including the Milwaukee Children's Court Center) by the end of 1998-99. The bill is intended to allow BJIS to complete the installation of LANs in the remaining 46 counties and two additional Milwaukee County sites by the end of 2000-01. BJIS

argues that, while installing LANs in the remaining counties by the end of 2000-01 may be challenging, it is possible. BJIS bases its timetable on recent experience, its ability to install uniform hardware and software statewide and general county acceptance of state-provided IT support.

9. However, the BJIS Annual Report for 1998 indicates that there are three factors making the installation of DA LANs difficult:

a. Each county has its own information technology network to which a DA LAN must connect. County IT networks are not standardized, therefore making each county installation different.

b. Not all IT users in DA offices receive computer equipment from BJIS, because only state DA attorney staff receive state assistance. Support staff for DA offices are funded by the counties. BJIS requires that in order for implementation to proceed any county receiving a DA LAN must: (1) purchase the same equipment for DA support staff that BJIS provides for DA attorney staff; (2) designate a network administrator in the DA office; and (3) have a formal memorandum of understanding (MOU) signed between DOA and four county officials: the DA, the County IT director, the County executive or administrator and the appropriate County Board representative.

c. Various organizations (BJIS, CCAP, DOJ and contractors) are involved in supporting DA office automation. These groups must work with DA and county staff on each DA LAN installation.

10. Participation by counties is voluntary; county DA offices can elect to participate in the state system or remain with their county system.

11. Given the difficulties identified by BJIS with regard to installing DA LANs and the voluntary nature of the program, it could be argued that the schedule to install LANs in 46 counties in a two-year period may not be possible. Current state IT standards for computer equipment replacement is a four-year cycle. If this same cycle is applied to the installation schedule for DA LANs and the schedule lengthened to four years, costs could be reduced by \$483,100 PR in 1999-00 and \$375,100 PR in 2000-01.

12. Staff support for both the DA LAN support center and case management system development is provided exclusively through contracted staff. An argument can be made that with the development of statewide DA LAN system, the state will need to provide continued support and technical assistance to DA offices for certain aspects of the system. These areas include help desk services, training, technical writing for system upgrades and CMS support. Given the long-term state commitment to DA LANs, state staff may be more appropriate than contracted staff. If these functions of BJIS are converted to state employees, an additional 9.0 PR positions in 1999-00 and 12.0 PR positions in 2000-01 would be necessary and the recommendation could be reduced by \$577,400 PR in 1999-00 and \$662,400 PR in 2000-01.

13. DOA standards for user to support staff ratios indicate that the optimal level is one support staff for every 55 users. Under the Governor's recommendation, these standards are generally adhered to with ratios of 58 to 1 in 1999-00 and 61 to 1 in 2000-01. If the Committee provides state staff to replace contracted staff and no other adjustments are made, the support ratios drop below 50 to 1. In order to maintain the Governor's recommended ratios, and depending on the implementation schedule that is selected, the recommendation could be reduced as follows: (a) assuming that DA LANs are all installed during the 1999-01 biennium (the Governor's recommendation), \$423,400 PR in 1999-00 and \$499,900 in 2000-01; or (b) assuming that the installation is phased in over a four-year period, \$623,300 PR in 1999-00 and \$749,500 in 2000-01. Alternatively, if the Committee does not provide state staff and delays implementation of DA LANs, costs could be reduced by \$375,900 in 1999-00 and \$526,200 in 2000-01 to provide support at the Governor's recommended ratios.

14. Under current law, BJIS receives PR funding from the justice information system fee and the Byrne anti-drug grant program provided through OJA. The justice information system fee generates approximately \$2.5 million annually. Under the Governor's recommendation, this revenue, plus an estimated \$1.5 million in carryover from 1998-99, is used to support expenditures of \$3.9 million in 1999-00 and \$2.5 million in 2000-01. The Governor would provide Byrne grant funding for BJIS of \$962,300 PR in 1999-00 and \$2,382,000 PR in 2000-01.

15. The Byrne program requires a 25% match of state funds. Generally, this match is provided from penalty assessment revenues in OJA. Currently, however, BJIS provides the required match from the justice information fee. In order to provide increased funding for BJIS, the Governor has recommended that a portion of the Byrne grant be matched from penalty assessment revenues. As a technical correction, however, BJIS's current appropriation for receipt of Byrne grant funds needs to be modified to specify that it can receive penalty assessment revenues to match Byrne funds.

16. In addition to the current revenue sources identified above, the Governor also recommends that \$1,600,000 PR annually from penalty assessment revenues be provided to BJIS in addition to the penalty assessment revenues used to match Byrne funding. A separate annual PR appropriation is created for this funding. Given that the straight penalty assessment funding is new for BJIS, it can be argued that any reduction in total funding to the BJIS recommendation should be made to this funding source. Since the funding sources for BJIS are not connected to any specific expenditure items, the Committee may wish to adopt an alternative that would specify that any reduction made to the Governor's recommendation first be made to correct the Governor's OJA funding, second to the penalty assessment appropriation, third to the penalty assessment match portion of the Byrne grant appropriation, fourth to the justice information system fee appropriation and lastly to the federal Byrne grant appropriation. Since the bill also creates nonstatutory language directing the Secretary of DOA to allot specific amounts of Byrne grant funding to BJIS, the alternative should also indicate that, if necessary, the amounts specified be reduced accordingly. Under this alternative, if budgeted expenditures for BJIS are reduced by more than \$1,600,000 annually, the new appropriation for penalty assessment revenues could be deleted.



## ALTERNATIVES

1. Approve the Governor's recommendation to: (a) provide \$4,894,600 annually for BJIS to complete information technology automation in all district attorneys' (DA) offices statewide and for other integrated justice information system projects; (b) create a separate, annual appropriation for justice information systems development, operation and maintenance funded from penalty assessment revenues, with the amounts appropriated transferred from the Office of Justice Assistance (OJA) to BJIS; and (c) create nonstatutory provisions, directing the Secretary of DOA to allocate \$363,900 in 1999-00 and \$1,782,000 in 2000-01 from OJA federal anti-drug enforcement and matching state penalty assessment appropriations to fund the installation of equipment for automated justice information systems) and directing the Secretary of DOA to allocate \$446,500 annually from OJA federal anti-drug enforcement monies to fund the general operations of BJIS related to automated justice information systems. In addition: (a) modify the BJIS interagency assistance appropriation to allow the transfer of OJA penalty assessment match monies; and (b) correct the nonstatutory language to reflect appropriated amounts.

2. Modify the Governor's recommendation by adopting any of the following alternatives:

a. Reduce funding by \$184,500 in 1999-00 and \$181,400 in 2000-01 to reflect the lower operating costs for BJIS as identified by DOA. Of this amount, \$151,900 in 1999-00 and \$153,500 in 2000-01 are attributable to anti-drug funding.

<u>Alternative 2a</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	- \$365,900

b. Provide \$35,800 in 1999-00 and \$10,500 in 2000-01 to correct an error made in calculating costs of equipment necessary for DA LAN network infrastructure.

<u>Alternative 2b</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	\$46,300

c. Convert contracted DA LAN and case management contracted staff support to state employees. Provide an additional 9.0 positions in 1999-00 and 12.0 positions in 2000-01 in BJIS and reduced funding provided in the bill by \$577,400 in 1999-00 and \$662,400 in 2000-01.

<u>Alternative 2c</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	- \$1,239,800
2000-01 POSITIONS (Change to Bill)	12.00

d. Reduce funding by \$483,100 in 1999-00 and \$375,100 in 2000-01 to account for a delayed installation schedule for the DA LAN system.

<b>Alternative 2d</b>	<b>PR</b>
<b>1999-01 FUNDING</b> (Change to Bill)	- \$858,200

3. If state staff are provided (Alternative 2c) and based on the installation schedule adopted by the Committee, one of the following reductions to the Governor's recommendation could be selected to provide a user to staff support ratio of approximately 61 to 1 in 2000-01:

a. Assuming that DA LANs are all installed during the 1999-01 biennium (the Governor's recommendation), -\$423,400 PR in 1999-00 and -\$499,900 in 2000-01.

<b>Alternative 3a</b>	<b>PR</b>
<b>1999-01 FUNDING</b> (Change to Bill)	- \$923,300

b. Assuming that DA LANs are phased in over a four-year period (Alternative 2d), -\$623,300 in 1999-00 and -\$749,500 in 2000-01.

<b>Alternative 3b</b>	<b>PR</b>
<b>1999-01 FUNDING</b> (Change to Bill)	- \$1,372,800

4. If the Committee does not provide state staff (does not adopt Alternative 2c) and delays the installation schedule (Alternative 2d), the Governor's recommendation could be reduced by \$375,900 in 1999-00 and \$526,200 in 2000-01 to provide a user to staff support ratio of approximately 61 to 1 in 2000-01.

<b>Alternative 4</b>	<b>PR</b>
<b>1999-01 FUNDING</b> (Change to Bill)	- \$902,100

5. In addition to any alternatives adopted under 2, 3 or 4, specify that any reduction made to the Governor's recommendation first be made to correct the Governor's OJA funding, second to the penalty assessment appropriation, third to the penalty assessment match portion of the Byrne grant appropriation, fourth to the justice information system fee appropriation and lastly to the federal Byrne grant appropriation. Specify that, if necessary, the amounts specified in nonstatutory language directing the Secretary of DOA to allot specific amounts of Byrne grant funding to BJIS be reduced accordingly. Specify that if budgeted expenditures for BJIS are reduced by more than \$1,600,000 annually, the appropriation for penalty assessment revenues created in the

bill be deleted. Specify that if penalty assessment match money is provided, the BJIS interagency assistance appropriation be modified to allow the transfer of OJA penalty assessment match monies.

6. Maintain current law.

<u>Alternative 6</u>	<u>PR</u>
1999-01 FUNDING (Change to Bill)	- \$9,789,200

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May 27, 1999

Joint Committee on Finance

Paper #191

### *Penalty Assessment Revenue Allocations*

#### **Penalty Assessment State Match Funding for the Federal Anti-Drug Enforcement Program (DOA -- Office of Justice Assistance)**

[LFB 1999-01 Budget Summary: Page 80, #2, Page 81, #4, Page 82, #5, Page 182, #18 and Page 387, #23]

#### **CURRENT LAW**

Under current law, penalty assessment revenues are used to match federal anti-drug law enforcement funds that are distributed to state agencies and local units of government and to OJA for administration. The Office of Justice Assistance (OJA) currently receives 22.73% of penalty assessment revenues and distributes the revenues among its anti-drug local, state and administration appropriations. OJA also transfers appropriated amounts from its anti-drug local appropriation to the Department of Corrections (DOC) for youth diversion programs and to the Department of Justice (DOJ) for its Division of Narcotics Enforcement (DNE).

#### **GOVERNOR**

Make the following changes to the penalty assessment state match funding for the federal Byrne anti-drug enforcement program: (a) delete \$1,972,400 in 1999-00 and \$1,674,000 in 2000-01 from the program revenue appropriations for penalty assessment state match; (b) change funding for those appropriations from 22.73% of penalty assessment revenues to the appropriated amounts, and modify the appropriation language to reflect this change; and (c) delete statutory language which requires local units of government to provide at least a 10% match for the anti-drug law enforcement monies they receive from OJA.

The funding reductions are related to: (a) -\$1,920,400 in 1999-00 and -\$1,919,300 from 2000-01 in the appropriation that provides match monies for local programs to remove funding which, under the current appropriation structure, is appropriated in OJA's local appropriation for

transfer to other state agencies. This amount represents -\$645,000 annually to DOC for youth diversion programs; -\$200,000 annually provided to DNE for tactical purposes; -\$948,800 annually provided to DNE for strategic purposes; and -\$126,600 in 1999-00 and -\$125,500 in 2000-01 in re-estimates of penalty assessment match need; (b) -\$72,000 in 1999-00 and \$225,300 in 2000-01 in the state appropriation to reflect re-estimates of required match amounts; and (c) \$20,000 annually in the program administration appropriation for administrative costs associated with a new federal program (the Juvenile Accountability Incentive Block Grant).

## DISCUSSION POINTS

1. The anti-drug enforcement state, local and administrative appropriations under OJA use penalty assessment monies to match federal Byrne grants to the state. The distribution of grant monies between state and local programs is determined by federal law. Under the anti-drug enforcement local appropriation, which requires a 15% state match and 10% local match, the following programs are being funded in 1999-00:

- Multi-jurisdictional anti-drug enforcement task forces (currently, there are 29 task forces in the state, which include all counties except Sauk and Dodge counties)
- A Milwaukee County court delay reduction program
- 1.0 assistant district attorney (ADA) in Dane County and 3.0 ADAs in Milwaukee County
- A City of Milwaukee drug abatement program
- County reimbursement for providing victim/witness services through DOJ's Office of Crime Victim Services
- Demonstration projects relating to AODA programs for jail and Huber law inmates.

From the anti-drug enforcement state appropriation, which requires a 25% match of state funds for the federal Byrne award, the following programs are being funded in 1998-99:

- Department of Administration's Bureau of Justice Information Systems (BJIS)
- DOJ's Division of Narcotics Enforcement technological equipment for investigations
- Department of Corrections information technology.

2. The state match is provided with penalty assessment revenues with the exception of the BJIS program, which uses its justice information fee revenue for match.

3. Most project grants under the Byrne grant program are limited to four years of funding. However, funding related to anti-drug enforcement task forces and victim/witness services may continue beyond four years. As a result, some of the programs currently funded with federal Byrne and penalty assessment match monies will end on June 30, 1999.

4. Under the Governor's recommendation, the following programs would be funded with federal Byrne and penalty assessment match monies.

<u>Purpose</u>	<u>1999-00</u>		<u>2000-01</u>	
	<u>Federal Byrne Funding</u>	<u>Penalty Assessment Match</u>	<u>Federal Byrne Funding</u>	<u>Penalty Assessment Match</u>
<b>Anti-drug Enforcement Program, Administration</b>				
Administrative costs associated with the OJA anti-drug program	\$307,200	\$135,600	\$321,900	\$135,600
<b>Anti-drug Enforcement Program, Local Assistance</b>				
Multi-jurisdictional anti-drug enforcement task forces	\$4,486,000	\$897,200	\$4,475,500	\$895,100
3.0 Milwaukee County anti-drug assistant district attorney	197,300	65,700	203,500	67,800
1.0 Dane County anti-drug assistant district attorney	62,700	20,900	65,900	22,000
Law enforcement and crime commission set-aside (the Commission awards grants to task forces and special projects)	262,500	52,500	262,500	52,500
Special projects (such as demonstration projects related to AODA programs for jail and Huber law inmates)	25,000	5,000	25,000	5,000
County reimbursement for victim-witness services through DOJ	709,000	141,800	709,000	141,800
<b>Anti-drug Enforcement Program, State Operations</b>				
DOJ criminal history records improvement	\$869,000	\$289,700	\$705,100	\$235,000
DOJ STR testing	170,100	56,700		
DOJ DNA databank	337,500	112,500		
DOJ crime lab equipment	191,000	63,700	191,000	63,700
BJIS operations	446,500	JIF match	446,500	JIF match
BJIS equipment installation	272,900	91,000	1,336,500	445,500
DOC information technology	400,000	133,300	900,000	300,000
DOC AODA programming	<u>750,000</u>	<u>250,000</u>	<u>750,000</u>	<u>250,000</u>
<b>TOTAL</b>	<b>\$9,486,700</b>	<b>\$2,315,600</b>	<b>\$10,392,400</b>	<b>\$2,614,000</b>

5. In addition, under the bill, all penalty assessment revenues would initially be deposited to a newly-created appropriation under OJA and then transferred to OJA's anti-drug state, local and administrative appropriations. As a result, rather than receiving 22.73% of all penalty assessment revenues into the anti-drug local appropriation, the OJA anti-drug state, local, and administrative appropriations would receive the amounts appropriated. Moreover, OJA's anti-drug local appropriation would no longer transfer funding to DOC for the youth diversion program or to DOJ for its DNE; rather, these programs would receive funding from the newly-created OJA appropriation.

6. It is estimated that the anti-drug match appropriations would have closing balances totaling \$1,351,000 at the end of 1998-99. Unlike the other penalty assessment receipts appropriations (except for the correctional officer training appropriation, which is estimated to have a closing balance of \$0), the bill would not transfer 90% of the unencumbered balances of these appropriations to the newly-created penalty assessment receipts appropriation. A rationale for not transferring 90% of the balance from these appropriations is that some level of unappropriated penalty assessment match money is needed as a cushion for fluctuations in the federal Byrne

funding. With this cushion, if additional federal dollars are received, they can be utilized because the match money is available. If the federal dollars are less than estimated, the penalty assessment monies can make up the difference.

7. However, given the large deficit in the Governor's penalty assessment proposal, it may be appropriate to transfer a portion of the unencumbered balances from the Byrne match appropriations to the OJA receipts appropriation. It is estimated that a provision to transfer 80% of the unencumbered balances on June 30, 1999, plus any revenues credited to the local assistance appropriation between June 30, 1999 and the effective date of the bill, would result in \$806,100 transferred from the local assistance appropriation, \$171,800 from the state operations appropriation and \$102,900 from the administration appropriation, or a total of \$1,080,800. Under this alternative, it is estimated that \$250,000 would remain between all three of OJA's penalty assessment match appropriations.

8. The Governor's recommendation also deletes statutory language requiring local units of government to provide at least 10% matching funds (which may be in-kind in the form of local personnel or other locally-funded services) when receiving federal Byrne and matching state penalty assessment monies. This statutory language ensures that all local grantees be required to provide some match when awarding Byrne grants. According to DOA, the deletion of the language was a drafting error. Therefore, the Committee may wish to maintain the current statutory language that requires at least a 10% match from local units of government for awards funded by federal Byrne and state matching penalty assessment monies.

## ALTERNATIVES

### A. State Match Funding

1. Approve the Governor's recommendation to make the following changes to the penalty assessment state match funding for the federal Byrne anti-drug enforcement program: (a) delete \$1,972,400 in 1999-00 and \$1,674,000 in 2000-01 from the program revenue appropriations for penalty assessment state match to reflect funding reestimates; and (b) change funding for those appropriations from 22.73% of penalty assessment revenues to the appropriated amounts, and modify the appropriation language to reflect this change.

2. Modify the Governor's recommendation by transferring 80% of the unencumbered balances of the anti-drug enforcement local, state and administrative appropriations on June 30, 1999, and any revenues credited to the appropriations between June 30, 1999 and the effective date of the bill, to the newly-created OJA receipts appropriation. It is estimated that \$1,080,800 in penalty assessment revenues would be transferred under this alternative.

20.505 (6) (g) → (kp)  
(h) → (kt)  
(k) → (k)

**B. Local Match Requirement**

1. Approve the Governor's recommendation to delete statutory language which requires local units of government to provide at least a 10% match for the anti-drug law enforcement grant awards they receive from OJA.

2. Maintain the current law provision that requires at least a 10% match from local units of government for grant awards under the Byrne anti-drug program.

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## Legislative Fiscal Bureau

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May 27, 1999

Joint Committee on Finance

Paper #192

### *Penalty Assessment Revenue Allocations*

### **Database Improvements and Information Technology Support (DOC -- Departmentwide)**

[LFB 1999-01 Budget Summary: Page 162, #11,  
Page 163, #12, #13, #14 and #15 and Page 164, #17]

#### **CURRENT LAW**

The Department of Corrections currently has seven major computer systems for management, operation and administration of its prison and probation and parole populations.

#### **GOVERNOR**

Provide \$1,472,900 PR in 1999-00 and \$2,181,600 PR in 2000-01 and 4.0 PR positions annually for database improvements in the Department of Corrections. Penalty assessment revenues would support: (a) staffing costs of \$221,400 in 1999-00 and \$252,300 in 2000-01; and (b) contractor costs of \$718,200 in 1999-00 and \$729,300 in 2000-01. Revenues for the remaining contractor costs of \$533,300 in 1999-00 and \$1,200,000 in 2000-01 would be provided from federal anti-drug funds and state penalty assessment match monies received by the Office of Justice Assistance (OJA). Direct the Secretary of DOA to allocate \$533,300 in 1999-00 and \$1,200,000 in 2000-01 from federal and state anti-drug funds received by OJA to Corrections to fund information technology.

In addition, provide funding and positions for the following information technology related items supported from penalty assessment revenues:

a. *Information Technology Operations Costs.* Provide \$795,600 annually to support the continued costs of data transmission lines for information technology activities in the Department.

b. *Increased Central Records Staff.* Provide \$96,500 in 1999-00 and \$96,800 in 2000-01 and 3.0 positions for increased central records staff to process records associated with probation admissions, sentences to prison, releases from prison, mandatory releases and discharges from supervision.

c. *Sex Offender Registry Information System.* Provide \$107,600 in 1999-00 and \$55,900 in 2000-01 and 1.0 information systems applications programmer position for programming, development and maintenance of the sex offender registry.

d. *Electronic Identification Card System.* Provide \$60,700 in 1999-00 and \$70,100 in 2000-01 and 1.0 network specialist position to provide staff support for an identification card system currently being installed at seven departmental locations.

Create an annual appropriation for maintaining, developing and operating information systems funded from penalty assessment revenues.

## DISCUSSION POINTS

1. The Department of Corrections currently manages the following seven major computer systems:

a. *Corrections Integrated Program Information System (CIPIS).* The CIPIS system is a mainframe computer system that maintains information on the prison and intensive sanctions populations. Information in CIPIS includes offender movement, security classification, sentence and offense data, offender programming, parole hearings, educational programs, demographics, transportation scheduling and bed and population counts. In addition, CIPIS provides management reports and data for population projections. The CIPIS system (a group of over 400 individual computer programs and a database) provides statewide, on-line access for Corrections employees to offender and program information. Corrections indicates that CIPIS is used to answer about 95% of its information requests.

b. *Corrections Accounting-Cashier Unit System (CACU).* The CACU system is a mainframe computer system which records the status of probation and parole offender cases, tracks individual offender court-imposed financial obligations, processes receipts and disbursements and records offender supervision fee charges and payments. CACU is responsible for tracking how much each victim should be paid from each receipt. In general, CACU is a case-based system that tracks court-ordered restitution information for individual offenders and does not provide management information and reports.

c. *Wisconsin Inmate Trust System (WITS).* The WITS system is an inmate accounting and payroll system to manage inmate funds in the correctional facilities.

d. *Offender Active Tracking System (OATS)*. The OATS system is used by probation and parole to provide operational and management information regarding community corrections. OATS is a personal computer-based system which allows probation and parole agents access to data from CIPIS and CACU. In addition, OATS includes functions for automating case classification and staff deployment and county jail hold information, and allows for on-line form generation.

e. *Sex Offender Registry (SOR)*. The SOR, a portion of the OATS system, tracks the residence and compliance status of sex offenders released to the community, including those past their discharge date. The system is used to provide notification to local law enforcement agencies, non-law enforcement agencies, victims and the general public regarding changes in an offender's location. The SOR connects to the Department of Justice's TIME system for notification to law enforcement agencies.

f. *Parole Eligibility Notification System (PENS)*. The PENS system records crime victims who have registered with the state under crime victim notification laws and provides information to these individuals regarding an offender's upcoming parole hearing. The system, which connects to CIPIS, also generates notices of prison releases and escapes.

g. *Inmate Complaint Tracking System (ICTS)*. The ICTS is used to record information about inmate complaints, generate complaint logs, automate related forms and scan supporting documents.

2. Under the design of Corrections' current computer systems, data in one system cannot always be shared with other systems. As a result, duplicate information is entered and stored in multiple systems making it difficult to retrieve information on particular offenders and to measure general program performance. In addition, the lack of continuity in Corrections' information systems makes sharing data with other justice agencies more difficult.

3. The bill provides \$1,472,900 PR in 1999-00 and \$2,181,600 PR in 2000-01 and 4.0 PR positions annually to improve Corrections' databases. Under the bill, funding would be used to modify the State of North Carolina's offender population system for application in Wisconsin. The improved database would combine prison and probation and parole databases, provide for increased continuity in departmental data, provide for increased information sharing between justice agencies and automate certain correctional processes. The new system would be known as the integrated corrections system (ICS).

4. Corrections is currently in the initial stages of developing the ICS at a cost of \$2.8 million under a contract with IBM. In 1998-99, the Department is: (a) identifying the data sources from CIPIS and CACU that will be used to provide information to the new ICS; and (b) purchasing, constructing and configuring computer hardware for the ICS. When these phases are completed, data will be stored in a common database and a plan for the ICS will be finalized. Corrections indicates that the initial stage will be completed by June 30, 1999.

5. Corrections indicates that four additional phases will be necessary to complete the ICS. Future phases of system development will utilize the unified database currently being developed. The phases include the development of the following: (a) Phase 1, programs for court-ordered payments, field supervision and sex offender registry; (b) Phase 2, programs for incarceration time calculations, population movement, security classification and admissions; (c) Phase 3, programs related to inmate activities, health services and the Parole Commission; and (d) Phase 4, programs for inmate banking and payroll and canteen. In addition, the Department intends to design the system to allow the eventual inclusion of the Division of Juvenile Corrections in the ICS. According to the Department, the ICS will take four to six years to complete.

6. During the 1999-01 biennium, Corrections indicates that funding provided in the bill (\$3,654,500 over the biennium) will be used to support a portion of Phase 1 activities. Corrections estimates that total costs for Phase 1 will be \$5.4 million, with the remaining \$1.7 million provided through an unspecified combination of grants, base funds and other resources. The Phase 1 activities would be completed by December, 2000, and are intended to focus on community corrections activities that directly affect the general public, primarily probation and parole and crime victims. During Phase 1 a standardized set of data definitions and elements would be created. While Phase 1 of the project will be completed in the 1999-01 biennium, funding is not being proposed for the beginning of Phase 2. The amount of funding provided for the ICS-Phase 1 project is based on the amount of penalty assessment revenue DOA estimates will be available for Corrections IT projects.

7. Corrections argues that the ICS design based on the North Carolina system will allow the system to be modified more quickly than the current systems because of the common data definitions and elements. The Department also indicates that once data on an offender is entered into the system, that data will not need to be entered again. The system will allow for elimination of duplicate data entry and storage.

8. Corrections indicates that the database improvements will allow the Department to provide statistical answers to policy questions or risk assessments that are difficult to answer using the current systems. This capability will increase with the completion of each phase of the project. The ICS will provide Corrections with the ability to more precisely address questions regarding population projections modeling.

9. While Corrections has identified a general project schedule for the ICS, no specific timeline or budget is identified after December, 2000. The Department indicates that it "will realize substantial benefit" from its current ICS activities and Phase 1 "even without completion of any additional phases."

10. As indicated previously, the majority of the Governor's recommendation related to the ICS is associated with consulting services (\$1,251,500 in 1999-00 and \$1,929,300 in 2000-01). Of consulting services funding, however, \$533,300 in 1999-00 and \$1,200,000 in 2000-01 is one-time funding from the federal Bynre anti-drug grant through OJA. The remaining amounts (\$718,200 in 1999-00 and \$729,300 in 2000-01) would be ongoing appropriations from penalty

assessment revenues.

11. Under the bill, \$221,400 in 1999-00 and \$252,300 in 2000-01 from penalty assessment revenues would be provided for the following 4.0 positions:

a. A data architect/administrator to serve as a team leader to work with existing employes and contract staff to design the ICS. Under Department of Employment Relations (DER) job classifications, this position is designed to "establish and administer all data policies, procedures and standards for the data resources of an agency/campus, including those related to data analysis, data modeling methods and techniques, and the use of data management tools. Duties at this level may encompass both the logical and physical aspects of data and databases. Positions in this classification are the agency definitive technical authority for problem resolution related to data resource management, and provides expert direction to IS [information systems] Data Professionals and Specialists."

b. An information systems development specialist to disseminate information to staff and provide technical assistance and training. Under DER job classifications, this position is designed to "ensure systems tools and methodologies are consistent with agency technical policies and standards; provide information, direction, and training in appropriate systems development techniques and methodologies to IS Professional at the senior level or lower and other IS staff as needed; and coordinate systems development for assigned IS customers on an agency/campuswide basis."

c. Two senior programmer analysts to provide computer programming and to test the integrated systems. Under DER job classifications, these positions are designed to "perform a combination of analysis and coding duties. These positions develop specifications and participate in analyzing requests from customers for design and systems alternatives; and develop, code, document, test, and maintain applications software. Positions identified in this classification spend less than 50% of their time coding programs for automated systems from detailed specifications."

12. The Department argues that since the development of the ICS will take at least four years and the system will require on-going maintenance, permanent positions are appropriate. However, it could be argued that since the Department cannot identify a timeline or potential future costs of the project outside of the 1999-01 biennium, two-year project positions are more appropriate at this time. If the positions are made project status, the need for these positions and the status of the ICS project could be reevaluated in the 2001-03 budget.

13. As indicated earlier, the Department believes that the first two phases of the ICS project (the one currently in progress and the phase funded in the bill) will provide "substantial benefits" for the agency. If funding is not provided, the project will proceed at a slower pace. This will result in Corrections continuing to use its existing systems until such time as upgrades are possible.

14. In addition to the ICS, AB 133 also provides \$1,060,400 in 1999-00 and \$1,018,400

in 2000-01 and 5.0 positions from penalty assessment revenues to support: (a) costs of data transmission lines for information technology activities in the Department (\$795,600 annually); (b) increased central records staff (\$96,500 in 1999-00 and \$96,800 in 2000-01 and 3.0 positions); (c) a sex offender registry information system programming and support position (\$107,600 in 1999-00 and \$55,900 in 2000-01 and 1.0 programmer position); and (d) a network specialist position to provide staff support for an electronic identification card system (\$60,700 in 1999-00 and \$70,100 in 2000-01 and 1.0 network specialist position).

15. Increased funding for these information technology items seems appropriate for the following reasons:

- During 1997-98 and 1998-99, Corrections upgraded its data transmission lines to accommodate integrated voice, data and video networks. These transmission lines allow for more efficient communications between all of the state institutions, correctional centers and community corrections field offices. Cost for these transmission lines in the 1997-99 biennium was funded by a federal Byrne grant and base resources. Federal grant funds for this purpose will not be available in the 1999-01 biennium. Corrections indicates that funding provided under the bill will support approximately 72% of its data line costs with the remainder being provided through base resources.

- Central records staff process records associated with probation admissions, sentences to prison, releases from prison, mandatory releases, discharges from supervision and court orders. While correctional populations have increased significantly during the 1990's, central records staff have remained approximately the same (there are currently 3.0 positions). Corrections indicates that during 1997-98, the current staff worked approximately 900 hours of overtime and 2.0 limited-term employees were hired. Despite the additional staff time, the Department is still experiencing a three-month backlog in data entry.

- The sex offender register information system staff would provide programming, development and maintenance of the sex offender registry. Under current law, all felony sex offenders are required to register with Corrections for 15 years after being released from supervision and certain information is passed on to law enforcement and the public. In addition, recent federal regulations require that an annual photograph be taken of sex offenders required to register.

- The electronic identification system (currently operating at seven institutions) is designed to match digitized facial features against a database to identify staff, inmates, offenders and visitors at state prisons, correctional centers, probation and parole offices and the juvenile facilities. Such a statewide system requires staff support to operate, maintain, update and provide technical assistance to users.

16. Funding for Corrections' information technology items is provided from the following program revenue sources: (a) penalty assessment revenues (\$2,000,000 annually); and (b) Byrne federal anti-drug grant funding (\$533,300 in 1999-00 and \$1,200,000 in 2000-01). The goal of the Governor's recommendation was to provide increased information technology support to the Department of Corrections without increasing GPR expenditures.

17. While the information technology items recommended under the bill may be appropriate, questions have been raised regarding the use of penalty assessment revenues to support information technology items in the Department of Corrections and the resulting impact on other programs previously funded from this revenue source. Specifically, in his March 11, 1999, written testimony to the Joint Committee on Finance, the Attorney General indicated: "Computer systems in Corrections and DOA may be worthy projects. However, they should not consume resources needed for law enforcement purposes." Further, as a result of lower revenues than those projected by the Governor and previous budget action by the Committee with regard to the Circuit Court automation program, penalty assessment-funded activities under AB 133 have a \$6.219 million deficit.

18. Base funding for Corrections (\$756,958,100 all funds) is 82.5% funded from general purpose revenues (\$624,202,400 GPR). Of total GPR base funds, adult correctional facilities and community corrections represent 74.4% of all costs (\$464,629,100 GPR). Given that the information technology items in the bill will benefit adult correctional facilities and community corrections, and given that these programs are primarily GPR funded, an argument could be made that penalty assessment revenue funding could be replaced with GPR. Under this alternative, \$2,000,000 GPR annually could be provided in addition to Byrne anti-drug funding. If the Committee wishes to reallocate Byrne funds for other purposes, GPR funding could be used to support Corrections' information technology items in AB 133.

**ALTERNATIVES TO BASE**

1. Approve the Governor's recommendation to provide: (a) \$1,472,900 PR in 1999-00 and \$2,181,600 PR in 2000-01 and 4.0 PR positions for database improvements in the Department of Corrections; (b) \$795,600 PR annually to support the continued costs of data transmission lines for information technology activities in the Department; (c) \$96,500 PR in 1999-00 and \$96,800 PR in 2000-01 and 3.0 PR positions for increased central records staff; (d) \$107,600 PR in 1999-00 and \$55,900 PR in 2000-01 and 1.0 PR information systems applications programmer position for the sex offender registry; and (e) \$60,700 PR in 1999-00 and \$70,100 PR in 2000-01 and 1.0 PR network specialist position to provide staff support for an identification card system. Direct the Secretary of DOA to allocate \$533,300 in 1999-00 and \$1,200,000 in 2000-01 from federal and state anti-drug funds received by OJA to Corrections to fund information technology. Create an annual appropriation for maintaining, developing and operating information systems funded from penalty assessment revenues.

<u>Alternative 1</u>	<u>PR</u>
1999-01 FUNDING (Change to Base)	\$5,733,300
[Change to Bill]	\$0]
2000-01 POSITIONS (Change to Base)	9.00
[Change to Bill]	0.00]

2. Delete funding provided from penalty assessment revenues and instead provide GPR funding for these items. Provide funding as follows: (a) \$939,600 GPR and \$533,300 PR in 1999-00 and \$981,600 GPR and \$1,200,000 PR in 2000-01 and 4.0 GPR positions for database improvements in the Department of Corrections; (b) \$795,600 GPR annually to support the continued costs of data transmission lines for information technology activities in the Department; (c) \$96,500 GPR in 1999-00 and \$96,800 GPR in 2000-01 and 3.0 GPR positions for increased central records staff; (d) \$107,600 GPR in 1999-00 and \$55,900 GPR in 2000-01 and 1.0 GPR information systems applications programmer position for the sex offender registry; and (e) \$60,700 GPR in 1999-00 and \$70,100 GPR in 2000-01 and 1.0 GPR network specialist position to provide staff support for an identification card system. Direct the Secretary of DOA to allocate \$533,300 in 1999-00 and \$1,200,000 in 2000-01 from federal and state anti-drug funds received by OJA to Corrections to fund information technology.

<u>Alternative 2</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Base)	\$4,000,000	\$1,733,300	\$5,733,300
[Change to Bill]	\$4,000,000	-\$4,000,000	\$0]
2000-01 POSITIONS (Change to Base)	9.00	0.00	9.00
[Change to Bill]	9.00	- 9.00	0.00]

3. Approve the Governor's recommendation to provide: (a) \$1,472,900 GPR in 1999-00 and \$2,181,600 GPR in 2000-01 and 4.0 GPR positions for database improvements in the Department of Corrections; (b) \$795,600 GPR annually to support the continued costs of data transmission lines for information technology activities in the Department; (c) \$96,500 GPR in 1999-00 and \$96,800 GPR in 2000-01 and 3.0 GPR positions for increased central records staff; (d) \$107,600 GPR in 1999-00 and \$55,900 GPR in 2000-01 and 1.0 GPR information systems application programmer position for the sex offender registry; and (e) \$60,700 GPR in 1999-00 and \$70,100 GPR in 2000-01 and 1.0 GPR network specialist position to provide staff support for an identification card system.

<u>Alternative 3</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Base)	\$5,733,300	\$0	\$5,733,300
[Change to Bill]	\$5,733,300	-\$5,733,300	\$0]
2000-01 POSITIONS (Change to Base)	9.00	0.00	9.00
[Change to Bill]	9.00	- 9.00	0.00]

4. In addition to Alternative #1, #2 or #3, convert the 4.0 positions for the integrated computer system item from permanent status to two-year project status.



5. Maintain current law.

<b>Alternative 5</b>	<b>PR</b>
<b>1999-01 FUNDING</b> (Change to Base)	\$0
<i>[Change to Bill</i>	<i>- \$5,733,300]</i>
<b>2000-01 POSITIONS</b> (Change to Base)	0.00
<i>[Change to Bill</i>	<i>- 9.00]</i>

Prepared by: Jere Bauer



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0461/1  
JEO:.....  
WJ

Fri. P.M. if possible  
D-Note

LFB:.....Zabawa (DS) – Penalty assessment allocation

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 157, line 10: delete “(kq).” and substitute “(kq). When acting under  
3 this subsection, the division shall give priority to assisting counties that show the  
4 greatest need for additional assistant district attorney positions based on the  
5 prosecutor caseload measurement formula developed by the state prosecutors office  
6 in the department of administration, unless such a county informs the division that  
7 it does not want to be given priority in receiving assistance.”.

8 2. Page 415, line 3: after that line insert:

9 “SECTION 361d. 20.410 (1) (kh) <sup>✓</sup> of the statutes is created to read:

10 20.410 (1) (kh) *Victim services and programs.* The amounts in the schedule for  
11 the administration of victim services and programs. All moneys transferred from the

1 appropriation account under s. 20.505 (6) (j) 5m. shall be credited to this  
2 appropriation account.”.

3 **3.** Page 415, line 4: delete lines 4 to 8.

4 **4.** Page 446, line 6: delete the material beginning with that line and ending  
5 with page 447, line 3 and substitute:

6 “SECTION 485m. 20.455 (2) (i) of the statutes is amended to read:

7 20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the  
8 schedule for the purposes of s. 165.85 (5) (b) and ~~(5m)~~ and for crime laboratory  
9 equipment. All moneys received from the penalty assessment surcharge on court  
10 fines and forfeitures as allocated to this appropriation account under s. ~~165.87 (1)~~  
11 ~~and all moneys transferred from s. 20.505 (6) (h) 757.05 (2) (a)~~ shall be credited to  
12 this appropriation account. Moneys may be transferred from this paragraph to pars.  
13 (j) and, (ja) and (jb) by the secretary of administration for expenditures based upon  
14 determinations by the department of justice.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237.

15 **SECTION 486m.** 20.455 (2) (j) of the statutes is amended to read:

16 20.455 (2) (j) *Law enforcement training fund, local assistance.* The amounts  
17 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)  
18 (b) and ~~(5m)~~. All moneys transferred from par. (i) shall be credited to this  
19 appropriation.”.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237.

20 **5.** Page 447, line 15: delete lines 15 to 20.

21 **6.** Page 451, line 24: after that line insert:

1           “SECTION 517e. 20.505 (1) (ja)<sup>✓</sup> of the statutes, as affected by 1999 Wisconsin Act  
2       .... this act, is amended to read:

3           20.505 (1) (ja) *Justice information systems.* The amounts in the schedule for  
4       the development and operation of automated justice information systems under s.  
5       16.971 (9). ~~Four-ninths~~ Two-ninths of the moneys received under s. 814.635 (1)  
6       shall be credited to this appropriation account.”.

7           <sup>✓</sup> 7. Page 453, line 17: after that line insert:

8           “SECTION 525x. 20.505 (1) (kp)<sup>✓</sup> of the statutes is amended to read:

9           20.505 (1) (kp) *Interagency assistance; justice information systems.* The  
10       amounts in the schedule for the development and operation of automated justice  
11       information systems under s. 16.971 (9). All moneys transferred from the  
12       appropriation account under sub. (6) (kt) and (pc) shall be credited to this  
13       appropriation account.”.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283.

14           <sup>✓</sup> 8. Page 458, line 3: after “757.05” insert “(2) (b)”.

15           <sup>✓</sup> 9. Page 458, line 4: delete lines 4 and 5 and substitute “all moneys transferred

16       under 1999 Wisconsin Act .... (this act), sections 9201 (~~2~~<sup>m</sup>), (~~2~~<sup>n</sup>) and (~~2~~<sup>p</sup>), 9230 (1), (~~2~~<sup>m</sup>)

17       and (~~3~~<sup>m</sup>), 9238 (1) and 9239 (1) and (2), for the purpose of transferring the following”.

18           <sup>✓</sup> 10. Page 458, line 7: delete lines 7 to 10.

19           <sup>✓</sup> 11. Page 458, line 16: after that line insert:

20           “5m. The amount transferred to s. 20.410 (1) (kh)<sup>✓</sup> shall be the amount in the  
21       schedule under s. 20.410 (1) (kh).”.

22           <sup>✓</sup> 12. Page 458, line 19: delete lines 19 and 20.

1           **13.** Page 459, line 1: delete lines 1 and 2.

2           **14.** Page 469, line 16: after “automated” insert “information”.

3           **15.** Page 469, line 19: after that line insert:

4           “**SECTION 605d.** 20.680 (2) (j) of the statutes, as affected by 1999 Wisconsin Act  
5           .... (this act), is amended to read:

6           20.680 (2) (j) *Court information systems.* All moneys received under ss. 814.61,  
7           814.62 and 814.63 that are required to be credited to this appropriation account  
8           under those sections and ~~four-ninths~~ six-ninths of the moneys received under s.  
9           814.635 (1) for the operation of circuit court automated information systems under  
10          s. 758.19 (4), the court of appeals automated information system and the supreme  
11          court automated information system and for the payment of interpreter fees under  
12          s. 885.37 (4) (a) 2.”

13          **16.** Page 1063, line 21: after that line insert:

14          “**SECTION 2290v.** 165.87 (title) of the statutes is repealed.”

15          **17.** Page 1063, line 23: delete the material beginning with that line and  
16          ending with page 1064, line 7 and substitute:

17          “**SECTION 2292m.** 165.87 (1) (a) of the statutes is renumbered 757.05 (2) (a) and  
18          amended to read:

19          757.05 (2) (a) *Law enforcement training fund.* Twenty-seven fifty-fifths of all  
20          moneys collected from penalty assessments under ~~this section~~ sub. (1) shall be  
21          credited to the appropriation account under s. 20.455 (2) (i) and utilized in  
22          accordance with ss. 20.455 (2) and 165.85 (5) ~~and (5m)~~. The moneys credited to the

1 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
2 20.455 (2) (jb), constitute the law enforcement training fund.”.

History: 1977 c. 29, 418; 1979 c. 331; 1981 c. 20; 1983 a. 27; 1987 a. 27, 326; 1989 a. 22, 31, 56, 97, 359; 1991 a. 26, 39, 130; 1993 a. 16, 313; 1995 a. 27, 201; 1997 a. 27, 36, 252.

3 **18.** Page 1064, line 9: delete that line and substitute:

4 “SECTION 2294m. 165.87 (1) (bn) of the statutes is renumbered 16.964 (4) and  
5 amended to read:

6 16.964 (4) ~~Five twenty seconds of all moneys collected from penalty~~  
7 ~~assessments under this section shall be credited to the appropriation account under~~  
8 ~~and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss.~~  
9 ~~20.410 (3) (kj) and 20.505 (6) (h).~~ In regard to any grant the office makes to any local  
10 unit of government for which the state is providing matching funds from moneys  
11 under ~~this paragraph s. 20.505 (6) (kp)~~, the local unit of government shall provide  
12 matching funds equal to at least 10%.”.

History: 1977 c. 29, 418; 1979 c. 331; 1981 c. 20; 1983 a. 27; 1987 a. 27, 326; 1989 a. 22, 31, 56, 97, 359; 1991 a. 26, 39, 130; 1993 a. 16, 313; 1995 a. 27, 201; 1997 a. 27, 36, 252.

13 **19.** Page 1064, line 13: after “757.05” insert “(1)”.

14 **20.** Page 1297, line 21: after that line insert:

15 “SECTION 3050p. 757.05 (title) of the statutes is created to read:

16 **757.05 (title) Penalty assessment.**

17 **SECTION 3050q.** 757.05 (2) (title) of the statutes is created to read:

18 757.05 (2) (title) USE OF PENALTY ASSESSMENT MONEYS.

19 **SECTION 3050r.** 757.05 (2) (b) of the statutes is created to read:

20 757.05 (2) (b) *Other purposes.* The moneys collected from penalty assessments  
21 under sub. (1) that remain after crediting the appropriation account specified in par.  
22 (a) shall be credited to the appropriation account under s. 20.505 (6) (j) and  
23 transferred as provided under s. 20.505 (6) (j).”.

1           ✓  
21. Page 1356, line 1: delete “(gc).”

2           NON  
          STATS  
22. Page 1391, line 2: after that line insert:

3           (7<sup>m</sup>) DEPARTMENT OF CORRECTIONS INFORMATION TECHNOLOGY. The secretary of  
4 administration shall allocate \$533,300 in fiscal year 1999–2000 and \$1,200,000 in  
5 fiscal year 2000–01 from the appropriations under section 20.505 (6) (kt)✓ of the  
6 statutes, as affected by this act, and section 20.505 (6) (pc)✓ of the statutes to provide  
7 the department of corrections with funding for information technology.”

8           NON  
          STATS  
23. Page 1410, line 11: after that line insert:

9           ✓  
          (1t) LAW ENFORCEMENT TRAINING FOR TOMORROW PROGRAM. Of the moneys  
10 appropriated to the department of justice under section 20.455 (2) (i)✓ of the statutes,  
11 \$388,100 for fiscal year 1999–2000 and \$345,100 in fiscal year 2000–01 is allocated  
12 to implement the Training for Tomorrow program for revising and expanding law  
13 enforcement training and may not be encumbered or expended unless the  
14 department of justice first submits to the cochairpersons of the joint committee on  
15 finance a written plan for the use of the allocated funds. If the cochairpersons of the  
16 committee do not notify the department within 14 working days after the date of  
17 submittal of the plan that the committee has scheduled a meeting for the purpose of  
18 reviewing the plan, the plan may be implemented as proposed by the department.  
19 If, within 14 working days after the date of submittal, the cochairpersons of the  
20 committee notify the department that the committee has scheduled a meeting for the  
21 purpose of reviewing the plan, the plan may be implemented only upon approval of  
22 the committee.”

23           24. Page 1439, line 10: after that line insert:

1 APP.  
CHANGE

<sup>m</sup>  
“(2~~1~~)” TRANSFER OF FUNDS FOR ANTI-DRUG ENFORCEMENT; ADMINISTRATION.

2 Immediately before the transfer to section 20.505 (6) (k) of the statutes, as affected  
3 by this act, under section 20.505 (6) (j) 13. of the statutes, as created by this act, 80%  
4 of the unencumbered balance in the appropriation account under section 20.505 (6)  
5 (k) of the statutes, as affected by this act, is transferred to the appropriation account  
6 under section 20.505 (6) (j) of the statutes, as created by this act.

7 APP.  
CHANGE

<sup>n</sup>  
“(2~~1~~)” TRANSFER OF FUNDS FOR ANTI-DRUG ENFORCEMENT; LOCAL ASSISTANCE.

8 Immediately before the transfer to section 20.505 (6) (kp) of the statutes, as affected  
9 by this act, under section 20.505 (6) (j) 3. of the statutes, as created by this act, 80%  
10 of the unencumbered balance in the appropriation account under section 20.505 (6)  
11 (kp) of the statutes, as affected by this act, is transferred to the appropriation account  
12 under section 20.505 (6) (j) of the statutes, as created by this act.

13 APP.  
CHANGE

<sup>p</sup>  
“(2~~1~~)” TRANSFER OF FUNDS FOR ANTI-DRUG ENFORCEMENT; STATE AGENCIES.

14 Immediately before the transfer to section 20.505 (6) (kt) of the statutes, as affected  
15 by this act, under section 20.505 (6) (j) 14. of the statutes, as created by this act, 80%  
16 of the unencumbered balance in the appropriation account under section 20.505 (6)  
17 (kt) of the statutes, as affected by this act, is transferred to the appropriation account  
18 under section 20.505 (6) (j) of the statutes, as created by this act.”.

19 **25.** Page 1442, line 7: delete lines 7 to 11 and substitute:

20 APP.  
CHANGE

<sup>m</sup>  
“(2~~1~~)” PENALTY ASSESSMENT RECEIPTS; IMMEDIATE TRANSFER. Ninety percent of the

21 unencumbered balance of the appropriation account under section 20.455 (2) (i) <sup>✓</sup> of  
22 the statutes, as affected by this act, is transferred to the appropriation account under  
23 section 20.505 (6) (j) <sup>✓</sup> of the statutes, as created by this act.



1 **APP. CHANGE**

2 (3) PENALTY ASSESSMENT RECEIPTS; 1999-2000 FISCAL YEAR TRANSFER. On June 30,  
3 2000, 90% percent of the unencumbered balance of the appropriation account under  
4 section 20.455 (2) (i) of the statutes, as affected by this act, is transferred to the  
5 appropriation account under section 20.505 (6) (j) of the statutes, as created by this  
6 act.”

6 **26.** Page 1443, line 11: delete “Ninety” and substitute “Immediately before the  
7 transfer to section 20.550 (1) (kj) of the statutes, as affected by this act, under section  
8 20.505 (6) (j) 15. of the statutes, as created by this act, 90%”.

9 **27.** Page 1443, line 16: delete “Ninety” and substitute “Immediately before the  
10 transfer to section 20.255 (1) (kd) of the statutes, as affected by this act, under section  
11 20.505 (6) (j) 4. of the statutes, as created by this act, 90%”.

12 **28.** Page 1443, line 20: delete “Ninety” and substitute “Immediately before the  
13 transfer to section 20.255 (2) (kd) of the statutes, as affected by this act, under section  
14 20.505 (6) (j) 5. of the statutes, as created by this act, 90%”.

15 **29.** Page 1479, line 13: after that line insert:

16 **EFF. DATES** (4) JUSTICE INFORMATION FEE; ALLOCATION CHANGES. The treatment of sections  
17 20.505 (1) (ja) (by SECTION 517e) and 20.680 (2) (j) (by SECTION 605d) of the statutes  
18 takes effect on July 1, 2000.”

19 (END)

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

LRBb0461/1dn

JEO: /.....

Wlj

Jere Bauer, Debbie Salm and Barbara Zabawa:

This draft relates to Motion #966. Please note the following when reviewing the draft:

1. I understood the Motion to require two transfers from s. 20.455 (2) (i), stats., to proposed s. 20.505 (6) (j). The first is under item a. of the Motion and occurs on the effective date of the budget; the second is under item b. of the Motion and occurs on June 30, 2000. Is that right?

2. With respect to item d. of the Motion, the draft does *not* include the changes to the dollar amounts in the nonstatutory provisions that direct DOA to allocate specific amounts of Byrne grant money to BJIS. We can incorporate those changes into a redraft once you know what they are. Also, please review the language added to s. 16.971 (9), stats., regarding giving priority to counties with understaffed DA's offices. Does that language effect your intent?

3. The part of item g. of the Motion requiring "sunset" of the CCAP penalty assessment appropriation is in LRBb0352. Also, the last sentence of item g. refers to "a newly-created penalty assessment receipts appropriation in BJIS". That proposed s. 20.505 (1) (kq), right? (Proposed s. 20.505 (1) (kq) is not deleted by this draft.)

4. It appears to me that item h. of the Motion requires no drafting given the changes made to s. 20.410 (3) (kj), stats., by the budget bill and the existing requirement under s. 301.265 (3), stats., that Brown county get \$75,000 each fiscal year. Is that right?

5. With respect to item i. of the Motion, the statutes do not appear to recognize an office of victim services and programs in DOC. Thus proposed s. 20.410 (1) (kh) cannot refer to such an office; instead, the appropriation language refers to "the administration of victim services and programs". This is partly based on my reading of item j. and partly to distinguish proposed s. 20.410 (1) (kh) from proposed s. 20.410 (1) (kg) (though it is probably not strictly necessary to distinguish between the two). Does the language of proposed s. 20.410 (1) (kh) effect your intent or is it too narrow? Do you want to consider creating an office of victim services and programs in DOC to which the appropriation would then refer?

After you have had a chance to review the draft, we should probably sit down and go through the Motion and the draft together to make sure that everything that should

be is included and that the draft does what you want it to do. In the meantime, let me know if you have any questions.

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

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

LRBb0461/1dn  
JEO:wlj:ch

June 4, 1999

Jeer Bauer, Debbie Salm and Barbara Zabawa:

This draft relates to Motion #966. Please note the following when reviewing the draft:

1. I understood the motion to require two transfers from s. 20.455 (2) (i), stats., to proposed s. 20.505 (6) (j). The first is under item a. of the motion and occurs on the effective date of the budget; the second is under item b. of the motion and occurs on June 30, 2000. Is that right?

2. With respect to item d. of the motion, the draft does *not* include the changes to the dollar amounts in the nonstatutory provisions that direct DOA to allocate specific amounts of Byrne grant money to BJIS. We can incorporate those changes into a redraft once you know what they are. Also, please review the language added to s. 16.971 (9), stats., regarding giving priority to counties with understaffed DA's offices. Does that language effect your intent?

3. The part of item g. of the motion requiring "sunset" of the CCAP penalty assessment appropriation is in LRBb0352. Also, the last sentence of item g. refers to "a newly-created penalty assessment receipts appropriation in BJIS". That is proposed s. 20.505 (1) (kq), right? (Proposed s. 20.505 (1) (kq) is not deleted by this draft.)

4. It appears to me that item h. of the motion requires no drafting given the changes made to s. 20.410 (3) (kj), stats., by the budget bill and the existing requirement under s. 301.265 (3), stats., that Brown County get \$75,000 each fiscal year. Is that right?

5. With respect to item i. of the motion, the statutes do not appear to recognize an office of victim services and programs in DOC. Thus proposed s. 20.410 (1) (kh) cannot refer to such an office; instead, the appropriation language refers to "the administration of victim services and programs". This is partly based on my reading of item i. and partly to distinguish proposed s. 20.410 (1) (kh) from proposed s. 20.410 (1) (kg) (though it is probably not strictly necessary to distinguish between the two). Does the language of proposed s. 20.410 (1) (kh) effect your intent or is it too narrow? Do you want to consider creating an office of victim services and programs in DOC to which the appropriation would then refer?

After you have had a chance to review the draft, we should probably sit down and go through the motion and the draft together to make sure that everything that should

be is included and that the draft does what you want it to do. In the meantime, let me know if you have any questions.

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

60461

P/A Draft, Per Bert Zobawa

~~1~~ Item #. 1. Refer to the caseload measure defined in ch. 978 (in DA draft)

~~2~~ P. 1356, l. 1. (Item #21) = delete (mh)

~~3~~ 20.455 (2) (j) → Make it annual  
(Item # 4: add if there) —  
not "biennially".

See 27N ~~4~~ P. 4, l. 8-10 of amendment: delete refs to CA & SCT & interp fees.

~~5~~ P. 8, l. 7: on lines 20 & 21, delete ~~2~~  
"unity percent" etc.

D-Note

- Item 1. Answer: Yes; se droft deay
2. DA language de per Barbara E.

58461

✓ Amend 301.265 (3) to give  
Brown Cty an add'l. \$75,000  
≡  
(total of \$150K)



Jefren:

The crossed-out language does not belong in the bill. See b0249 attached, which had removed that language from 20. GPO (2)(j). Barbara Z. agrees, but says there may be other changes in this draft, so don't redraft yet.  
Bob N

1           **15.** Page 469, line 19: after that line insert:

2           “**SECTION 605d.** 20.680 (2) (j) of the statutes, as affected by 1999 Wisconsin Act  
3           .... (this act), is amended to read:

4           20.680 (2) (j) *Court information systems.* All moneys received under ss. 814.61,  
5           814.62 and 814.63 that are required to be credited to this appropriation account  
6           under those sections and ~~four-ninths~~ six-ninths of the moneys received under s.  
7           814.635 (1) for the operation of circuit court automated information systems under  
8           s. 758.19 (4), the court of appeals automated information system and the supreme  
9           court automated information system and for the payment of interpreter fees under  
10          s. 885.37 (4) (a) 2.”

11           **16.** Page 1063, line 21: after that line insert:

12           “**SECTION 2290v.** 165.87 (title) of the statutes is repealed.”

13           **17.** Page 1063, line 23: delete the material beginning with that line and  
14           ending with page 1064, line 7 and substitute:

15           “**SECTION 2292m.** 165.87 (1) (a) of the statutes is renumbered 757.05 (2) (a) and  
16           amended to read:

17           757.05 (2) (a) *Law enforcement training fund.* Twenty-seven fifty-fifths of all  
18           moneys collected from penalty assessments under ~~this section~~ sub. (1) shall be  
19           credited to the appropriation account under s. 20.455 (2) (i) and utilized in  
20           accordance with ss. 20.455 (2) and 165.85 (5) and (5m). The moneys credited to the  
21           appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
22           20.455 (2) (jb), constitute the law enforcement training fund.”

23           **18.** Page 1064, line 9: delete that line and substitute:

LFB:.....Zabawa (DS) – Repeal the program revenue appropriations for court interpreter fees and court of appeals and supreme court automated information systems

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 469, line 17: delete lines 17 to 19 and substitute "under s. 758.19 (4).".

3 (END)

p-1388 Combine (10) & (11)

729,800

1st yr

2,024,100

2d yr





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0461/4

JEO:wlj:ch

e umly

2

redraft  
maker  
run

See

LFB:.....Zabawa (DS) – Penalty assessment allocation

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

XXXX <sup>(CS)</sup> NOTE: Section 978.042 is created in LRBb0255/2.

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

2 1. Page 157, line 10: delete “(kq).” and substitute “(kq). When acting under  
3 this subsection, the division shall give priority to assisting counties that show the  
4 greatest need for additional assistant district attorney positions based on the  
5 weighted prosecutor caseload measurement formula developed by the state prosecutors of ~~the~~  
6 ~~the~~ department of administration, unless such a county informs the division that  
7 it does not want to be given priority in receiving assistance.”

8 2. Page 415, line 3: after that line insert:

9 “SECTION 361d. 20.410 (1) (kh) of the statutes is created to read:

10 20.410 (1) (kh) *Victim services and programs.* The amounts in the schedule for  
11 the administration of victim services and programs. All moneys transferred from the

1 appropriation account under s. 20.505 (6) (j) 5m. shall be credited to this  
2 appropriation account.”.

3 **3.** Page 415, line 4: delete lines 4 to 8.

4 **4.** Page 446, line 6: delete the material beginning with that line and ending  
5 with page 447, line 3 and substitute:

6 “SECTION 485m. 20.455 (2) (i) of the statutes is amended to read:

7 20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the  
8 schedule for the purposes of s. 165.85 (5) (b) ~~and (5m)~~ and for crime laboratory  
9 equipment. All moneys received from the penalty assessment surcharge on court  
10 fines and forfeitures as allocated to this appropriation account under s. ~~165.87 (1)~~  
11 ~~and all moneys transferred from s. 20.505 (6) (h) 757.05 (2) (a)~~ shall be credited to  
12 this appropriation account. Moneys may be transferred from this paragraph to pars.  
13 (j) ~~and~~, (ja) and (jb) by the secretary of administration for expenditures based upon  
14 determinations by the department of justice.

15 SECTION 486m. 20.455 (2) (j) of the statutes is amended to read:

16 20.455 (2) (j) *Law enforcement training fund, local assistance.* The amounts  
17 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)  
18 (b) ~~and (5m)~~. All moneys transferred from par. (i) shall be credited to this  
19 appropriation. *Se*

INS  
2-19

20 **5.** Page 447, line 15: delete lines 15 to 20.

21 **6.** Page 451, line 24: after that line insert:

22 “SECTION 517e. 20.505 (1) (ja) of the statutes, as affected by 1999 Wisconsin Act  
23 .... this act, is amended to read:

1           20.505 (1) (ja) *Justice information systems*. The amounts in the schedule for  
2 the development and operation of automated justice information systems under s.  
3 16.971 (9). ~~Four-ninths~~ Two-ninths of the moneys received under s. 814.635 (1)  
4 shall be credited to this appropriation account.”.

5           **7.** Page 453, line 17: after that line insert:

6           “**SECTION 525x.** 20.505 (1) (kp) of the statutes is amended to read:

7           20.505 (1) (kp) *Interagency assistance; justice information systems*. The  
8 amounts in the schedule for the development and operation of automated justice  
9 information systems under s. 16.971 (9). All moneys transferred from the  
10 appropriation account under sub. (6) (kt) and (pc) shall be credited to this  
11 appropriation account.”.

12           **8.** Page 458, line 3: after “757.05” insert “(2) (b)”.

13           **9.** Page 458, line 4: delete lines 4 and 5 and substitute “all moneys transferred  
14 under 1999 Wisconsin Act .... (this act), sections 9201 (2m), (2n) and (2p), 9230 (1),  
15 (2m) and (3m), 9238 (1) and 9239 (1) and (2), for the purpose of transferring the  
16 following”.

17           **10.** Page 458, line 7: delete lines 7 to 10.

18           **11.** Page 458, line 16: after that line insert:

19           “5m. The amount transferred to s. 20.410 (1) (kh) shall be the amount in the  
20 schedule under s. 20.410 (1) (kh).”.

21           **12.** Page 458, line 19: delete lines 19 and 20.

22           **13.** Page 459, line 1: delete lines 1 and 2.

23           **14.** Page 469, line 16: after “automated” insert “information”.

1           **15.** Page 469, line 19: after that line insert:

2           “SECTION 605d. 20.680 (2) (j) of the statutes, as affected by 1999 Wisconsin Act  
3           .... (this act), is amended to read:

4           20.680 (2) (j) *Court information systems.* All moneys received under ss. 814.61,  
5           814.62 and 814.63 that are required to be credited to this appropriation account  
6           under those sections and ~~four-ninths~~ six-ninths of the moneys received under s.  
7           814.635 (1) for the operation of circuit court automated information systems under

8           s. 758.19 (4) ~~the court of appeals automated information system and the supreme~~  
9           ~~court automated information system and for the payment of interpreter fees under~~  
10           ~~ss. 814.61 (2) (a) 2.~~” *period stays*

11           **16.** Page 1063, line 21: after that line insert:

12           “SECTION 2290v. 165.87 (title) of the statutes is repealed.”

13           **17.** Page 1063, line 23: delete the material beginning with that line and  
14           ending with page 1064, line 7 and substitute:

15           “SECTION 2292m. 165.87 (1) (a) of the statutes is renumbered 757.05 (2) (a) and  
16           amended to read:

17           757.05 (2) (a) Law enforcement training fund. Twenty-seven fifty-fifths of all  
18           moneys collected from penalty assessments under ~~this section~~ sub. (1) shall be  
19           credited to the appropriation account under s. 20.455 (2) (i) and utilized in  
20           accordance with ss. 20.455 (2) and 165.85 (5) ~~and (5m).~~ The moneys credited to the  
21           appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
22           20.455 (2) (jb), constitute the law enforcement training fund.”

23           **18.** Page 1064, line 9: delete that line and substitute:

*CS*  
\*\*\*NOTE: This treatment reflects changes made to  
s. 20.680 (2) (j) by LRBb0249.



1           “SECTION 2294m. 165.87 (1) (bn) of the statutes is renumbered 16.964 (4) and  
2 amended to read:

3           16.964 (4) ~~Five twenty seconds of all moneys collected from penalty~~  
4 ~~assessments under this section shall be credited to the appropriation account under~~  
5 ~~and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss.~~  
6 ~~20.410 (3) (kj) and 20.505 (6) (h).~~ In regard to any grant the office makes to any local  
7 unit of government for which the state is providing matching funds from moneys  
8 under ~~this paragraph s. 20.505 (6) (kp)~~, the local unit of government shall provide  
9 matching funds equal to at least 10%.”.

INS  
S-10

10           **19.** Page 1064, line 13: after “757.05” insert “(1)”.

11           **20.** Page 1297, line 21: after that line insert:

12           “SECTION 3050p. 757.05 (title) of the statutes is created to read:

13           **757.05 (title) Penalty assessment.**

14           SECTION 3050q. 757.05 (2) (title) of the statutes is created to read:

15           757.05 (2) (title) USE OF PENALTY ASSESSMENT MONEYS.

16           SECTION 3050r. 757.05 (2) (b) of the statutes is created to read:

17           757.05 (2) (b) *Other purposes.* The moneys collected from penalty assessments  
18 under sub. (1) that remain after crediting the appropriation account specified in par.  
19 (a) shall be credited to the appropriation account under s. 20.505 (6) (j) and  
20 transferred as provided under s. 20.505 (6) (j).”.

INS  
S-21

21           ~~21. Page 1356, line 4 delete~~

22           **22.** Page 1391, line 2: after that line insert:

23           “(7m) DEPARTMENT OF CORRECTIONS INFORMATION TECHNOLOGY. The secretary of  
24 administration shall allocate \$533,300 in fiscal year 1999–2000 and \$1,200,000 in

INS  
6-3

1 fiscal year 2000–01 from the appropriations under section 20.505 (6) (kt) of the  
2 statutes, as affected by this act, and section 20.505 (6) (pc) of the statutes to provide  
3 the department of corrections with funding for information technology.”

4 **23.** Page 1410, line 11: after that line insert:

5 “(1t) LAW ENFORCEMENT TRAINING FOR TOMORROW PROGRAM. Of the moneys  
6 appropriated to the department of justice under section 20.455 (2) (i) of the statutes,  
7 \$388,100 for fiscal year 1999–2000 and \$345,100 in fiscal year 2000–01 is allocated  
8 to implement the Training for Tomorrow program for revising and expanding law  
9 enforcement training and may not be encumbered or expended unless the  
10 department of justice first submits to the cochairpersons of the joint committee on  
11 finance a written plan for the use of the allocated funds. If the cochairpersons of the  
12 committee do not notify the department within 14 working days after the date of  
13 submittal of the plan that the committee has scheduled a meeting for the purpose of  
14 reviewing the plan, the plan may be implemented as proposed by the department.  
15 If, within 14 working days after the date of submittal, the cochairpersons of the  
16 committee notify the department that the committee has scheduled a meeting for the  
17 purpose of reviewing the plan, the plan may be implemented only upon approval of  
18 the committee.”

19 **24.** Page 1439, line 10: after that line insert:

20 “(2m) TRANSFER OF FUNDS FOR ANTI-DRUG ENFORCEMENT; ADMINISTRATION.  
21 Immediately before the transfer to section 20.505 (6) (k) of the statutes, as affected  
22 by this act, under section 20.505 (6) (j) 13. of the statutes, as created by this act, 80%  
23 of the unencumbered balance in the appropriation account under section 20.505 (6)

1 (k) of the statutes, as affected by this act, is transferred to the appropriation account  
2 under section 20.505 (6) (j) of the statutes, as created by this act.

3 (2n) TRANSFER OF FUNDS FOR ANTI-DRUG ENFORCEMENT; LOCAL ASSISTANCE.  
4 Immediately before the transfer to section 20.505 (6) (kp) of the statutes, as affected  
5 by this act, under section 20.505 (6) (j) 3. of the statutes, as created by this act, 80%  
6 of the unencumbered balance in the appropriation account under section 20.505 (6)  
7 (kp) of the statutes, as affected by this act, is transferred to the appropriation account  
8 under section 20.505 (6) (j) of the statutes, as created by this act.

9 (2p) TRANSFER OF FUNDS FOR ANTI-DRUG ENFORCEMENT; STATE AGENCIES.  
10 Immediately before the transfer to section 20.505 (6) (kt) of the statutes, as affected  
11 by this act, under section 20.505 (6) (j) 14. of the statutes, as created by this act, 80%  
12 of the unencumbered balance in the appropriation account under section 20.505 (6)  
13 (kt) of the statutes, as affected by this act, is transferred to the appropriation account  
14 under section 20.505 (6) (j) of the statutes, as created by this act.”.

15 **25.** Page 1442, line 7: delete lines 7 to 11 and substitute:

16 “(2m) PENALTY ASSESSMENT RECEIPTS; IMMEDIATE TRANSFER. Ninety percent of the  
17 unencumbered balance of the appropriation account under section 20.455 (2) (i) of  
18 the statutes, as affected by this act, is transferred to the appropriation account under  
19 section 20.505 (6) (j) of the statutes, as created by this act.

20 (3m) PENALTY ASSESSMENT RECEIPTS; 1999–2000 FISCAL YEAR TRANSFER. On June 30,  
21 2000, 90% of the unencumbered balance of the appropriation account under section  
22 20.455 (2) (i) of the statutes, as affected by this act, is transferred to the appropriation  
23 account under section 20.505 (6) (j) of the statutes, as created by this act.”.

1           **26.** Page 1443, line 11: delete “Ninety percent” and substitute “Immediately  
2 before the transfer to section 20.550 (1) (kj) of the statutes, as affected by this act,  
3 under section 20.505 (6) (j) 15. of the statutes, as created by this act, 90%”.

4           **27.** Page 1443, line 16: delete “Ninety percent” and substitute “Immediately  
5 before the transfer to section 20.255 (1) (kd) of the statutes, as affected by this act,  
6 under section 20.505 (6) (j) 4. of the statutes, as created by this act, 90%”.

7           **28.** Page 1443, line 20: delete “Ninety percent” and substitute “Immediately  
8 before the transfer to section 20.255 (2) (kd) of the statutes, as affected by this act,  
9 under section 20.505 (6) (j) 5. of the statutes, as created by this act, 90%”.

INS  
8-9

10           **29.** Page 1479, line 13: after that line insert:  
11           “(4m) JUSTICE INFORMATION FEE; ALLOCATION CHANGES. The treatment of sections  
12 20.505 (1) (ja) (by SECTION 517e) and 20.680 (2) (j) (by SECTION 605d) of the statutes  
13 takes effect on July 1, 2000.”.

(END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0461/2ins  
JEO:.....

1 **INSERT 2-19:**

2 **SECTION 488m.** 20.455 (2) (jb) of the statutes is amended to read:

3 20.455 (2) (jb) *Crime laboratory equipment and supplies.* ~~Biennially, the~~ The  
4 amounts in the schedule for the maintenance, repair, upgrading and replacement  
5 costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade  
6 and replace that equipment, in the state and regional crime laboratories. All moneys  
7 transferred from par. (i) shall be credited to this appropriation.”

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237.

8 **INSERT 5-10:**

9 **1.** Page 1212, line 11: after that line insert:

10 **SECTION 2710m.** 301.265 (3) of the statutes is amended to read:

11 301.265 (3) From the appropriations under s. 20.410 (3) (d) and (kj), the  
12 department shall allocate \$150,000 in each fiscal year to enter into a contract with  
13 an organization to provide services in Racine County, \$150,000 in each fiscal year to  
14 enter into a contract with an organization to provide services in Kenosha County,  
15 \$150,000 in each fiscal year to enter into a contract with an organization that is  
16 located in ward 1 in the city of Racine to provide services in Racine County and  
17 ~~\$75,000~~ \$150,000 in each fiscal year to enter into a contract with an organization to  
18 provide services in Brown County, for the diversion of youths from gang activities  
19 into productive activities, including placement in appropriate educational,  
20 recreational and employment programs, and for alcohol or other drug abuse  
21 education and treatment services for participants in that organization's youth  
22 diversion program. The organization that is located in ward 1 in the city of Racine

1 shall have a recreational facility, shall offer programs to divert youths from gang  
 2 activities, may not be affiliated with any national or state association and may not  
 3 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.  
 4 16.75, the department may enter into a contract under this subsection without  
 5 soliciting bids or proposals and without accepting the lowest responsible bid or  
 6 offer.”.

7 History: 1995 a. 27; 1997 a. 27.

**INSERT 5-21:**

8 **2.** Page 1356, line 1: delete “(gc), (k), (kk), (kp) and (mh)” and substitute “(k),  
 9 (kk) and (kp)”.

**INSERT 6-3:**

11 **3.** Page 1396, line 1: delete lines 1 to 10 and substitute:

12 “(10<sup>a</sup>) OPERATIONS OF AND EQUIPMENT FOR AUTOMATED JUSTICE INFORMATION  
 13 SYSTEMS. The secretary of administration shall allocate \$729,800 in fiscal year  
 14 1999-2000 and \$2,024,100 in fiscal year 2000-01 from the appropriations under  
 15 section 20.505 (6) (kt) of the statutes, as affected by this act, and section 20.505 (6)  
 16 (pc) of the statutes to fund the general operations of the department of  
 17 administration relating to automated justice information systems and equipment for  
 18 automated justice information systems.”.

**INSERT 8-9:**

20 **4.** Page 1443, line 21: delete “percent”.

non  
stats

① Transfers from ~~DPI~~, ~~OSA~~, ~~SPD~~

100% of \$ after June 30

\$100,000  
1,000  
-----  
\$ 99,000

6/30

\$1,000

The diagram shows a calculation where \$100,000 minus 1,000 equals \$99,000. A bracket connects the 1,000 to the 6/30 date. Another arrow points from the \$1,000 to the right, where it is associated with 'revenue received'.

amt to be transferred = amt. in sched — revenue received

② Include 20.410 (1) (jp) (DOL)  
in above

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0461/3ins  
JEO:.....

D.N. 20.903(2)

1  
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**INSERT 1-8:**

1. Page 414, line 23: delete that line.
2. Page 415, line 1: delete lines 1 to 8 and substitute:

**INSERT 3-3:**

3. Page 448, line 19: delete lines 19 to 24.

**INSERT ?-?:**

(?) ??????. Immediately before the transfer to section 20.550 (1) (ki) of the statutes, as affected by this act, under section 20.505 (6) (j) 15 of the statutes, as created by this act, the following amounts shall be transferred to the appropriation account under section 20.505 (6) (j) of the statutes, as created by this act:

(?) An amount equal to 90% percent of the unencumbered balance in the appropriation account under section 20.550 (1) (j), <sup>as of</sup> 1997 stats., at the end of the 1998-99 fiscal year.

(?) An amount equal to the moneys/revenue credited to the appropriation account under section 20.550 (1) (ki) as affected by this act, between July 1, 1999, and the effective date of this paragraph.

~~9,000 / 1,000~~

~~10,000 / 5,000~~

~~12,000 / 6,000~~

~~15,000~~

both 27 skob

①

borrow GPR & repay

②

reduce amt in sched. by amt. spent / encumbered after July!



60461

~~1~~ Delete Sections 361 & 496 of bill

~~2~~ Delete item 23 from draft

~~3~~ P. 7, L. 14 = 20.455(2)(i)  
should be (ja)

4 Newstats → transfers