

2001 DRAFTING REQUEST

Bill

Received: **01/04/2001**

Received By: **rryan**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-8270**

By/Representing: **Coomber**

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

Drafter: **rryan**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - district attys
Criminal Law - miscellaneous
Criminal Law - sentencing**

Extra Copies: **MGD, JTK**

Pre Topic:

DOA:.....Coomber -

Topic:

Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rryan 01/09/2001	gilfokm 01/09/2001	martykr 01/09/2001		lrb_docadmin 01/10/2001		State
/P2	rryan 01/11/2001	gilfokm 01/11/2001	rschluet 01/12/2001		lrb_docadmin 01/12/2001		State
/P3	rryan 01/22/2001	gilfokm 01/22/2001	martykr 01/22/2001		lrb_docadmin 01/22/2001		State
/1	rryan 01/29/2001	gilfokm 01/29/2001					State
/2			haugeca 01/29/2001		lrb_docadmin 01/30/2001		State
/3	rryan	gilfokm	pgreensl		lrb_docadmin		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/12/2001	02/12/2001	02/12/2001	_____	02/12/2001		

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/P3	rryan 01/22/2001	gilfokm 01/22/2001	martykr 01/22/2001	_____	lrb_docadmin 01/22/2001		State

13-2/ King
12-01

2/12 pg

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rryan 01/29/2001	gilfokm 01/29/2001		_____ _____			State
/2			haugca 01/29/2001	_____ _____	lrb_docadmin 01/30/2001		State

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/P3	rryan 01/22/2001	gilfokm 01/22/2001	martykr 01/22/2001	_____	lrb_docadmin 01/22/2001		State

*12-1/2 mgd
01-01*

*CH
1-29*

*CH
sub 129*

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

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/P2	rryan 01/11/2001	gilfokm 01/11/2001	rschluet 01/12/2001	_____	lrb_docadmin 01/12/2001		State

FE Sent For:

103-1/22-01 King km/22 ds km/22

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By/Representing: Coomber

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/P1	rryan 01/09/2001	gilfokm 01/09/2001	martykr 01/09/2001	_____	lrb_docadmin 01/10/2001		State

FE Sent For:

*/p2-1/Kms
11-01*

[Signature]
1-11-01

[Signature]
1-11-01

<END>

2001 DRAFTING REQUEST

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Wanted: Soon

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For: Administration-Budget 6-8270

By/Representing: Coomb^{er}

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May Contact:

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1?	rryan	11-1/KMG 19-01	KMG	<u>11-1</u> <u>19-01</u>			State

FE Sent For:

<END>



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin


Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864



TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Date: January 3, 2001

To: Steve Miller, Director
Legislative Reference Bureau

From: Brett Coomber 
DOA - State Budget Office

Subject: **LRB Draft** – Non-Statutory Language for the State Public Defender Office, the Director of State Court's and the Wisconsin District Attorney's Association to create a diversion program.

Please draft as non-statutory, language that directs the State Public Defender's Office to collaborate with the Director of State Court's and the Wisconsin District Attorney's Association to develop and implement a diversion program for misdemeanor offenders. This program could include recommendations and alternatives in the charging and sentencing of certain non-violent property crimes. A detailed outline of the program is to be submitted to the Department of Administration, for review, by July 1, 2002. The Department of Administration will earmark \$2,000,000 in Federal Byrne Grants to be distributed among the three organizations listed above in order to facilitate the start-up costs of the new program. The distribution of these funds will be subject to the Department of Administration's review and acceptance of the submitted plan.

The intent of this request is to create a diversion program that will provide an alternative sentencing option for the above parties involved in the defense, prosecution and sentencing of a convicted misdemeanor offender.

Thank you for your time and assistance. If you have any questions, please call me at 266-8270.

cc. Jim Johnston, Team Leader
Justice Team



RLR: King

DOA:.....Coombs – Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

In 1/9/00
Soon

DON'T
SEN. CAT

1 AN ACT ... relating to: the budget.

Analysis by the Legislative Reference Bureau
COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, judges may sentence misdemeanor offenders to pay a fine not to exceed \$10,000 or to serve up to nine months in jail, or both, for each criminal violation classified as a misdemeanor. This bill directs the public defender board, in conjunction with the director of state courts and the Wisconsin District Attorneys Association, to submit a proposal recommending alternative charging and sentencing options for misdemeanor offenders, to DOA by July 1, 2002, and to implement the proposal if approved by DOA.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 9139. Nonstatutory provisions; public defender board.

3

(1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The public defender board, in

4 consultation with the director of state courts and the Wisconsin District Attorneys

SECTION 9139

1 Association, shall develop a proposal for alternative penalties for misdemeanor
2 crimes to divert misdemeanor offenders from imprisonment, and shall submit a
3 report describing the proposal to the department of administration by July 1, 2002.
4 The proposal shall address, among other topics, alternative charging and sentencing
5 options for non-violent crimes against property. Upon approval of the proposal by
6 the department of administration, the public defender board and the director of state
7 courts shall implement the proposal in conjunction with the Wisconsin District
8 Attorneys Association.

(END)

1/11/00

Jim Johnston:

Include amount of \$2 mil
in bill

RMR

DOA:.....Coomber - Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

In 1/11/00
Soon

1 AN ACT ^{DON'T GEN. CAT} relating to: the budget.

Analysis by the Legislative Reference Bureau
COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, judges may sentence misdemeanor offenders to pay a fine not to exceed \$10,000 or to serve up to nine months in jail, or both, for each criminal violation classified as a misdemeanor. This bill directs the public defender board, in conjunction with the director of state courts and the Wisconsin District Attorneys Association, to submit a proposal recommending alternative charging and sentencing options for misdemeanor offenders, to DOA by July 1, 2002, and to implement the proposal if approved by DOA. **INSERT A**

vif DOA approves the proposal;

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 9139. Nonstatutory provisions; public defender board.

the portions of the proposal that do not require changes to state laws

SECTION 9139

1 (1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The public defender board, in
 2 consultation with the director of state courts and the Wisconsin District Attorneys
 3 Association, shall develop ~~the proposal for alternative penalties~~ ^{charging and sentencing options} for misdemeanor
 4 crimes ^{in order} to divert misdemeanor offenders from imprisonment, and shall submit a ^{proposal}
 5 ~~report~~ ^{the recommended options} describing ~~the proposal~~ to the department of administration by July 1, 2002.
 6 The proposal shall address, among other topics, alternative charging and sentencing
 7 options for nonviolent crimes against property. Upon approval of the proposal by the
 8 department of administration, the public defender board and the director of state
 9 courts shall implement ^{the proposal} ~~the proposal~~ in conjunction with the Wisconsin District
 10 Attorneys Association.

(END)

Insert at this
 the are are portions of the proposal that are permitted under state statutes or rules

single space

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INSERT A:

NO The bill requires DOA to earmark \$2,000,000 in fiscal year 2002-2003 for distribution to the public defender board, the director of state courts^v and the Wisconsin District Attorneys Association to fund activities to divert misdemeanor offenders from imprisonment, and allows DOA to distribute the funds upon approving the proposal submitted by the public defender board.

INSERT 2 at 11:

SECTION 9101. Nonstatutory provisions; administration

(1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary of administration shall allocate \$2,000,000 in fiscal year 2002-2003 from the appropriation under ^{section} 20.505 (6) (pb) of the statutes for distribution to the public defender board, the director of state courts, and the Wisconsin District Attorneys Association to fund activities to divert misdemeanor offenders from imprisonment. No expenditure of the \$2,000,000 allocated under this subsection may be made except upon approval of the department of administration of a proposal for diversion programs submitted to the department of administration by the public defender board.

Brett

1/12

line 3 "up to" \$2 mil

line 7 "no expenditure
of the funding"

Soow

2001 - 2002 LEGISLATURE

LRB-1792/P2 /PS

RLR:kmg:rs

KMR

DOA:.....Coomber - Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

In 1/21/00

DON'T
GEN. CAT.

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, judges may sentence misdemeanor offenders to pay a fine not to exceed \$10,000 or to serve up to nine months in jail, or both, for each criminal violation classified as a misdemeanor. This bill directs the public defender board, in conjunction with the director of state courts and the Wisconsin District Attorneys Association, to submit a proposal recommending alternative charging and sentencing options for misdemeanor offenders, to DOA by July 1, 2002, and, if DOA approves the proposal, to implement the portions of the proposal that do not require changes to state law. The bill requires DOA to earmark \$2,000,000 in fiscal year 2002-2003 for distribution to the public defender board, the director of state courts, and the Wisconsin District Attorneys Association to fund activities to divert misdemeanor offenders from imprisonment, and allows DOA to distribute the funds upon approving the proposal submitted by the public defender board.

directs ✓

earmarked amount

up to

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

① **SECTION 9101. Nonstatutory provisions; administration.** ✓

2 (1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary of
 3 administration shall allocate ^{up to} \$2,000,000 in fiscal year 2002-~~20~~^e03 from the
 4 appropriation under section 20.505 (6) (pb) of the statutes for distribution to the
 5 public defender board, the director of state courts, and the Wisconsin District
 6 Attorneys Association to fund activities to divert misdemeanor offenders from
 7 imprisonment. No expenditure of the ~~\$2,000,000~~^{amount} allocated under this subsection
 8 may be made except upon approval of the department of administration of a proposal
 9 for diversion programs submitted to the department of administration by the public
 10 defender board.

11 **SECTION 9139. Nonstatutory provisions; public defender board.**

12 (1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The public defender board, in
 13 consultation with the director of state courts and the Wisconsin District Attorneys
 14 Association, shall develop alternative charging and sentencing options for
 15 misdemeanor crimes in order to divert misdemeanor offenders from imprisonment,
 16 and shall submit a proposal describing the recommended options to the department
 17 of administration by July 1, 2002. The proposal shall address, among other topics,
 18 alternative charging and sentencing options for nonviolent crimes against property.
 19 Upon approval of the proposal by the department of administration, the public
 20 defender board and the director of state courts shall implement, in conjunction with

1 the Wisconsin District Attorneys Association, the portions of the proposal that are
2 permitted under state statutes or rules.

3 (END)

1/26/01

01-1792

p. 2 June 4 : 20.505 (6) pc & (KJ)
ref to
lim 10 (pb)

RMR

DOA:.....Coomber – Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

In 1/29/01

Do not gen.

1 AN ACT ~~/...~~; relating to: the budget.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 9101. Nonstatutory provisions; administration.**

2 (1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary of
3 administration shall allocate up to \$2,000,000 in fiscal year 2002-03 from the
4 appropriation^s under section 20.505 (6) ~~(D)~~ ^{(KD) and (PC) ✓} of the statutes for distribution to the
5 public defender board, the director of state courts, and the Wisconsin District
6 Attorneys Association to fund activities to divert misdemeanor offenders from
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19 Upon approval of the proposal by the department of administration, the public
20 defender board and the director of state courts shall implement, in conjunction with

1 the Wisconsin District Attorneys Association, the portions of the proposal that are
2 permitted under state statutes or rules.

3 (END)

Ryan, Robin

From: Johnston, James
Sent: February 10, 2001 12:37 PM
To: Ryan, Robin
Cc: Coomber, Brett; Statz, Andrew
Subject: LRB # 1792: \$2 million for SPD, WDDA, & the courts

Robin,

The appropriations for LRB# 1792 should be changed as noted below:

20.505 (6)(kt) should be 20.505 (6)(kp)
20.505 (6)(pc) should be 20.505(6)(m)

Thanks,
Jim



soon
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1792/2 *3*
RLR:kmg:ch

DOA:.....Coomber - Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

In 2/12/01

RMR

D-Note

do not. gen.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

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permits

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SECTION 9101. Nonstatutory provisions; administration.

1 ^{↙ "KA" auto ref.}
2 (1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary of
3 administration ^{may} shall allocate up to \$2,000,000 in fiscal year 2002-03 from the
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5 to the public defender board, the director of state courts, and the Wisconsin District
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18 Upon approval of the proposal by the department of administration, the public
19 defender board and the director of state courts shall implement, in conjunction with
20

note reconcile
Note: This is reconciled section 9101 (1). This section has been affected by drafts with the following LRB numbers: -1552.
AA-1792/2 and

1 the Wisconsin District Attorneys Association, the portions of the proposal that are
2 permitted under state statutes or rules.

3 (END)

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

LRB-1792/3dn

RLR: *king*

Brett Coomber and Cynthia Dombrowski,

This draft reconciles LRB-1792^g and LRB-1552. Both of these drafts should continue to appear in the compiled bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

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

LRB-1792/3dn
RLR:kmg:pg

February 12, 2001

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Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1792/3
RLR:kmg:pg

DOA:.....Coomber - Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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2 (1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary of
3 administration may allocate up to \$2,000,000 in fiscal year 2002-03 from the
4 appropriation accounts under section 20.505 (6) (kp) and (m) of the statutes for
5 distribution to the public defender board, the director of state courts, and the
6 Wisconsin District Attorneys Association to fund activities to divert misdemeanor
7 offenders from imprisonment. No expenditure of the amount allocated under this
8 subsection may be made except upon approval of the department of administration
9 of a proposal for diversion programs submitted to the department of administration
10 by the public defender board.

 ****NOTE: This is reconciled s. 91.01 (1). This SECTION has been affected by drafts
with the following LRB numbers: -1792/2 and -1552.

11 **SECTION 9139. Nonstatutory provisions; public defender board.**

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