

1

INSERT D- analysis insert

***Restorative justice district attorney positions***

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 certain counties and, subject to the positions being requested by the department of administration (DOA), one or more assistant district attorneys for all counties. This bill authorizes one new assistant district attorney project position each for Dane County, Milwaukee County, and a third county (to be selected by the attorney general in consultation with the department of corrections (DOC)). ~~It~~ <sup>The bill</sup> also requires the district attorney for each of those three counties to assign one assistant district attorney to be a restorative justice coordinator.

Under the bill, the restorative justice coordinator <sup>or</sup> must establish restorative justice programs that provide support to the victim, facilitate the reintegration of the victim into community life, and provide a forum for an offender to: 1) meet with the victim ~~or a member of the victim's family and other appropriate persons~~; 2) discuss the impact of the offense on the victim <sup>and</sup> the community; 3) explore appropriate restorative responses by the offender; and 4) facilitate the reintegration of the offender into community life. The bill also requires each restorative justice coordinator to assist district attorneys in other counties in establishing restorative justice programming. ~~It~~ <sup>The bill</sup> ~~also~~ <sup>fur-</sup>ther requires ~~them~~ <sup>each</sup> to maintain records regarding restorative justice activities and to submit to DOA annual reports describing the restorative justice activities <sup>that</sup> 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.

<sup>5</sup> ~~The~~ assistant district attorney project positions created under the bill expire after June 30, 2005. ~~By~~ <sup>5</sup> October 1, 2004, ~~however,~~ the legislative audit bureau ~~is~~ <sup>must</sup> ~~required by the~~ 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 legislature.

***Establishment of the office of charitable choice implementation***

<sup>9</sup> ~~In~~ addition, <sup>by</sup> the bill creates an office of charitable choice implementation (OCCI). Under the bill, OCCI is required to assist in the implementation of state and federal laws regarding nondiscrimination against religious organizations by doing all of the following: 1) providing information on laws regarding nondiscrimination against faith-based organizations in the provision of government services; 2) assisting government agencies in using the services of faith-based organizations in the provision of government services; and 3) compiling and providing to the public information on government services available through faith-based organizations. OCCI is to operate for three years, is to be attached to the department of administration, and ~~and~~ is to be headed by an executive director, ~~who~~ 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

<sup>9</sup> The executive director

government services under the bill. In addition, the executive director must have experience relevant to the operation of nonprofit organizations or state or local government and must have a demonstrated understanding of state and federal laws regarding nondiscrimination against religious organizations.

***Nondiscrimination against religious organizations***

respect to

the department of

Current law specifies that the departments of health and family services (DHFS) and workforce development may contract with or award grants to religious organizations on the same basis as they do ~~work~~ with any other nongovernmental provider. This bill similarly specifies that DOC and counties may contract with or award grants to religious organizations for use in the prevention of delinquency and crime and the rehabilitation of offenders. In particular, the bill: 1) specifies that if DOC or a county is authorized to distribute any grant to or contract with a nongovernmental entity, that nongovernmental entity (the grantee) can be a religious organization, as long as the programs are implemented consistently with the U.S. and Wisconsin Constitutions; 2) prohibits DOC and counties 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; 3) specifies that a grantee ~~from DOC or a county~~ retains its independence from federal, state, and local governments, including ~~the~~ <sup>in its</sup> organization's control over the definition, development, practice, and expression of its religious beliefs; 4) specifies that if an individual has an objection to the religious character of a grantee from which the individual 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 an accessible nonreligious provider upon the individual's request; 5) requires DOC and counties to provide written information to individuals who are eligible for assistance regarding the availability of assistance from a nonreligious provider; 6) prohibits a grantee 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; 7) specifies that any grantee 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; 8) prohibits any grantee from expending any of those funds for sectarian worship, instruction, or proselytization; and 9) requires every grantee providing crime prevention or rehabilitation assistance to eligible recipients to certify in writing that it has complied with the proscription against discrimination and the proscription against the expenditure of public funds for sectarian purposes.

a

***Inmate AODA rehabilitation***

Under current law, DOC must provide alcohol and other drug abuse (AODA) treatment programs at certain prisons. As is the case with other correctional services and programs, DOC may provide AODA treatment programs by contracting with a public or voluntary agency. This bill authorizes DOC to permit one or more nonprofit community-based organizations to operate an inmate rehabilitation program in DOC's Milwaukee AODA treatment facility if: 1) 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; 2) DOC determines that operation of the program is in the best interests of the inmates; and 3) the organization submits to DOC a detailed proposal for the operation of the program. The organization must also agree in writing: 1) not to receive compensation from DOC for services provided in the rehabilitation program; 2) not to deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or nonbelief; 3) to permit an inmate to withdraw from participation in the program at any time; and 4) to provide community-based aftercare services for each inmate upon the inmate's release if he or she completes the program and resides in the area in which the organization is providing such services. In addition, if the organization promotes religious activity in connection with the program, DOC must allow all other religious organizations meeting the requirements of the bill to operate an inmate AODA program.

DOC must provide reasonable access to inmates by an organization operating an inmate rehabilitation program established under the bill and must 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. DOC, however, may not require an inmate to participate in an inmate rehabilitation program established under the bill, nor may it base any decision regarding an inmate's conditions of confinement on his or her participation or nonparticipation in such a program. The bill also provides that DOC may restrict an inmate's participation in such a program established only if necessary for the security of the facility or the safety of the inmates or the public. In addition, 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~~. AODA

The provisions described in this section of the analysis expire two years after an inmate rehabilitation program established under the bill begins operation.

**Distribution of AODA funding**

Under current law, DHFS administers various programs that provide funding for AODA intervention and treatment services. Under the bill, DHFS and DOC must: 1) develop one or more methods to evaluate the effectiveness of AODA intervention and treatment services and develop performance standards regarding those services; 2) adopt policies to ensure that, to the extent possible under state and federal law, all funding for ~~intervention and treatment services~~ they administer is distributed giving primary consideration to the effectiveness of the ~~services in meeting department performance standards for alcohol and other drug abuse services~~ services in meeting department performance standards for alcohol and other drug abuse services; 3) 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~~ alcohol and other drug abuse by recipients of services; and 4) ~~require every person receiving funding for AODA services~~ provide to DHFS or DOC the results of its evaluation.

**Establishment of a neighborhood organization incubator grant program**

The bill authorizes DHFS to award a grant to a community-based ~~public or private~~ nonprofit organization (agency) to enable the agency to help neighborhood

STET  
AODA

STET

recipients of

or public  
that is  
move

social service organizations secure funding and become more effective. As a condition of receiving the grant, the agency is required to: 1) provide information to neighborhood organizations about sources of public and private funding; 2) assist neighborhood organizations in obtaining funding and other assistance from public and private entities; 3) act as a liaison between the neighborhood organizations and the public and private funding sources; 4) provide appropriate training and professional development services to members of neighborhood organizations; 5) engage in outreach efforts to inform neighborhood organizations of the services available from the agency; 6) undertake other activities to facilitate the effectiveness and development of neighborhood organizations; and 7) submit to DHFS, within 90 days after spending the entire grant, a report detailing the use of the grant proceeds. This grant program sunsets on June 30, 2005.

**INSERT D 15/22**

2. The board shall provide an individual who is otherwise eligible for assistance from an organization described under subd. 1. with assistance of equal value from a nonreligious provider if the individual objects to the religious character of the organization described under subd. 1. and requests assistance from a nonreligious provider. The board shall provide such assistance within a reasonable period of time after the date of the objection and shall ensure that it is accessible to the individual.


**INSERT D 23/5**

(b) The department shall provide an individual who is otherwise eligible for assistance from an organization described under par. (a) with assistance of equal value from a nonreligious provider if the individual objects to the religious character of the organization described under par. (a) and requests assistance from a nonreligious provider. The department shall provide such assistance within a reasonable period of time after the date of the objection and shall ensure that it is accessible to the individual.

**INSERT D 26/5**

~~(b)~~ committing a crime or who is, or could be, the subject of a petition under ch. 938 alleging that he or she has

1 **INSERT D 30/12**

2  or <sup>on</sup> the 2nd day after publication of the 2001-03 biennial budget act, whichever  
3 is later



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0914/1  
MGD:wlj:kjf

2

*Jeremina*

*ASSEMBLY AMENDMENT,*  
*TO 1999 ASSEMBLY BILL 533*

*Insert A*

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

2 ~~1. Page 12, line 21: delete lines 21 to 23 and substitute:~~

3 ~~(d) Requiring every person applying for and receiving funding for alcohol and~~  
4 other drug abuse intervention or treatment services to provide the department the  
5 results of the evaluation conducted under par. (c). *✓*

6 ~~2. Page 18, line 10: delete lines 10 to 12 and substitute:~~

7 ~~(d) Require every person applying for and receiving funding for alcohol and~~  
8 other drug abuse intervention or treatment services to provide the department the  
9 results of the evaluation conducted under par. (c). *✓*

10 (END)

*INS A*  
*12/21*

*INS A*  
*18/10*



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0930/1  
MGD/kmg:hmh

ASSEMBLY AMENDMENT,  
TO 1999 ASSEMBLY BILL 533

Insert B  
14/B

1  
2  
3  
4

At the locations indicated, amend the bill as follows:

1. Page 14, line 13: after that line insert.

(5) SUNSET. This section does not apply after June 30, 2003.

(END)

95  
h



ASSEMBLY AMENDMENT,  
TO 1999 ASSEMBLY BILL 533

INSERT C  
2 1/2

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

2 1. Page 21, line 2: after that line insert:

3 (h) 1. Except as provided in subd. 2., if an organization operating a  
4 rehabilitation program under sub. (1) promotes or informs the department that the  
5 organization intends to promote sectarian worship, instruction or proselytization in  
6 connection with the rehabilitation program, the department shall permit all other  
7 religious organizations meeting the requirements of this section to operate an  
8 inmate rehabilitation program under sub. (1).

9 2. The department is not required under subd. 1. to permit a religious  
10 organization to operate an inmate rehabilitation program under sub. (1) if the  
11 department determines that the organization's operation of that program

✓



1 constitutes a threat to the security of the facility or the safety of the inmates or the  
2 public.

3

(END)

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

LRB-2854/P1dn

MGD:.....

WLJ

R.J.:

At Mary Matthias's suggestion, I did not revise the appropriation amounts contained in the bill. As soon as you know what amounts to include, I will redraft the bill to include them.

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

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

LRB-2854/P1dn  
MGD:wlj:pg

May 16, 2001

R.J.:

At Mary Matthias' suggestion, I did not revise the appropriation amounts contained in the bill. As soon as you know what amounts to include, I will redraft the bill to include them.

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



①

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

soon

retrieve from hold

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 (28), 16.235,  
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 charitable choice implementation; establishing a grant  
11 program for a neighborhood organization incubator; distributing funding for  
12 alcohol and other drug abuse services; and making appropriations.

**Analysis by the Legislative Reference Bureau**

**Restorative justice district attorney positions**

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

certain counties and, subject to the positions being requested by the department of administration (DOA), one or more assistant district attorneys for all counties. This bill authorizes one new assistant district attorney project position each for Dane County, Milwaukee County, and a third county (to be selected by the attorney general in consultation with the department of corrections (DOC)). The bill also requires the district attorney for each of those three counties to assign one assistant district attorney to be a restorative justice coordinator.

Under the bill, the restorative justice coordinator must establish restorative justice programs that provide support to the victim, facilitate the reintegration of the victim into community life, and provide a forum for an offender to: 1) meet with the victim; 2) discuss the impact of the offense on the victim or the community; 3) explore appropriate restorative responses by the offender; and 4) facilitate the reintegration of the offender into community life. The bill also requires each restorative justice coordinator to assist district attorneys in other counties in establishing restorative justice programs. The bill further requires each restorative justice coordinator to maintain records regarding restorative justice activities and to submit to DOA annual reports describing the restorative justice activities that each has undertaken, including the number of victims and offenders served, the types of crimes involved, and the rates of recidivism among offenders, served by restorative justice program. In addition, by October 1, 2004, the legislative audit bureau must conduct a quantitative and qualitative evaluation of the success of restorative justice programs in serving victims, offenders, and communities affected by crime and to report these findings to the legislature.

The assistant district attorney project positions created under the bill expire after June 30, 2005.

***Establishment of the office of charitable choice implementation***

The bill creates an office of charitable choice implementation (OCCI). Under the bill, OCCI is required to assist in the implementation of state and federal laws regarding nondiscrimination against religious organizations by doing all of the following: 1) providing information on laws regarding nondiscrimination against faith-based organizations in the provision of government services; 2) assisting government agencies in using the services of faith-based organizations in the provision of government services; and 3) compiling and providing to the public information on government services available through faith-based organizations. OCCI is to operate for three years, is to be attached to the department of administration, and is to be headed by an executive director. The executive director 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 executive director must have experience relevant to the operation of nonprofit organizations or state or local government and must have a demonstrated understanding of state and federal laws regarding nondiscrimination against religious organizations.

***Nondiscrimination against religious organizations***

Current law specifies that the department of health and family services (DHFS) and the department of workforce development may contract with or award grants to

religious organizations on the same basis as they do with respect to any other nongovernmental provider. This bill similarly specifies that DOC and counties may contract with or award grants to religious organizations for use in the prevention of delinquency and crime and the rehabilitation of offenders. In particular, the bill: 1) specifies that if DOC or a county is authorized to distribute any grant to or contract with a nongovernmental entity, that nongovernmental entity (the grantee) can be a religious organization, as long as the programs are implemented consistently with the U.S. and Wisconsin constitutions; 2) prohibits DOC and counties 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; 3) specifies that a grantee retains its independence from federal, state, and local governments, including in its control over the definition, development, practice, and expression of its religious beliefs; 4) specifies that if an individual has an objection to the religious character of a grantee from which the individual 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 an accessible nonreligious provider upon the individual's request; 5) requires DOC and counties to provide written information to individuals who are eligible for assistance regarding the availability of assistance from a nonreligious provider; 6) prohibits a grantee 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 a refusal to actively participate in a religious practice; 7) specifies that any grantee is subject to the same laws and rules as other contractors and grantees regarding accounting in accordance with generally accepted auditing principles for the use of these funds; 8) prohibits any grantee from expending any of those funds for sectarian worship, instruction, or proselytization; and 9) requires every grantee providing crime prevention or rehabilitation assistance to eligible recipients to certify in writing that it has complied with the proscription against discrimination and the proscription against the expenditure of public funds for sectarian purposes.

### ***Inmate AODA rehabilitation***

Under current law, DOC must provide alcohol and other drug abuse (AODA) treatment programs at certain prisons. As is the case with other correctional services and programs, DOC may provide AODA treatment programs by contracting with a public or voluntary agency. This bill authorizes DOC to permit one or more nonprofit community-based organizations to operate an inmate rehabilitation program in DOC's Milwaukee AODA treatment facility if: 1) 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; 2) DOC determines that operation of the program is in the best interest of the inmates; and 3) the organization submits to DOC a detailed proposal for the operation of the program. The organization must also agree in writing: 1) not to receive compensation from DOC for services provided in the rehabilitation program; 2) not to deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or nonbelief; 3) to permit an inmate to withdraw from participation in the program at any time;

and 4) to provide community-based aftercare services for each inmate upon the inmate's release if he or she completes the program and resides in the area in which the organization is providing such services. In addition, if the organization promotes religious activity in connection with the program, DOC must allow all other religious organizations meeting the requirements of the bill to operate an inmate AODA program.

DOC must provide reasonable access to inmates by an organization operating an inmate rehabilitation program established under the bill and must 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. DOC, however, may not require an inmate to participate in an inmate rehabilitation program established under the bill, nor may it base any decision regarding an inmate's conditions of confinement on his or her participation or nonparticipation in such a program. The bill also provides that DOC may restrict an inmate's participation in such a program only if necessary for the security of the facility or the safety of the inmates or the public. In addition, 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 AODA.

The provisions described in this section of the analysis expire two years after an inmate rehabilitation program established under the bill begins operation.

**Distribution of AODA funding** and <sup>develop</sup> performance standards for VAR evaluating

Under current law, DHFS administers various programs that provide funding for AODA intervention and treatment services. Under the bill, DHFS and DOC must: 1) develop one or more methods to evaluate the effectiveness of AODA intervention and treatment services and <sup>develop</sup> performance standards regarding those services; 2) adopt policies to ensure that, to the extent possible under state and federal law, all funding for AODA intervention and treatment services <sup>that each of them</sup> administer is distributed giving primary consideration to the effectiveness of the services in meeting department performance standards for alcohol and other drug abuse services; 3) 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 AODA by recipients of services; and 4) require recipients of AODA funding from DHFS or DOC, to provide to DHFS or DOC the results of its evaluation. <sup>each department</sup> <sup>that department</sup>

5) <sup>AODA</sup> administer is distributed giving primary consideration to the effectiveness of the services in meeting department performance standards for alcohol and other drug abuse services; 3) 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 AODA by recipients of services; and 4) require recipients of AODA funding from DHFS or DOC, to provide to DHFS or DOC the results of its evaluation.

3) 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 AODA by recipients of services; and 4) require recipients of AODA funding from DHFS or DOC, to provide to DHFS or DOC the results of its evaluation.

**Establishment of a neighborhood organization incubator grant program**

The bill authorizes DHFS to award a grant to a private nonprofit or public organization that is community based (an agency) to enable the agency to help neighborhood social service organizations secure funding and become more effective. As a condition of receiving the grant, the agency is required to: 1) provide information to neighborhood organizations about sources of public and private funding; 2) assist neighborhood organizations in obtaining funding and other assistance from public and private entities; 3) act as a liaison between the neighborhood organizations and the public and private funding sources; 4) provide appropriate training and professional development services to members of neighborhood organizations; 5) engage in outreach efforts to inform neighborhood

organizations of the services available from the agency; 6) undertake other activities to facilitate the effectiveness and development of neighborhood organizations; and 7) submit to DHFS, within 90 days after spending the entire grant, a report detailing the use of the grant proceeds. This grant program sunsets on June 30, 2005.

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

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

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

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

14           15.02 (3) (c) 1. The principal subunit of the department is the “division”~~.”~~ Each  
15 division shall be headed by an “administrator”~~.”~~ The office of justice assistance and  
16 the office of charitable choice implementation in the department of administration  
17 and the office of credit unions in the department of financial institutions have the  
18 meaning of “division,” and the executive staff director of the office of justice  
19 assistance and the executive director heading the office of charitable choice



1 implementation in the department of administration and the director of credit  
2 unions have the meaning of “administrator” under this subdivision.

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

4 **15.105 (title) Same; attached boards, commissions and office offices.**

5 **SECTION 4.** 15.105 (28) of the statutes is created to read:

6 **15.105 (28) OFFICE OF CHARITABLE CHOICE IMPLEMENTATION.** There is created an  
7 office of charitable choice implementation, headed by the executive director, which  
8 is attached to the department of administration under s. 15.03. The executive  
9 director shall be nominated by the governor, and with the advice and consent of the  
10 senate appointed, to serve at the pleasure of the governor. The executive director  
11 may not be a member of the board of directors of, be otherwise involved in the  
12 governance or control of, or be employed by any faith-based organization eligible for  
13 contracts or grants under s. 59.54 (27) or 301.065. The executive director shall have  
14 experience relevant to the operation of nonprofit organizations or state or local  
15 government and shall have a demonstrated understanding of state and federal laws  
16 regarding nondiscrimination against religious organizations. This subsection does  
17 not apply after November 1, 2004.

18 **SECTION 5.** 16.235 of the statutes is created to read:

19 **16.235 Office of charitable choice implementation.** (1) The office of  
20 charitable choice implementation shall do all of the following to assist in the  
21 implementation of federal and state laws regarding nondiscrimination against  
22 religious organizations in the provision of government services:

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

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

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

5 (2) This section does not apply after November 1, 2004.

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

8 2001-02      2002-03

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
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14 **20.505 Administration, department of**

15 (4) ATTACHED DIVISIONS, BOARDS, COUNCILS,  
16 COMMISSIONS, AND OFFICE

17 (em) Office of charitable choice imple-  
18 mentation

GPR	A	67,600 <del>57,600</del>	77,400 <del>82,400</del>
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19 SECTION 7. 20.435 (3) (ft) of the statutes is created to read:

20 20.435 (3) (ft) *Neighborhood organization incubator grants*. The amounts in  
21 the schedule for neighborhood organization incubator grants under s. 46.72.

22 SECTION 8. 20.505 (4) (title) of the statutes is amended to read:

23 20.505 (4) (title) ATTACHED DIVISIONS, BOARDS, COUNCILS AND, COMMISSIONS AND  
24 OFFICE.

1 SECTION 9. 20.505 (4) (em) of the statutes is created to read:

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

5 SECTION 10. 46.03 (44) of the statutes is created to read:

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

*performance standards for each* *developing* *, and* *,*

10 (a) Developing one or more methods to evaluate the effectiveness of alcohol and  
11 other drug abuse intervention and treatment services, ~~and developing performance~~  
12 ~~standards for alcohol and other drug abuse services.~~ *that are*  
*administered by*  
*the department*

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

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

22 (d) Requiring every person receiving funding ~~for alcohol and other drug abuse~~ *from the department*  
23 intervention or treatment services to provide the department the results of the  
24 evaluation conducted under par. (c).

25 SECTION 11. 46.72 of the statutes is created to read:

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

3           (a) “Agency” means a private nonprofit or public organization that is  
4 community based.

5           (b) “Neighborhood organization” means a private nonprofit organization that  
6 is community based and that provides any of the following services or programs  
7 primarily to residents of the area in which the organization is located:

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

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

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

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

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

1 (c) Act as a liaison between neighborhood organizations and public and private  
2 entities.

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

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

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

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

12 (5) SUNSET. This section does not apply after June 30, 2005.

13 SECTION 12. 59.54 (27) of the statutes is created to read:

14 59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition*. In this  
15 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

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

23 (c) *Nondiscrimination against religious organizations*. If the board is  
24 authorized to contract with a nongovernmental entity, or is authorized to award  
25 grants to a nongovernmental entity, religious organizations are eligible, on the same

1 basis as any other private organization, to be contractors and grantees under any  
2 program administered by the board so long as the programs are implemented  
3 consistently with the first amendment to the U.S. Constitution and article I, section  
4 18, of the Wisconsin constitution. Except as provided in par. (L), the board may not  
5 discriminate against an organization that is or applies to be a contractor or grantee  
6 on the basis that the organization does or does not have a religious character or  
7 because of the specific religious nature of the organization.

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

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

15 (e) *Rights of beneficiaries of assistance.* 1. If the board contracts with, or  
16 awards grants to, a religious organization for the provision of crime prevention or  
17 offender rehabilitation assistance under a program administered by the board, an  
18 individual who is eligible for this assistance shall be informed in writing that  
19 assistance of equal value and accessibility is available from a nonreligious provider  
20 upon request.

21 2. The board shall provide an individual who is otherwise eligible for assistance  
22 from an organization described under subd. 1. with assistance of equal value from  
23 a nonreligious provider if the individual objects to the religious character of the  
24 organization described under subd. 1. and requests assistance from a nonreligious

1 provider. The board shall provide such assistance within a reasonable period of time  
2 after the date of the objection and shall ensure that it is accessible to the individual.

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

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

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

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

19 (i) *Compliance.* Any party that seeks to enforce its rights under this subsection  
20 may bring a civil action for injunctive relief against the entity that allegedly commits  
21 the violation.

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

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

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

12 **SECTION 13.** 230.08 (2) (e) 1. of the statutes is amended to read:

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

14 **SECTION 14.** 301.03 (2t) of the statutes is created to read:

15 301.03 (2t) (a) Develop one or more methods to evaluate the effectiveness of  
16 <sup>and develop</sup> alcohol and other drug abuse intervention and treatment services <sup>that are</sup> ~~and develop~~ <sup>administered</sup>  
17 performance standards for alcohol and other drug abuse services. <sup>by the department</sup>

18 (b) Adopt policies to ensure that, to the extent possible under state and federal  
19 law, funding for alcohol and other drug abuse intervention and treatment services  
20 <sup>that are</sup> administered by the department is distributed giving primary consideration to the  
21 effectiveness of the services in meeting department performance standards for  
22 alcohol and other drug abuse services. <sup>from the department</sup>

23 (c) Require every application for funding <sup>from the department</sup> for alcohol and other drug abuse  
24 intervention or treatment services to include a plan for the evaluation of the



1 effectiveness of the services in reducing alcohol and other drug abuse by recipients  
2 of the services.

3 (d) Require every person ~~and~~ receiving funding <sup>from the department</sup> for alcohol and other drug  
4 abuse intervention or treatment services to provide the department the results of the  
5 evaluation conducted under par. (c).

6 **SECTION 15.** 301.047 of the statutes is created to read:

7 **301.047 Inmate rehabilitation and aftercare.** (1) PROGRAM. The  
8 department may permit one or more nonprofit community-based organizations  
9 meeting the requirements of this section to operate an inmate rehabilitation  
10 program in the Milwaukee alcohol and other drug abuse treatment facility  
11 enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b) 1., if the department  
12 determines that operation of that program does not constitute a threat to the security  
13 of the facility or the safety of inmates or the public and that operation of the program  
14 is in the best interest of the inmates.

15 (2) PROGRAM REQUIREMENTS. (a) An organization seeking to operate a  
16 rehabilitation program under sub. (1) shall submit to the department a detailed  
17 proposal for the operation of the program. The proposal shall include all of the  
18 following:

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

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

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

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

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

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

4           7. Any other information specified by the department.

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

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

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

11           3. An inmate may stop participating in the program at any time.

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

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

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

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

24           (d) The department may not base any decision regarding an inmate's conditions  
25 of confinement, including discipline, or an inmate's eligibility for release, on an

1 inmate's decision to participate or not to participate in a rehabilitation program  
2 under sub. (1).

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

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

10 (g) The department may suspend or terminate operation of a rehabilitation  
11 program under sub. (1) if the organization operating the program fails to comply with  
12 any of the requirements under this section and shall suspend or terminate the  
13 operation of a program if the department determines that suspension or termination  
14 of the program is necessary for the security of the facility or the safety of the inmates  
15 or the public or is in the best interests of the inmates.

16 (h) 1. Except as provided in subd. 2., if an organization operating a  
17 rehabilitation program under sub. (1) promotes or informs the department that the  
18 organization intends to promote sectarian worship, instruction, or proselytization in  
19 connection with the rehabilitation program, the department shall permit all other  
20 religious organizations meeting the requirements of this section to operate an  
21 inmate rehabilitation program under sub. (1).

22 2. The department is not required under subd. 1. to permit a religious  
23 organization to operate an inmate rehabilitation program under sub. (1) if the  
24 department determines that the organization's operation of that program

1 constitutes a threat to the security of the facility or the safety of the inmates or the  
2 public.

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 2001 Wisconsin Act .... (this act), section 24, 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).

12 (5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION. Notwithstanding  
13 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (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.

17 SECTION 16. 301.047 of the statutes, as created by 2001 Wisconsin Act .... (this  
18 act), is repealed.

19 SECTION 17. 301.065 of the statutes is created to read:

20 **301.065 Religious organizations; contract powers.** (1) RELIGIOUS  
21 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the  
22 department to contract with, or award grants to, religious organizations, under any  
23 program administered by the department relating to the prevention of delinquency  
24 and crime or the rehabilitation of offenders, on the same basis as any other  
25 nongovernmental provider, without impairing the religious character of such

1 organizations, and without diminishing the religious freedom of beneficiaries of  
2 assistance funded under such program.

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

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

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

21 (4) RIGHTS OF BENEFICIARIES OF ASSISTANCE. (a) If the department contracts with  
22 or awards grants to a religious organization for the provisions of crime prevention  
23 or offender rehabilitation assistance under a program administered by the  
24 department, an individual who is eligible for this assistance shall be informed in

1 writing that assistance of equal value and accessibility is available from a  
2 nonreligious provider upon request.

3 (b) The department shall provide an individual who is otherwise eligible for  
4 assistance from an organization described under par. (a) with assistance of equal  
5 value from a nonreligious provider if the individual objects to the religious character  
6 of the organization described under par. (a) and requests assistance from a  
7 nonreligious provider. The department shall provide such assistance within a  
8 reasonable period of time after the date of the objection and shall ensure that it is  
9 accessible to the individual.

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

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

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

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

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

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

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

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

18           **SECTION 18.** 302.11 (1g) (b) 2. of the statutes is amended to read:

19           **302.11 (1g) (b) 2.** Refusal by the inmate to participate in counseling or  
20 treatment that the social service and clinical staff of the institution determines is  
21 necessary for the inmate, including pharmacological treatment using an  
22 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious  
23 child sex offender as defined in s. 304.06 (1q) (a). The parole commission may not  
24 deny presumptive mandatory release to an inmate because of the inmate's refusal  
25 to participate in a rehabilitation program under s. 301.047.

1           **SECTION 19.** 302.11 (1g) (b) 2. of the statutes, as affected by 2001 Wisconsin Act  
2 .... (this act), is repealed and recreated to read:

3           302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or  
4 treatment that the social service and clinical staff of the institution determines is  
5 necessary for the inmate, including pharmacological treatment using an  
6 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious  
7 child sex offender as defined in s. 304.06 (1q) (a).

8           **SECTION 20.** 978.03 (3) of the statutes is amended to read:

9           978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be  
10 an attorney admitted to practice law in this state and, except as provided in s. ss.  
11 978.043 and 978.044, may perform any duty required by law to be performed by the  
12 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),  
13 or (2) may appoint such temporary counsel as may be authorized by the department  
14 of administration.

15           **SECTION 21.** 978.044 of the statutes is created to read:

16           **978.044 Assistants to perform restorative justice services. (1)**

17           DEFINITIONS. In this section:

18           (a) “Crime” has the meaning given in s. 950.02 (1m).

19           (b) “Offender” means an individual who is, or could be, charged with  
20 committing a crime or who is, or could be, the subject of a petition under ch. 938  
21 alleging that he or she has committed a crime.

22           (c) “Victim” has the meaning given in s. 950.02 (4).

23           (2) DUTIES. The district attorneys of Dane and Milwaukee counties and of the  
24 county selected under sub. (4) shall each assign one assistant district attorney in his  
25 or her prosecutorial unit to be a restorative justice coordinator. An assistant district



1 attorney assigned under this subsection to be a restorative justice coordinator shall  
2 do all the following:

3 (a) Establish restorative justice programs that provide support to the victim,  
4 help reintegrate the victim into community life, and provide a forum where an  
5 offender may meet with the victim or engage in other activities to do all of the  
6 following:

- 7 1. Discuss the impact of the offender's crime on the victim or on the community.
- 8 2. Explore potential restorative responses by the offender.
- 9 3. Provide methods for reintegrating the offender into community life.

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

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

- 13 1. The amount of time spent implementing the requirements of pars. (a) and  
14 (b).
- 15 2. The number of victims and offenders served by programs established under  
16 par. (a).
- 17 3. The types of offenses addressed by programs established under par. (a).
- 18 4. The rate of recidivism among offenders served by programs established  
19 under par. (a) compared to the rate of recidivism by offenders not served by such  
20 programs.

21 **(3) REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by  
22 the department of administration, the district attorneys of Dane and Milwaukee  
23 counties and of the county selected under sub. (4) shall each submit to the  
24 department of administration a report summarizing the records under sub. (2) (c)

1 covering the preceding 12-month period. The department of administration shall  
2 maintain the information submitted under this subsection by the district attorney.

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

6 (5) **EXPIRATION.** This section does not apply after June 30, 2005.

7 **SECTION 22.** 978.05 (8) (b) of the statutes is amended to read:

8 978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to ~~s. ss.~~  
9 978.043 and 978.044, make appropriate assignments of the staff throughout the  
10 prosecutorial unit. The district attorney may request the assistance of district  
11 attorneys, deputy district attorneys, or assistant district attorneys from other  
12 prosecutorial units or assistant attorneys general who then may appear and assist  
13 in the investigation and prosecution of any matter for which a district attorney is  
14 responsible under this chapter in like manner as assistants in the prosecutorial unit  
15 and with the same authority as the district attorney in the unit in which the action  
16 is brought. Nothing in this paragraph limits the authority of counties to regulate the  
17 hiring, employment, and supervision of county employees.

18 **SECTION 23. Nonstatutory provisions; administration.**

19 (1) **ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES.** The  
20 authorized FTE positions for the department of administration are increased by 3.0  
21 GPR project positions for the period beginning on January 1, 2002, and ending on  
22 December 31, 2005, to be funded from the appropriation under section 20.475 (1) (d)  
23 of the statutes, for the purpose of providing one assistant district attorney for Dane  
24 County, one assistant district attorney for Milwaukee County, and one assistant  
25 district attorney for the county selected under section 978.044 (4) of the statutes, as

1 created by this act, to perform restorative justice services under section 978.044 of  
2 the statutes, as created by this act.

3 (2) OFFICE OF CHARITABLE CHOICE IMPLEMENTATION. The authorized FTE  
4 positions for the department of administration are increased by 1.0 GPR project  
5 position to be funded from the appropriation under section 20.505 (4) (em) of the  
6 statutes, as created by this act, for the purpose of administering the office of  
7 charitable choice implementation under section 15.105 (28) of the statutes, as  
8 created by this act, beginning on November 1, 2001, and ending on October 31, 2004.

9 **SECTION 24. Nonstatutory provisions; corrections.**

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

16 **SECTION 25. Nonstatutory provisions; legislative audit bureau.**

17 (1) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2004, the legislative  
18 audit bureau shall evaluate, on a quantitative and qualitative basis, the success of  
19 restorative justice programming in Dane and Milwaukee counties and the county  
20 selected under section 978.044 (4) of the statutes, as created by this act, in serving  
21 victims, offenders, and communities affected by crime and shall report its findings  
22 to the appropriate standing committees of the legislature, as determined by the  
23 speaker of the assembly and the president of the senate, under section 13.172 (3) of  
24 the statutes.

25 **SECTION 26. Appropriation changes; administration.**

1           (1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. In the  
2           schedule under section 20.005 (3) of the statutes for the appropriation to the  
3           department of administration under section 20.475 (1) (d) of the statutes, as affected  
4           by the acts of 2001, the dollar amount is increased by <sup>\$151,500</sup>~~\$108,300~~ for fiscal year 2001-02  
5           and the dollar amount is increased by <sup>\$151,500</sup>~~\$144,300~~ for fiscal year 2002-03 to fund 3.0  
6           FTE GPR project positions authorized under SECTION 23 (1) of this act.

7           **SECTION 27. Effective dates.** This act takes effect on the day after publication,  
8           or the 2nd day after publication of the 2001-03 biennial budget act, whichever is  
9           later, except as follows:

10           (1) The repeal of section 301.047 of the statutes and the repeal and recreation  
11           of section 302.11 (1g) (b) 2. of the statutes take effect on the first day of the 25th month  
12           beginning after the certification described in SECTION 24 of this act occurs.

13           (2) The treatment of sections 978.03 (3), 978.044, and 978.05 (8) (b) of the  
14           statutes and SECTION 23 (1) of this act take effect on January 1, 2002.

15

(END)