

2001 DRAFTING REQUEST

Bill

Received: 03/14/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 266-3387

By/Representing: Mary Matthias

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Children - miscellaneous
Counties - miscellaneous
Criminal Law - district attys
Health - social services**

Extra Copies: **rlr
gmm
mes
dak
M. Matthias (Leg. Council)**

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Faith-based approaches to criminal justice and corrections; restorative justice; neighborhood organization incubator program; AODA programs

Instructions:

Redraft 1999 AB 533 as amended

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>
/?	mdsida 05/10/2001	csicilia 05/15/2001		_____			
/P1		wjackson	pgreensl	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		05/31/2001	05/16/2001	_____	05/16/2001		
/1			rschluet	_____	lrb_docadmin	lrb_docadmin	
			05/31/2001	_____	05/31/2001	05/31/2001	

FE Sent For:

<END>

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Table with columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Includes handwritten notes like 'for Assen' and dates.

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			05/16/2001 _____		05/16/2001		

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<END>

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/?	mdsida	/pl WLj 5/14	5/16	5/16			
			pg	pg			

FE Sent For:

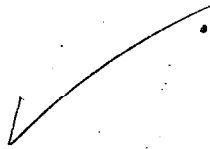
<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0891/1
MGD:jlg:hmh

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 533



- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 8, line 23: delete "November 1, 2002" and substitute "April 30, 2003".
- 3 2. Page 10, line 5: delete "November 1, 2002" and substitute "April 30, 2003".
- 4 3. Page 10, line 6: delete lines 6 to 16.
- 5 4. Page 11, line 1: delete the material beginning with ", as" and ending with
- 6 "133)" on line 2.
- 7 5. Page 11, line 12: delete "57,600" and substitute "14,400".
- 8 6. Page 27, line 15: after "(4)" insert "SELECTION OF 3RD COUNTY".
- 9 7. Page 27, line 18: delete "2003" and substitute "2004".
- 10 8. Page 28, line 14: delete that line and substitute "GPR project positions for
- 11 the period beginning on July 1, 2000, and ending on June 30, 2004, to be funded from
- 12 the appropriation under section 20.475 (1)".

1 **9.** Page 29, line 2: delete that line and substitute “created by this act,
2 beginning on May 1, 2000, and ending on April 30, 2003.”.

3 **10.** Page 30, line 3: delete the material beginning with “the dollar” and ending
4 with “and” on line 4.

5 **11.** Page 30, line 6: delete lines 6 to 10.

6 **12.** Page 30, line 16: delete lines 16 to 18.

7 **13.** Page 30, line 18: after that line insert:

8 “(3m) The treatment of sections 978.03 (3), 978.044 and 978.05 (8) (b) of the
9 statutes and SECTION 24 (1) of this act take effect on July 1, 2000.”.

10

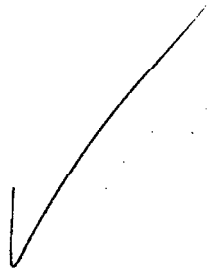
(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0921/1
MGD:jlg:km

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 533



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

2 1. Page 12, line 13: delete "all".

3 2. Page 12, line 14: delete that line and substitute "services administered by
4 the department is distributed giving primary consideration to the effectiveness of".

5 3. Page 18, line 2: delete "all".

6 4. Page 18, line 3: delete that line and substitute "administered by the
7 department is distributed giving primary consideration to the effectiveness of the".

8 (END)

Dsida, Michael

Insert D 2/1

From: Matthias, Mary
Sent: Wednesday, March 14, 2001 2:27 PM
To: Dsida, Michael
Subject: faith based draft

Hi Mike-

B

16.25 Office of Charitable Choice Implementation (1) The office of charitable choice implementation shall do all of the following to assist in the implementation of federal and state laws regarding nondiscrimination against religious organizations in the provision of government services:

- (a) Provide information to state agencies, local governments, and other interested persons about laws regarding nondiscrimination against faith-based organizations in the provision of government services.
- (b) Assist state and local governments in using the services of faith-based organizations in the provision of government services.
- (c) Compile and provide to the public information on state and local government services available through faith-based organizations.

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
ph.: (608)266-0932, fax: (608)266-3830
mary.matthias@legis.state.wi.us

✓

Dsida, Michael

From: Matthias, Mary
Sent: Wednesday, May 09, 2001 3:15 PM
To: Dsida, Michael
Cc: Pirlot, R.J.
Subject: RE: Restorative justice bill

mike- sorry to have forgotten about this back in April. I have answered your questions in red below.

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
ph.: (608)266-0932; fax: (608)266-3830
mary.matthias@legis.state.wi.us

-----Original Message-----

From: Dsida, Michael
Sent: Wednesday, May 09, 2001 9:27 AM
To: Matthias, Mary
Subject: FW: Restorative justice bill

Mary-

In addition to the questions listed below (which I sent to R.J. Tuesday morning), I also have the following questions:

1. The language that you sent over a while back regarding the Office of Charitable Choice Implementation only revises the language in the bill's proposed s. 16.25 (1). Does that mean that there are no changes to sub. (2), or that sub. (2) should be taken out altogether?

(2) should be deleted completely.

2. Do you know what the dollar amounts for the appropriations should be? (If you don't, I will simply leave them as they were and mention that fact in a drafter's note.)

I think leaving them as is is fine. We have not gotten fresh estimates.

3. Under s. 301.047 (3) (f), DOC may not restrict an inmate's participation in a rehab program only for security or safety reasons. But what if the inmate disrupts the operations of the program without affecting security or safety? Compare p. 21, line 2 (best interest standard for suspending or terminating operation of rehab program); p. 21, lines 15-16 (allowing the organization to kick an inmate out of the program based on his or her failure to participate in it. (The same question arises with respect to Assembly Amdt 5.)

I think we should leave as is. It is sufficient for the dept. to be able to restrict for security/ safety reasons. The program to have authority to kick inmate out of program if he is not participating meaningfully. That is a determination for the program to make, not the dept. There was real concern by Committee members that dept would not allow all inmates to participate equally.

Thanks.

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@legis.state.wi.us

-----Original Message-----

From: Dsida, Michael
Sent: Tuesday, April 10, 2001 2:52 PM
To: Matthias, Mary
Subject: RE: Restorative justice bill

Thanks.

> -----Original Message-----

> **From:** Matthias, Mary
> **Sent:** Tuesday, April 10, 2001 2:51 PM
> **To:** Dsida, Michael
> **Subject:** RE: Restorative justice bill

>

> Mike- for now I am going to pass your questions on to RJ; I
> won't have time to look into this until late tomorrow.

>

> Mary Matthias
> Senior Staff Attorney
> Wisconsin Legislative Council Staff
> ph.: (608)266-0932; fax: (608)266-3830
> mary.matthias@legis.state.wi.us

>

> -----Original Message-----

> **From:** Dsida, Michael
> **Sent:** Tuesday, April 10, 2001 2:43 PM
> **To:** Matthias, Mary
> **Subject:** Restorative justice bill

>

> In redrafting the bill, I had questions about a couple of provisions:

>

> 1. I am not sure about how s. 978.044 (2) (a) works. Among
> other things, does the victim engage in activities to
> accomplish 2.? Should "restorative justice programs" be a
> defined term?

You are right-- it doesn't make sense to have the offender "provide support" etc. to the victim. How about if par. (a) were to read as follows:

(a) Establish r.j. programming that provides support to the victim and helps reintegrate the victim into community life and provides a forum where an offender may meet with his or her victim or engage in other activities to do all of the following:

1. (same as current 1.)
2. (current 3.)
3. (current 4.)

>

> 2. With the name being changed, should the head of the
> office of charitable choice implementation now be an
> executive director (as is the case with OJA)?

that sounds fine.

> If you can help me address them, I'd appreciate it. Thanks.

>

> Mike Dsida
> Legislative Reference Bureau
> 608/266-9867
> michael.dsida@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

2854/P1
LRB-2004-
MGD:vlj:jf
↓
Stays

D-Note

WANTED
WED
5/16

1999 BILL

Soon

LPS:
Please
proof amended
stats. w/ stats.

LPS:
Inserts
are out
of order.

LPS:
Please
check
auto-refs

REGEN

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

charitable choice implementation

BILL

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

Analysis by the Legislative Reference Bureau

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

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

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

~~*Establishment of three assistant district attorney positions to engage in restorative justice*~~

~~Current law specifies that each county shall have one district attorney. Current law also authorizes the appointment of one or more deputy district attorneys for the larger population counties and one or more assistant district attorneys for all counties, as requested by the department of administration (DOA) and authorized by law. This bill authorizes one assistant district attorney project position each for Dane County, Milwaukee County and a county other than Dane or Milwaukee, to be selected by the attorney general in consultation with the department of corrections (DOC), to develop and operate restorative justice programming in these counties and to assist district attorneys in other counties in the development and operation of restorative justice programming in those counties. The bill appropriates \$108,300 general purpose revenue (GPR) in fiscal year 1999-00 and \$144,300 GPR in fiscal year 2000-01 for these purposes.~~

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

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

~~The restorative justice assistant district attorney project positions created under the bill expire after June 30, 2003. In order to aid the legislature in determining whether~~

Insert
D

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to continue these positions by making them permanent, the legislative audit bureau is required by October 1, 2002, to conduct a quantitative and qualitative evaluation of the success of restorative justice programming in serving victims, offenders and communities affected by crime and to report these findings to the appropriate committees of the legislature, as determined by the speaker of the assembly and the president of the senate, under s. 13.172 (3).

Nondiscrimination against religious organizations

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

In particular, the bill does the following:

•*Nondiscrimination against religious organizations.* The bill specifies that if DOC or a county is authorized to distribute any grant to, or contract with, a nongovernmental entity, that nongovernmental entity can be a religious organization as long as the programs are implemented consistent with the U.S. and Wisconsin Constitutions. The bill prohibits DOC or a county from discriminating against an organization because the organization does or does not have a religious character or because of the specific religious nature of the organization.

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

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

•*Employment practices.* The bill specifies that a religious organization's exemption recognized under federal law regarding employment practices [42 USC 2000e-1a] is not affected by its participation in programs administered by DOC or a county.

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

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

BILL

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

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

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

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

Inmate rehabilitation

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

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

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

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

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

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

- The organization may not receive compensation from DOC for services provided in the rehabilitation program.
- The organization may not deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or nonbelief. (The

BILL

organization may suspend or terminate an inmate's participation in a program for reasons unrelated to religious beliefs, including the inmate's failure to participate meaningfully in the program.)

- An inmate may withdraw from participation in the program at any time.
- Upon the inmate's release, the organization shall provide community-based aftercare services for each inmate who completes the program and who resides in the area in which the organization is providing such services.

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

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

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

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

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

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

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

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

Establishment of the office of government-sectarian facilitation

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

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

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have a demonstrated understanding of state and federal laws regarding nondiscrimination against religious organizations.

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

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

- Provide information on laws regarding nondiscrimination against faith-based organizations.
- Assist government agencies in utilizing the services of faith-based organizations in the provision of governmental services.
- Assist faith-based organizations in their efforts to participate in the provision of governmental services.
- Compile and provide to the public information on governmental services available through faith-based organizations.
- Monitor compliance, by faith-based organizations that it assists, with laws that provide that: (1) a religious organization may not discriminate against an individual in regard to rendering assistance funded under any program administered by a state agency or a county on the basis of religion, a religious belief or refusal to actively participate in a religious practice; and (2) no funds provided directly to religious organizations by the state or a county may be expended for sectarian worship, instruction or proselytization.
- Conduct an evaluation of the extent to which state and local governments are utilizing the services of faith-based organizations in the provision of governmental services, including the extent to which faith-based organizations comply with the laws discussed above. The office must also develop recommendations to increase government utilization of the services of faith-based organizations.

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

Establishment of a neighborhood organization incubator grant program

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

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

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

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

BILL

- Engage in outreach efforts to inform neighborhood organizations of the services available from the agency.
 - Undertake other activities to facilitate the effectiveness and development of neighborhood organizations.
- The agency receiving a grant is required to submit to DHFS, within 90 days after spending the entire grant, a report detailing the use of the grant proceeds.

Distribution of AODA funding

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

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

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

ANAL. line

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

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

NOTE: See the NOTE to SECTION 5.

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

BILL

charitable choice implementation

1 15.02 (3) (c) 1. The principal subunit of the department is the "division". Each
 2 division shall be headed by an "administrator". The office of justice assistance and
 3 ~~the office of government-sectarian facilitation~~ in the department of administration
 4 and the office of credit unions in the department of financial institutions have the
 5 meaning of "division" and the executive staff director of the office of justice assistance
 6 ~~and the ^{STEPHAN} ~~facilitator~~~~ heading the office of ~~government-sectarian facilitation~~ in the
 7 department of administration and the director of credit unions have the meaning of
 8 "administrator" under this subdivision.

executive director

NOTE: See the NOTE to SECTION 5.

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

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

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

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

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executive director

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

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

²³⁵ 16.25 Office of ~~government-sectarian facilitation~~. (1) The office of

~~government-sectarian facilitation~~ shall do all of the following to assist in the implementation of federal and state laws regarding nondiscrimination against religious organizations in the provision of government services and to facilitate interaction between faith-based organizations and state and local governments:

(a) Provide information to state ^{agencies,} and local governments and other interested persons about laws regarding nondiscrimination against faith-based organizations in the provision of government services.

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

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

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

(e) Monitor compliance with ss. 46.027 (6) and (9), 49.114 (6) and (9), 59.54 (27) (g) and (j) and 801.065 (6) and (9) by faith-based organizations that it assists.

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

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

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

charitable choice implementation

charitable choice implementation

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1 (c) Submit a report containing its evaluation and recommendations to the
 2 governor and to the appropriate standing committees of the legislature, as
 3 determined by the speaker of the assembly and the president of the senate, under s.
 4 13.172 (3), no later than October 1, 2002. (4)

5 (3) This section does not apply after November 1, 2002. (4)

(B)
 2

NOTE: This SECTION and SECTION 4 create the office of government-sectarian facilitation, headed by the facilitator. The purposes of the office are to: (a) assist in the implementation of federal and state laws regarding nondiscrimination against religious organizations in the provision of government services; and (b) facilitate interaction between faith-based organizations and state and local governments. The provisions creating the office of government-sectarian facilitation do not apply after November 1, 2002.

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

			1999-00	2000-01
8				
9	20.435 Health and family services, department			
10	of			
11	(3) CHILDREN AND FAMILY SERVICES			
12	(ft) Neighborhood organization incu-			
13	bator grants	GPR A	100,000	100,000
14	20.505 Administration, department of			
15	(4) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION			
16	(em) General program operations	GPR A	57,600	67,400

NOTE: This SECTION appropriates \$100,000 GPR in each year of the 1999-2001 biennium to fund the neighborhood organization incubator grant program created in SECTION 12 and appropriates \$57,600 GPR in fiscal year 1999-00 and \$67,400 GPR in fiscal year 2000-01 to fund the office of government-sectarian facilitation created in SECTION 4.

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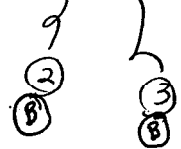
1 SECTION 7. 20.005 (3) (schedule) of the statutes, as affected by 1999 Wisconsin
2 Act ... (Assembly Bill 133): at the appropriate place, insert the following amounts
3 for the purposes indicated:

2001-02

1999-00

2000-01

4
5 **20.435 Health and family services, department**
6 **of**



7 (3) CHILDREN AND FAMILY SERVICES

8 (ft) Neighborhood organization incu-
9 bator grants

GPR A 100,000 100,000

10 **20.505 Administration, department of**

11 (11) (4) ~~ATTACHED DIVISIONS, BOARDS, COUNCILS, COMMISSIONS, AND OFFICE~~
~~OFFICE OF GOVERNMENT SECRETARIAN FACILITATION~~

12 (em) ~~General program operations~~ ^{Office of charitable choice implementation} GPR A 57,600 67,400

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

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

14 20.435 (3) (ft) *Neighborhood organization incubator grants.* The amounts in
15 the schedule for neighborhood organization incubator grants under s. 46.72.

NOTE: See the NOTE to SECTION 6.

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

17 20.505 (4) (title) ATTACHED DIVISIONS, BOARDS, COUNCILS AND, COMMISSIONS AND
18 OFFICE.

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

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1 20.505 (4) (em) ~~Office of government sectarian facilitation~~. The amounts in the
2 schedule for the general program operations of the office of ~~government sectarian~~
3 ~~facilitation~~ *charitable choice implementation*

NOTE: See the NOTE to SECTION 6.

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

5 **46.03 (44) PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE**
6 **INTERVENTION AND TREATMENT SERVICES.** Promote efficient use of resources for alcohol
7 and other drug abuse intervention and treatment services by doing all of the
8 following:

9 (a) Developing one or more methods to evaluate the effectiveness of alcohol and
10 other drug abuse intervention and treatment services and developing performance
11 standards for alcohol and other drug abuse services.

12 (b) Adopting policies to ensure that, to the extent possible under state and
13 federal law, *all* funding for alcohol and other drug abuse intervention and treatment
14 services administered by the department is distributed ~~based on~~ *giving primary*
15 the services in meeting department performance standards for alcohol and other
16 drug abuse services. *consideration to*

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

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

*NOTE: This SECTION requires DHFS to ensure that, to the extent possible under
state and federal law, funding for ACDA intervention and treatment programs*

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administered by DHES is distributed based on the effectiveness of the services in meeting performance standards developed by DHES regarding those services.

1 SECTION 12. 46.72¹ of the statutes is created to read:

2 46.72 Neighborhood organization incubator grants. (1) DEFINITIONS. In

3 this section:

4 (a) "Agency" means a community-based public or private nonprofit
5 organization. ^{that is}

6 (b) "Neighborhood organization" means a community-based private nonprofit
7 organization ^{that is and} that provides any of the following services or programs primarily to
8 residents of the area in which the organization is located:

- 9 1. Crime prevention programs.
- 10 2. After-school and recreational programs for youth.
- 11 3. Child abuse and domestic abuse prevention services.
- 12 4. Alcohol and other drug abuse counseling and prevention services.
- 13 5. Programs for diversion of youth from gang activities.
- 14 6. Inmate and ex-offender rehabilitation or aftercare services.

15 (2) GRANTS. From the appropriation under s. 20.435 (3) (ft),¹ the department
16 shall award grants to agencies to ^{enable them to} provide services described under sub. (3) to
17 neighborhood organizations. An agency application for a grant shall contain a plan
18 detailing the proposed use of the grant.

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

- 21 (a) Provide information to neighborhood organizations about funding and other
22 assistance that may be available to neighborhood organizations from private and
23 public entities.

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

3 (c) Act as a liaison between neighborhood organizations and public and private
4 entities ~~described under par. 1a.~~

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

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

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

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

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

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

15 59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition*. In this
16 subsection, "board" includes any department, as defined in s. 59.60 (2) (a).¹

17 (b) *General purpose and authority*. The purpose of this subsection is to allow
18 the board to contract with, or award grants to, religious organizations, under any
19 program administered by the county dealing with delinquency and crime prevention
20 or the rehabilitation of offenders on the same basis as any other nongovernmental
21 provider without impairing the religious character of such organizations, and
22 without diminishing the religious freedom of beneficiaries of assistance funded
23 under such program.

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

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

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

18 (e) *Rights of beneficiaries of assistance.* ^{1.} If the board contracts with, or awards
 19 grants to, a religious organization for the provision of crime prevention or offender
 20 rehabilitation assistance under a program administered by the board, an individual
 21 who is eligible for this assistance shall be informed in writing that assistance of equal
 22 value and accessibility is available from a nonreligious provider upon request. ^{INS D 15/22} ~~If an~~
 23 individual ~~has an objection~~ ^{an} to the religious character of the organization from which
 24 the individual receives, or would receive, assistance ^{that is} funded under any crime
 25 prevention or offender rehabilitation program administered by the board and

the individual

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1 requests assistance from a nonreligious provider, the board shall provide ^{the} ~~such~~
 2 individual, if otherwise eligible for ^{the} ~~such~~ assistance, within a reasonable period of
 3 time after the date of the objection, with assistance of equal value from a nonreligious
 4 provider that is accessible to the individual.

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

9 (g) *Nondiscrimination against beneficiaries.* A religious organization may not
 10 discriminate against an individual in regard to rendering assistance ^{that is} funded under
 11 any program administered by the board on the basis of religion, a religious belief or
 12 nonbelief ^a or refusal to actively participate in a religious practice.

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

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

21 (i) *Compliance.* Any party that seeks to enforce its rights under this subsection
 22 may ~~assert~~ a civil action for injunctive relief against the entity that allegedly
 23 ^{bring} commits the violation.

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

4 (k) *Certification of compliance.* Every religious organization that contracts
5 with or receives a grant from the county board to provide delinquency and crime
6 prevention or offender rehabilitation services to eligible recipients shall certify in
7 writing that it has complied with the requirements of pars. (g) and (j) and submit to
8 the board a copy of this certification and a written description of the policies the
9 organization has adopted to ensure that it has complied with the requirements under
10 pars. (g) and (j).

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

on the granting of federal or state funds to

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

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

16 230.08 (2) (e) 1. Administration — ~~12~~ 13.

NOTE: This SECTION establishes the position of facilitator in the office of government/sectarian facilitation as an unclassified position.

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

18 301.03 (2t) (a) Develop one or more methods to evaluate the effectiveness of
19 alcohol and other drug abuse intervention and treatment services and develop
20 performance standards for alcohol and other drug abuse services.

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1 (b) Adopt policies to ensure that, to the extent possible under state and federal
 2 law, ~~all~~ funding for alcohol and other drug abuse intervention and treatment services
 3 administered by the department is distributed ~~based on~~ the effectiveness of the
 4 services in meeting department performance standards for alcohol and other drug
 5 abuse services. *giving primary consideration to*

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

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

NOTE: This SECTION requires DOC to ensure that, to the extent possible under state and federal law, funding for AODA intervention and treatment programs administered by DOC is distributed based on the effectiveness of the services in meeting performance standards developed by DOC regarding those services.

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

14 **301.047 Inmate rehabilitation and aftercare.** (1) PROGRAM. The
 15 department may permit one or more nonprofit community-based organizations
 16 meeting the requirements of this section to operate ^{an} inmate rehabilitation programs
 17 in the Milwaukee alcohol and other drug abuse treatment facility enumerated in
 18 1997 Wisconsin Act 27, section 9107 (1) (b) 1, if the department determines that
 19 operation of that program does not constitute a threat to the security of the facility
 20 or the safety of inmates or the public and that operation of the program is in the best
 21 interest of the inmates.

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

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

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

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

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

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

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

14 7. Any other information specified by the department.

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

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

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

21 3. An inmate may ^{stop} withdraw from participation in the program at any time.

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

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

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

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

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

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

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

21 (g) The department may suspend or terminate operation of a rehabilitation
22 program under sub. (1) if ^{of the} an organization operating the program fails to comply with
23 any of the requirements under this section and shall suspend or terminate the
24 operation of a program if the department determines that suspension or termination

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1 of the program is necessary for the security of the facility or the safety of the inmates
2 or the public or is in the best interests of the inmates.

3 (4) EVALUATION. The department shall evaluate or contract with a public or
4 private agency for an evaluation of the effectiveness of a rehabilitation program
5 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse
6 among program participants. The department shall collect the data and information
7 necessary to evaluate the program. No later than 3 years from the date of the notice
8 published under ²⁰⁰¹1999 Wisconsin Act (this act), section 2²₅, the department shall
9 submit a report of the evaluation to the governor and to the appropriate standing
10 committees of the legislature, as determined by the speaker of the assembly and the
11 president of the senate, under s. 13.172 (3).¹

12 (5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION. Notwithstanding
13 sub. (2)(b) 2.¹, an organization operating a rehabilitation program under sub. (1)¹ may
14 suspend or terminate an inmate's participation in a program for reasons unrelated
15 to religious beliefs, including the inmate's failure to participate meaningfully in the
16 program.

NOTE: This SECTION authorizes DOC to permit one or more community-based
organizations to operate an inmate rehabilitation program in the Milwaukee AODA
treatment facility, if specified requirements are met.

17 SECTION 17. 301.047¹ of the statutes, as created by ²⁰⁰¹1999 Wisconsin Act (this
18 act), is repealed.

NOTE: This SECTION and SECTIONS ~~25~~ and 28 (1) sunset the inmate rehabilitation
program under SECTION 16 two years after any such program begins operation.

19 SECTION 18. 301.065¹ of the statutes is created to read:

20 **301.065 Religious organizations; contract powers.** (1) RELIGIOUS
21 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the
22 department to contract with, or award grants to, religious organizations, under any

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

6 (2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS. If the department is
7 authorized under ch. 16 to contract with a nongovernmental entity, or to award
8 grants to a nongovernmental entity, religious organizations are eligible, on the same
9 basis as any other private organization, ^{to be} as contractors and grantees under any
10 program administered by the department so long as the programs are implemented
11 consistently with the ^{to} First Amendment of the U.S. Constitution and article I, section
12 18, of the Wisconsin ^{|| j} Constitution. Except as provided in sub. (1), the department
13 may not discriminate against an organization that is or applies to be a contractor or
14 grantee on the basis that the organization does or does not have a religious character
15 or because of the specific religious nature of the organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 302.11 (1g) (b) 2.[↓] Refusal by the inmate to participate in counseling or
 2 treatment that the social service and clinical staff of the institution determines is
 3 necessary for the inmate, including pharmacological treatment using an
 4 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
 5 child sex offender as defined in s. 304.06 (1q) (a). The parole commission may not
 6 deny presumptive mandatory release to an inmate because of the inmate's refusal
 7 to participate in a rehabilitation program under s. 301.047.[↓]

NOTE: This SECTION provides that the parole commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in an inmate rehabilitation program established in SECTION 16.

8 SECTION 20. 302.11 (1g) (b) 2.[↓] of the statutes, as affected by ~~1999~~²⁰⁰¹ Wisconsin Act
 9 (this act), is repealed and recreated to read:

10 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
 11 treatment that the social service and clinical staff of the institution determines is
 12 necessary for the inmate, including pharmacological treatment using an
 13 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
 14 child sex offender as defined in s. 304.06 (1q) (a).[↓]

NOTE: This SECTION restores statutory language to reflect the expiration of the inmate rehabilitation program established in SECTION 16.

15 SECTION 21. 978.03 (3)[↓] of the statutes is amended to read:

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

s. ss. 978.043 and

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

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

978.044 Assistants to perform restorative justice services. (1)

DEFINITIONS. In this section:

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

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

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

(2) DUTIES. The district attorneys of Dane and Milwaukee counties and of the county selected under sub. (4) shall each assign one assistant district attorney in his or her prosecutorial unit to be a restorative justice coordinator. An assistant district attorney assigned under this subsection to be the restorative justice coordinator shall do all the following:

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

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

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

3. Explore potential restorative responses by the offender.

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

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

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

5

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

3 2. The number of victims and offenders served by programming³ established
4 under par. (a).[↓]

5 3. The types of offenses addressed by programming³ established under par. (a).

6 4. The rate of recidivism among offenders served by programming³ established
7 under par. (a) compared to the rate of recidivism by offenders not served by such
8 program³.

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

Selection of 3rd county.

15 (4) The attorney general, in consultation with the department of corrections,
16 shall select a county other than Dane or Milwaukee^{County} in which restorative justice
17 services are to be provided under sub. (2).[↓]

18 (5) EXPIRATION. This section does not apply after June 30, 2003.⁵

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

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

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s. ss. 978.043 and

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1 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
 2 978.044, make appropriate assignments of the staff throughout the prosecutorial
 3 unit. The district attorney may request the assistance of district attorneys, deputy
 4 district attorneys or assistant district attorneys from other prosecutorial units or
 5 assistant attorneys general who then may appear and assist in the investigation and
 6 prosecution of any matter for which a district attorney is responsible under this
 7 chapter in like manner as assistants in the prosecutorial unit and with the same
 8 authority as the district attorney in the unit in which the action is brought. Nothing
 9 in this paragraph limits the authority of counties to regulate the hiring, employment
 10 and supervision of county employees.

NOTE: See the NOTE to SECTION 22.

SECTION 24. Nonstatutory provisions; administration.

11 **SECTION 24. Nonstatutory provisions; administration.**
 12 **(1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES.** The
 13 authorized FTE positions for the department of administration are increased by 3.0
 14 GPR project positions, *for the period beginning on January 1, 2002 and ending on December 31, 2005*
 15 (d) of the statutes, for the purpose of providing one assistant district attorney for
 16 Dane County, one assistant district attorney for Milwaukee County, and one
 17 assistant district attorney for *the* county *selected under section 978.044(4) of the statutes,* other than Dane or Milwaukee to perform *as created by this act,*
 18 restorative justice services under section 978.044 of the statutes, as created by this
 19 act.

20 **(2) OFFICE OF GOVERNMENT SECRETARIAN FACILITATION.** The authorized FTE
 21 positions for the department of administration are increased by 1.0 GPR project
 22 position to be funded from the appropriation under section 20.505 (4) (em) of the
 23 statutes, as created by this act, for the purpose of administering the office of

Charitable choice implementation

Charitable choice implementation

BILL

1 ~~government-sectarian facilitation~~ under section 15.105 (26) of the statutes, as
2 created by this act, beginning on November 1, 1999, and ending on November 1, 2002.

6 28 ✓
October 31, 2004

NOTE: See the NOTE to SECTION 22. In addition, this SECTION establishes a full-time government-sectarian facilitator project position with DOA, beginning on November 1, 1999, and ending on November 1, 2002, to be funded from the appropriation created in SECTIONS 6 and 7.

SECTION 25. Nonstatutory provisions; corrections.

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

NOTE: See the NOTE to SECTION 17.

SECTION 26. Nonstatutory provisions; legislative audit bureau.

10
11 (1) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2002, the legislative
12 audit bureau shall evaluate, on a quantitative and qualitative basis, the success of
13 restorative justice programming in Dane and Milwaukee counties and the county
14 selected under section 978.044 (4) of the statutes, as created by this act, in serving
15 victims, offenders, and communities affected by crime and shall report its findings
16 to the appropriate standing committees of the legislature, as determined by the
17 speaker of the assembly and the president of the senate, under section 13.172 (3) of
18 the statutes.

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

SECTION 27. Appropriation changes; administration.

19
20 (1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES.

BILL

1 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
 2 to the department of administration under section 20.475 (1) (d) of the statutes, as
 3 affected by the acts of ²⁰⁰¹ ~~1999~~, the dollar amount is increased by \$108,300 for fiscal year
 4 ²⁰⁰¹⁻⁰² ~~1999-00~~ and the dollar amount is increased by \$144,300 for fiscal year ²⁰⁰²⁻⁰³ ~~2000-01~~ to
 5 fund 3.0 FTE GPR project positions authorized under SECTION 24 (1) of this act.

6 ~~(b) In the schedule under section 20.005 (3) of the statutes for the appropriation~~
 7 ~~to the department of administration under section 20.475 (1) (d) of the statutes, as~~
 8 ~~affected by the acts of 1999, the dollar amount is increased by \$108,300 for fiscal year~~
 9 ~~1999-00 and the dollar amount is increased by \$144,300 for fiscal year 2000-01 to~~
 10 ~~fund 3.0 FTE GPR project positions authorized under SECTION 24 (1) of this act.~~

NOTE: This SECTION appropriates \$108,300 GPR in fiscal year 1999-2000 and \$144,300 GPR in fiscal year 2000-01 to fund the assistant district attorney project positions created under the bill to perform restorative justice services.

11 SECTION 28. Effective dates. This act takes effect on the day after
 12 publication, except as follows:

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

16 (2) The treatment of section ³ ~~20.005 (3)~~ (schedule) ~~by SECTION 7~~ of the statutes
 17 and SECTION 27 (1) (b) of this act take effect on the day after publication of the
 18 2001-03 biennial budget act.

NOTE: See the NOTES to SECTIONS 7, 17 and 25.

(END)

Insert D 30/12
 (2) The treatment of sections 978.03 (3), 978.044, and 978.05 (9) (b) of the statutes and ^{A.R. 1 (1A)} SECTION 24 (1) of this act take effect on January 1, 2002.