

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

LRB-4037/P2dn  
RLR:jld:jf

January 21, 2002

Dan Rossmiller:

1. The bill does not designate funding or a funding source for commissioning a study of the effects of probation and treatment for nonviolent drug offenders. The bill sets the due dates for the interim and final reports on the effects of probation and treatment at two and one-half and five and one-half years respectively rather than at two and five years to allow researchers time to complete the reports.
2. I removed drunk driving ordinance violations as a bar to probation and treatment under proposed s. 973.105 (2) (a), because a person would not be convicted of an ordinance violation in a circuit court proceeding.
3. The bill requires that the department of health and family services pay for assessments and treatment for recipients of medical assistance and badger care if the type of assessment or treatment ordered by a court is covered by those programs. However, in order for a service to be covered by medical assistance or badger care it generally must be provided by a medical assistance certified provider. Do you want to require that courts select medical assistance certified providers to provide services to medical assistance and badger care recipients?
4. The bill provides that, if a person who is on extended supervision commits a nonviolent drug offense or violates a condition of extended supervision concerning drug treatment or education, the person's extended supervision may not be revoked unless the person is a danger to himself, herself, or others or is found to be unamenable to treatment or education. The bill does not limit applicability of this provision to persons sentenced after the effective date of the bill, but the bill also does not provide a similar provision for persons on parole. In order to make the bill consistent, should the bill limit the provision regarding revocation of extended supervision to those persons sentenced on or after the effective date, or should the bill apply a similar restriction on revoking parole?
5. The bill grants courts authority to order drug assessments of offenders, but does not require assessments in any cases. At one point I think we discussed requiring that a court order an assessment before granting treatment if an offender requests treatment. Do you want to include this requirement? If so, must the court order the assessment only if it intends to order treatment, or anytime an offender requests treatment?

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