

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus 7-0892

By/Representing: Raschka

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: RPN
RLR
GMM
MES

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Raschka - AM1

Topic:

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

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>
/?	mdsida	wjackson		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/24/2001	06/27/2001		_____			
/1			kfollet 06/27/2001	_____ _____	lrb_docadmin 06/27/2001		
/2	mdsida 06/28/2001	wjackson 06/28/2001	rschluet 06/28/2001	_____ _____	lrb_docadmin 06/28/2001		

FE Sent For:

<END>

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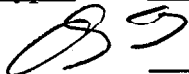
Topic:

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1?	mdsida	wjackson					
		1/2 WLj 6/28	6-24-1				

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	06/24/2001	06/27/2001		_____			
/1			kfollet	_____	lrb_docadmin		
			06/27/2001	_____	06/27/2001		

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1?	mdsida	1 WJ 6/27	KJ 6/27	KJ/PJ 6/27			

FE Sent For:

<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent Faith-Based Approaches to Crime Prevention and Justice based on Assembly Bill 443

Legislator	Jensen	Amendment	1
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	RJ	Package	
Agency	Justice		

Summary RESTORATIVE JUSTICE DISTRICT ATTORNEY POSITIONS

This motion 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 motion 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 motion, 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:

- meet with the victim;
- discuss the impact of the offense on the victim or the community;
- explore appropriate restorative responses by the offender; and
- facilitate the reintegration of the offender into community life.

The motion also requires each restorative justice coordinator to assist district attorneys in other counties in establishing restorative justice programs. The motion 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 motion expire after June 30, 2005.

ESTABLISHMENT OF THE OFFICE OF FAITH-BASED CRIME PREVENTION

The motion creates an office of faith-based crime prevention initiatives (the Office). Under the motion, the Office is required to assist in the implementation of state and federal laws regarding nondiscrimination against religious organizations by doing all of the following:

- act as a clearinghouse for and provide information to faith-based organizations on opportunities to provide government services related to drug control and crime prevention;
- assist state government and local units of government in using the services of faith-based organizations

Request # 182

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

to address drug control, violent crimes and serious crimes; and
- compile and provide to the public information on government crime prevention and drug control services available through faith-based organizations.

The Office 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 motion. 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 motion 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 motion:

- 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;
- 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;
- 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;
- 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;
- requires DOC and counties to provide written information to individuals who are eligible for assistance regarding the availability of assistance from a nonreligious provider;
- 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

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

participate in a religious practice;

- 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;

- prohibits any grantee from expending any of those funds for sectarian worship, instruction, or proselytization; and

- 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.

Fiscal ImpactARC AnalystDrafting Inst

RESTORATIVE JUSTICE DISTRICT ATTORNEY POSITIONS

Raschka

AB 443

INMATE REHABILITATIONFunding: \$113,400 PR in the first year, \$151,500 PR in the second year.

This motion authorizes DOC to permit one or more nonprofit community-based organizations to Source
of Funding: reduce by a concomitant amount federal Byrne anti-drug enforcement program grant
operate an inmate rehabilitation program in any facility if: money and matching penalty assessment funds
set aside to fund a misdemeanor offender diversion

program." According to the Legislative Fiscal Bureau, even though no specific proposal has been

- DOC determines that operation of the program does not constitute a threat to the security of the
forwarded and it is not known what the cost would be to implement a diversion program, over \$1.8
facility or to the safety of inmates or the public; million was set aside. Under the budget, a diversion

program proposal is to be submitted to DOA on

- DOC determines that operation of the program is in the best interest of the inmates; and July 1, 2002,

and only after DOA approval and JFC review could a program be implemented.

- the organization submits to DOC a detailed proposal for the operation of the program.

ESTABLISHMENT OF THE OFFICE OF FAITH-BASED CRIME PREVENTION

The organization must also agree in writing:

Funding: Funding for the office would be \$67,600 PR in the first year and \$77,400 PR in the second

- not to receive compensation from DOC for services provided in the rehabilitation program; year. Direct

DOA to petition the federal government for the necessary approvals (see below).

- not to deny an inmate the opportunity to participate in the program for any reason related to the
inmate's religious beliefs or nonbelief; Source of Funding: reduce by a concomitant amount federal Byrne anti-

drug enforcement program grant

- to permit an inmate to withdraw from participation in the program at any time; and money and matching

penalty assessment funds set aside to fund a misdemeanor offender diversion

- to provide community-based aftercare services for each inmate upon the inmate's release if he or she
program. According to the Legislative Fiscal Bureau, even though no specific proposal has been
completes the program and resides in the area in which the organization is providing such services.

forwarded and it is not known what the cost would be to implement a diversion program in 2002-03, over \$1.8 million was set aside. Under the budget, a diversion program proposal is to be submitted to In addition, if an organization promotes religious activity in connection with the program in a particular DOA on July 1, 2002, and only after DOA approval and JFC passive review could a program be facility, DOC must allow all other religious organizations meeting the requirements of the motion to implemented. [In order to use federal Byrne funds for this purpose, Wisconsin would need to obtain operate an inmate rehabilitation program in that facility. federal approval to increase our portion of Byrne dollars used for administrative costs to approximately 4%. Currently, 3% of our Byrne dollars are used for administrative costs; federal law permits up to DOC must provide reasonable access to inmates by an organization operating in inmate rehabilitation 10% of Byrne dollars to be used for administrative costs. In addition, Wisconsin would need to obtain program established under the motion and must designate a specific portion of the facility for operation. federal approval to use Byrne dollars in this fashion.]

Request #

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Request #

ESTABLISHMENT OF A NEIGHBORHOOD ORGANIZATION INCUBATOR GRANT

Wednesday, June 20, 2001
of 13

PROGRAM Page 10

Amount of Funding: \$100,000 GPR in the first year, \$100,000 GPR in the second year.

Source of funding: the Minority Business Economic Development Program in the Department of Commerce. According to the Legislative Fiscal Bureau, this fund is currently projected to have a closing balance of \$592,500 in 2001-02 and \$465,100 in 2002-03. This motion would reduce the projected closing balances to \$492,500 in 2001-02 and \$365,100 in 2002-03.

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

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 motion, 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 motion 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 motion requires DOC to evaluate, or contract with a private or public agency for an evaluation of, the effectiveness of a rehabilitation program in reducing recidivism and AODA.

DISTRIBUTION OF AODA FUNDING

Under current law, DHFS administers various programs that provide funding for AODA intervention and treatment services.

Under the motion, DIIFS and DOC must:

- 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 giving primary consideration to 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 AODA by recipients of services; and
- 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 motion 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.

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

As a condition of receiving the grant, the agency is required to:

- 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;
- 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; and
- submit to DHFS, within 90 days after spending the entire grant, a report detailing the use of the grant proceeds.

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

This grant program sunsets on June 30, 2005.

Dsida, Michael

From: Dsida, Michael
Sent: Friday, June 22, 2001 4:18 PM
To: Pirlot, R.J.
Subject: RE: ARC amdt 1:faith-based approaches follow-up

Thanks. I couldn't figure out the inmate rehab stuff because the summary I have on that part is garbled text. I assume that the caucus adopted what you proposed on this. If so, do you have a description of the inmate rehab provisions in writing that you can share with me?

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

> **From:** Pirlot, R.J.
> **Sent:** Friday, June 22, 2001 4:15 PM
> **To:** Dsida, Michael
> **Subject:** RE: ARC amdt 1:faith-based approaches follow-up

>
> Those changes are correct and we also expanded the "inmate
> rehabilitation" provision. Under the bill, DOC could allow
> one or more groups to run a program at the new Milwaukee AODA
> facility. Under the motion, DOC DOC could allow one or more
> groups to run a program at any DOC facility.

> **R.J. Pirlot**

> Policy Director and Legal Counsel
> Office of Assembly Speaker Scott R. Jensen
>
> Direct: 608-261-9482
> Fax: 608-266-5123

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

> **From:** Dsida, Michael
> **Sent:** Friday, June 22, 2001 3:54 PM
> **To:** Dsida, Michael; Raschka, Adam; Pirlot, R.J.
> **Subject:** RE: ARC amdt 1:faith-based approaches follow-up

>
> You should also note that the funding for the DA positions is
> for 2 full years, even though one of the counties
> participating in the restorative justice program has not yet
> been selected. Dane and Milwaukee County DA offices may also
> not be in a position to hire someone for these positions
> immediately.

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

>> **From:** Dsida, Michael
>> **Sent:** Friday, June 22, 2001 3:43 PM
>> **To:** Raschka, Adam; Pirlot, R.J.
>> **Subject:** ARC amdt 1:faith-based approaches...

>>
>> Is it possible to get a list of the differences between this
>> request and AB 443? Thus far, I have replaced the provisions
>> regarding the Office of Charitable Choice Implementation with
>> provisions regarding the Office of Faith-Based Crime
>> Prevention Initiatives and changed the sunset date for the
>> office from 11/1/04 to 7/1/04. It also appears that you may
>> have eliminated the sunset provision for the inmate AODA
>> rehab program. I haven't seen any other differences, but I
>> just wanted to make sure that I didn't miss anything.

>>
>> Thanks.

Inmate Rehabilitation

This motion authorizes DOC to permit one or more nonprofit community-based organizations to operate an inmate rehabilitation program in any facility if:

- 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 interest of the inmates; and
- the organization submits to DOC a detailed proposal for the operation of the program.

The organization must also agree in writing:

- not to receive compensation from DOC for services provided in the rehabilitation program;
- not to deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or nonbelief;
- to permit an inmate to withdraw from participation in the program at any time; and
- 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 an organization promotes religious activity in connection with the program in a particular facility, DOC must allow all other religious organizations meeting the requirements of the motion to operate an inmate rehabilitation program in that facility.

DOC must provide reasonable access to inmates by an organization operating in inmate rehabilitation program established under the motion 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 motion, 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 motion 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 motion requires DOC to evaluate, or contract with a private or public agency for an evaluation of, the effectiveness of a rehabilitation program in reducing recidivism and AODA.

Dsida, Michael

From: Salm, Debbie
Sent: Tuesday, June 26, 2001 7:05 PM
To: Dsida, Michael
Cc: Onsager, Paul; Morgan, Charlie; Hinz, Daryl
Subject: Faith-Based Approaches to Crime Draft--PR changes

Mike,

Here's the phone message I left you. ✓

1. 3.0 ADA PR positions in s.20.472(1)(k). ✓
2. Office of Faith-Based Crime Prevention: \$67,600 PR in 2001-02 and \$77,400 PR in 2002-02 and (I believe) 1.0 PR position in a newly-created appropriation, funded with Byrne and matching penalty assessment dollars. ✓
3. OJA appropriation changes for 1 & 2:

2001-02

28,400 s.20.505(6)(kp)
16,900 s.20.505(6)(kt)

2002-03

37,900 s.20.505(6)(kp)
-83,200 s.20.505(6)(kt) ✓

4. Non-stat provision under 9101(13):

Delete \$1,864,700 and substitute \$1,454,800. NOTE that this does not include the decrease needed for the crime prevention resource center that we talked about earlier today. In the reconciled amendment, s. 9101(13) should say delete \$1,864,700 and substitute \$1,364,800. ✓

I'm assuming that you're clear on the funding for the DHFS neighborhood org incubator grant program and the funding change in Commerce' minority business economic development program associated with the faith-based provision.

Please call if you have questions.

Debbie

2001

Date (time) needed _____

LRB b 1312 / 11

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

mgd: Wlj:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

D Note

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 24..., line 21...: *after that line insert* ↓ ↑

INSA →

#. Page 25..., line 12...: *after that line insert* ↓ ↑

B →

#. Page 26..., line 9...: *after that line insert* ↓ ↑

C →

#. Page 36..., line 14...: *after that line insert* ↓ ↑

D →

#. Page 705..., line 21...: *after that line insert* ↓ ↑

E

#. Page 250..., line 7...: *after that line insert* ↓ ↑

F

AMENDMENTS

LRB 13-1-1

\$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:

For the item text, execute: create -> item: -> m: -> \$inc-dec

#. Page 252, line 2: in(de)crease the dollar amount for fiscal year 2001-02 by \$ 28,400 and in(de)crease the dollar amount for fiscal year 2002-03 by \$ 37,900 to in(de)crease funding for the purpose [purposes] for which the appropriation is made [to in(de)crease funding for ...]

#. Page 252, line 6: in(de)crease the dollar amount for fiscal year 2001-02 by \$ 16,900 and in(de)crease the dollar amount for fiscal year 2002-03 by \$... to in(de)crease funding for the purpose [purposes] for which the appropriation is made [to in(de)crease funding for ...]

In the component bar, for a "frozen" amendment item (used in amendments to amendments): For the item text, execute: create -> item: -> afterline [or the applicable item] For the "frozen" item text, execute: create -> item: -> frz: -> m: -> \$inc-dec

#. Page ... , line ... : Page ... , line ... : in(de)crease the dollar amount for fiscal year 2001-02 by \$... and in(de)crease the dollar amount for fiscal year 2002-03 by \$... [to in(de)crease funding for the purpose] [purposes] for which the appropriation is made [to in(de)crease funding for ...]*

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

AMENDMENTS

LRB _____ / _____

\$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:

For the item text, execute: create -> item: -> m: -> \$inc-dec

#. Page 252, line 6: in(de)crease the dollar amount for fiscal year 2001-02 by \$ and in(de)crease the dollar amount for fiscal year 2002-03 by \$ 83,200 to de. crease funding for the [purpose] [purposes] for which the appropriation is made] to ..crease funding for

#. Page, line : in(de)crease the dollar amount for fiscal year 2001-02 by \$ and in(de)crease the dollar amount for fiscal year 2002-03 by \$ [to ...crease funding for the [purpose] [purposes] for which the appropriation is made] [to ...crease funding for]*.

In the component bar, for a "frozen" amendment item (used in amendments to amendments): For the item text, execute: create -> item: -> afterline [or the applicable item] For the "frozen" item text, execute: create -> item: -> frz: -> m: -> \$inc-dec

#. Page, line : Page, line : in(de)crease the dollar amount for fiscal year 2001-02 by \$ and in(de)crease the dollar amount for fiscal year 2002-03 by \$ [to ...crease funding for the [purpose] [purposes] for which the appropriation is made] [to ...crease funding for]*.

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

2001

Date (time) needed _____

LRB b _____ / _____

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

_____ : _____ : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page ³⁵⁶....., line ¹⁸.....: *after that line insert* ^]

(N Sent G)

#. Page ³⁹¹....., line ²⁴.....: *after that line insert* ^]

H

#. Page ⁵⁵⁹....., line ¹⁴.....: *after that line insert* ^]

I

#. Page ⁵⁷⁴....., line ⁴.....: *after that line insert* ^]

J

#. Page ⁶⁶⁵....., line ²⁰.....: *after that line insert* ^]

K

#. Page ¹⁰⁰⁴....., line ¹¹.....: *delete " 10 " and substitute " 11 " ⊙*

WARRANT 13/2/01

2001

Date (time) needed _____

LRB b _____ / _____

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

_____ : _____ : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page ¹⁰⁶⁸....., line ².....: after that line insert [^]⌋

^L Insert L[↓]

#. Page ¹⁰⁷⁰....., line ⁹.....: after that line insert [^]⌋

^M M[↓]

#. Page ¹⁰⁷⁷....., line ²³.....: after that line insert [^]⌋

^N N[↓]

#. Page ¹²⁷¹....., line ¹³.....: after that line insert [^]⌋

^O O[↓]

#. Page ¹²⁹⁸....., line ²⁴.....: after that line insert [^]⌋

^P P[↓]

#. Page ¹³⁴³....., line ¹¹.....: after that line insert [^]⌋

^Q Q[↓]

2001 ASSEMBLY BILL 443

June 12, 2001 - Introduced by Representatives JENSEN, RILEY, KESTELL, WALKER, SUDER, FREESE, MUSSER, VRAKAS, LIPPERT, TOWNSEND, KRAWCZYK, OTT, HAHN, LADWIG, ALBERS, MCCORMICK, AINSWORTH, PETTIS, GUNDERSON, LEIBHAM, OWENS, HUEBSCH, NASS and SYKORA, cosponsored by Senators DARLING, WELCH and ROESSLER. Referred to Committee on Corrections and the Courts.

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

ASSEMBLY BILL 443

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***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

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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

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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

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, and develop performance standards for, AODA intervention and treatment services that each department administers; 2) adopt policies to ensure that, to the extent possible under state and federal law, all funding for AODA intervention and treatment services that each of them administers is distributed giving primary consideration to the effectiveness of the services in meeting department performance standards for AODA services; 3) require every application for department funding for AODA intervention or treatment services to include a plan to evaluate the effectiveness of the services in reducing AODA by recipients of services; and 4) require recipients of AODA funding from each department to provide that department the results of its evaluation.

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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.

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

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

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

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

⑥ 130r

faith-based
crime prevention
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SECTION 2

faith-based crime prevention initiatives

1 15.02 (3) (c) 1. The principal subunit of the department is the "division". Each ^{UL} *initiatives*

2 division shall be headed by an "administrator". The office of justice assistance and

3 the office of ~~charitable choice implementation~~ ^{UL} 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

6 assistance and the executive director heading the office of ~~charitable choice~~ ^{UL}

7 implementation in the department of administration and the director of credit

8 unions have the meaning of "administrator" under this subdivision.

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

10 15.105 (title) Same; attached boards, commissions and office offices.

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

12 15.105 (28) OFFICE OF ~~CHARITABLE CHOICE IMPLEMENTATION~~ ^{CS} There is created an

13 office of ~~charitable choice implementation~~, headed by the executive director, which

14 is attached to the department of administration under s. 15.03. The executive

15 director shall be nominated by the governor, and with the advice and consent of the

16 senate appointed, to serve at the pleasure of the governor. The executive director

17 may not be a member of the board of directors of, be otherwise involved in the

18 governance or control of, or be employed by any faith-based organization eligible for

19 contracts or grants under s. 59.54 (27) or 301.065. The executive director shall have

20 experience relevant to the operation of nonprofit organizations or state or local

21 government and shall have a demonstrated understanding of state and federal laws

22 regarding nondiscrimination against religious organizations. This subsection does

23 not apply after ^{June 30} ~~November 1~~, 2004. ^{160j} *VO*

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

faith-based crime prevention initiatives

*faith-based
crime prevention
initiatives*

*and other matters
involving controlled
substances, and other serious crimes*

1 **16.235 Office of ~~charitable choice implementation~~ ^(B)** (1) The office of
2 ~~charitable choice implementation~~ ^{faith-based crime prevention initiatives} shall do all of the following to assist in the
3 implementation of federal and state laws regarding nondiscrimination against
4 religious organizations in the provision of government services:

5 (a) ^{Act as a clearinghouse for and SET} Provide information ~~to state agencies, local governments, and other~~
6 interested persons about laws regarding nondiscrimination against faith-based
7 organizations ^{on opportunities to provide} ~~in the provision of government services~~ ^{related to drug control and crime prevention}

8 (b) Assist state and local governments in using the services of faith-based
9 organizations ~~in the provision of government services~~ ^{to address violent crimes, crimes}

10 (c) Compile and provide to the public information on ~~state and local government~~ ^{drug control and crime prevention}
11 services available through faith-based organizations.

12 (2) This section does not apply after ^{June 30} ~~November 1, 2004~~, 2004. ✓

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

~~2001-02~~ ~~2002-03~~

16 ~~20.435~~ **Health and family services, department**
17 of

18 ~~(3) CHILDREN AND FAMILY SERVICES~~

19 (ft) Neighborhood organization incu-
20 bator grants

GPR A 100,000 100,000 ✓

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E [19
20]

ASSEMBLY BILL 443

SECTION 6

2001-02 2002-03

~~20.505 Administration, department of~~

(A) ATTACHED DIVISIONS, BOARDS, COUNCILS,
COMMISSIONS, AND OFFICE

(em) Office of charitable choice imple-
mentation

GPR-5 A 67,600 77,400

SECTION 7. 20.435 (3) (ft) of the statutes is created to read:

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

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

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

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

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

faith-based crime prevention initiatives

All moneys received from state agencies for the operations of the office of shall be credited to this appropriation account.

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

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

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

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

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

10 (d) Requiring every person receiving funding from the department for alcohol
11 and other drug abuse intervention or treatment services to provide the department
12 the results of the evaluation conducted under par. (c). ✓

13 ↙ SECTION 1. 46.72 of the statutes is created to read:
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14 **46.72 Neighborhood organization incubator grants. (1) DEFINITIONS.** In
15 this section:

16 (a) "Agency" means a private nonprofit or public organization that is
17 community based.

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18 (b) "Neighborhood organization" means a private nonprofit organization that
19 is community based and that provides any of the following services or programs
20 primarily to residents of the area in which the organization is located:

- 21 1. Crime prevention programs.
- 22 2. After-school and recreational programs for youth.
- 23 3. Child abuse and domestic abuse prevention services.
- 24 4. Alcohol and other drug abuse counseling and prevention services.
- 25 5. Programs for diversion of youth from gang activities.

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SECTION 11

1 6. Inmate and ex-offender rehabilitation or aftercare services.

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

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

8 (a) Provide information to neighborhood organizations about funding and other
9 assistance that may be available to neighborhood organizations from private and
10 public entities.

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

13 (c) Act as a liaison between neighborhood organizations and public and private
14 entities.

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

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

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

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

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

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

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

3 (b) *General purpose and authority*. The purpose of this subsection is to allow
4 the board to contract with, or award grants to, religious organizations, under any
5 program administered by the county dealing with delinquency and crime prevention
6 or the rehabilitation of offenders, on the same basis as any other nongovernmental
7 provider, without impairing the religious character of such organizations and
8 without diminishing the religious freedom of beneficiaries of assistance funded
9 under such program.

10 (c) *Nondiscrimination against religious organizations*. If the board is
11 authorized to contract with a nongovernmental entity, or is authorized to award
12 grants to a nongovernmental entity, religious organizations are eligible, on the same
13 basis as any other private organization, to be contractors and grantees under any
14 program administered by the board so long as the programs are implemented
15 consistently with the first amendment to the U.S. Constitution and article I, section
16 18, of the Wisconsin constitution. Except as provided in par. (L), the board may not
17 discriminate against an organization that is or applies to be a contractor or grantee
18 on the basis that the organization does or does not have a religious character or
19 because of the specific religious nature of the organization.

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

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SECTION 12

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

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

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

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

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

24 (h) *Fiscal accountability.* 1. Except as provided in subd. 2., any religious
25 organization that contracts with or receives a grant from the board is subject to the

ASSEMBLY BILL 443

1 same laws and rules as other contractors and grantees regarding accounting, in
2 accord with generally accepted auditing principles, for the use of the funds provided
3 under such programs.

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

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

X 10 (j) *Limitations on use of funds for certain purposes.* No funds provided directly
11 to religious organizations by the board may be expended for sectarian worship,
12 instruction, or proselytization.

13 (k) *Certification of compliance.* Every religious organization that contracts
14 with or receives a grant from the county board to provide delinquency and crime
15 prevention or offender rehabilitation services to eligible recipients shall certify in
16 writing that it has complied with the requirements of pars. (g) and (j) and submit to
17 the board a copy of this certification and a written description of the policies the
18 organization has adopted to ensure that it has complied with the requirements under
19 pars. (g) and (j).

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

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

25 230.08 (2) (e) 1. Administration - 12 13.

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ASSEMBLY BILL 443

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

2 301.03 (2t) (a) Develop one or more methods to evaluate the effectiveness of,
3 and develop performance standards for, alcohol and other drug abuse intervention
4 and treatment services that are administered by the department.

5 (b) Adopt policies to ensure that, to the extent possible under state and federal
6 law, funding for alcohol and other drug abuse intervention and treatment services
7 that are administered by the department is distributed giving primary consideration
8 to the effectiveness of the services in meeting department performance standards for
9 alcohol and other drug abuse services.

10 (c) Require every application for funding from the department for alcohol and
11 other drug abuse intervention or treatment services to include a plan for the
12 evaluation of the effectiveness of the services in reducing alcohol and other drug
13 abuse by recipients of the services.

14 (d) Require every person receiving funding from the department for alcohol and
15 other drug abuse intervention or treatment services to provide the department the
16 results of the evaluation conducted under par. (c).

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

17 301.047 **Inmate rehabilitation and aftercare.** (1) PROGRAM. The
18 department may permit one or more nonprofit community-based organizations
19 meeting the requirements of this section to operate an inmate rehabilitation
20 program in the ^{any department} Milwaukee alcohol and other drug abuse treatment facility
21 ~~enumerated in 1997 Wisconsin Act 27, section 9107.21 (b) 1.~~ if the department
22 determines that operation of that program does not constitute a threat to the security
23 of the facility or the safety of inmates or the public and that operation of the program
24 is in the best interest of the inmates.
25

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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. The proposal shall include all of the
4 following:

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

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

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

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

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

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

15 7. Any other information specified by the department.

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

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

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

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

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

ASSEMBLY BILL 443**SECTION 15**

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

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,
16 shall be substantially the same for inmates who participate in a rehabilitation
17 program 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 the 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

on which
the rehabilitation
program begins
operating

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 (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).

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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
12 constitutes a threat to the security of the facility or the safety of the inmates or the
13 public.

14 (4) EVALUATION. The department shall evaluate or contract with a public or
15 private agency for an evaluation of the effectiveness of ^{each} a rehabilitation program
16 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse
17 among program participants. The department shall collect the data and information
18 necessary to evaluate the program. No later than 3 years from the date ~~of the notice~~
19 ~~published under 2001 Wisconsin Act 24 (this act) section 24~~, the department shall
20 submit a report of the evaluation to the governor and to the appropriate standing
21 committees of the legislature, as determined by the speaker of the assembly and the
22 president of the senate, under s. 13.172 (3).

23 (5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION. Notwithstanding
24 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (1) may
25 suspend or terminate an inmate's participation in a program for reasons unrelated

... previous inserts
date

ASSEMBLY BILL 443

SECTION 15

1 to religious beliefs, including the inmate's failure to participate meaningfully in the
2 program.

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

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

6 **301.065 Religious organizations; contract powers.** (1) RELIGIOUS
7 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the
8 department to contract with, or award grants to, religious organizations, under any
9 program administered by the department relating to the prevention of delinquency
10 and crime or the rehabilitation of offenders, on the same basis as any other
11 nongovernmental provider, without impairing the religious character of such
12 organizations, and without diminishing the religious freedom of beneficiaries of
13 assistance funded under such program.

14 (2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS. If the department is
15 authorized under ch. 16 to contract with a nongovernmental entity, or to award
16 grants to a nongovernmental entity, religious organizations are eligible, on the same
17 basis as any other private organization, to be contractors and grantees under any
18 program administered by the department so long as the programs are implemented
19 consistently with the first amendment to the U.S. Constitution and article I, section
20 18, of the Wisconsin constitution. Except as provided in sub. (11), the department
21 may not discriminate against an organization that is or applies to be a contractor or
22 grantee on the basis that the organization does or does not have a religious character
23 or because of the specific religious nature of the organization.

24 (3) RELIGIOUS CHARACTER AND FREEDOM. (a) The department shall allow a
25 religious organization with which the department contracts or to which the

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1 department awards a grant to retain its independence from government, including
2 the organization's control over the definition, development, practice, and expression
3 of its religious beliefs.

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

7 (4) RIGHTS OF BENEFICIARIES OF ASSISTANCE. (a) If the department contracts with
8 or awards grants to a religious organization for the provisions of crime prevention
9 or offender rehabilitation assistance under a program administered by the
10 department, an individual who is eligible for this assistance shall be informed in
11 writing that assistance of equal value and accessibility is available from a
12 nonreligious provider upon request.

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

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

24 (6) NONDISCRIMINATION AGAINST BENEFICIARIES. A religious organization may not
25 discriminate against an individual in regard to rendering assistance that is funded

ASSEMBLY BILL 443**SECTION 17**

1 under any program administered by the department on the basis of religion, a
2 religious belief or nonbelief, or a refusal to actively participate in a religious practice.

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

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

M 11 (8) COMPLIANCE. Any party that seeks to enforce its rights under this section
12 may bring a civil action for injunctive relief against the entity that allegedly commits
13 the violation.

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

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

24 (11) PREEMPTION. Nothing in this section may be construed to preempt any
25 provision of federal law, the U.S. Constitution, the Wisconsin constitution, or any

ASSEMBLY BILL 443

1 other statute that prohibits or restricts the expenditure of federal or state funds by
2 or the granting of federal or state funds to religious organizations. ✓

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

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

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

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

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

19 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
20 an attorney admitted to practice law in this state and, except as provided in s. ss.
21 978.043 and 978.044, may perform any duty required by law to be performed by the
22 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),
23 or (2) may appoint such temporary counsel as may be authorized by the department
24 of administration.

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

4031p

M

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O

ASSEMBLY BILL 443**SECTION 21****1 978.044 Assistants to perform restorative justice services. (1)**

2 DEFINITIONS. In this section:

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

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

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

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

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

- 17 1. Discuss the impact of the offender’s crime on the victim or on the community.
18 2. Explore potential restorative responses by the offender.
19 3. Provide methods for reintegrating the offender into community life.

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

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

- 23 1. The amount of time spent implementing the requirements of pars. (a) and

24 (b).

ASSEMBLY BILL 443

1 2. The number of victims and offenders served by programs established under
2 par. (a).

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

4 4. The rate of recidivism among offenders served by programs established
5 under par. (a) compared to the rate of recidivism by offenders not served by such
6 programs.

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

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

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

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

18 978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to s. ss.
19 978.043 and 978.044, make appropriate assignments of the staff throughout the
20 prosecutorial unit. The district attorney may request the assistance of district
21 attorneys, deputy district attorneys, or assistant district attorneys from other
22 prosecutorial units or assistant attorneys general who then may appear and assist
23 in the investigation and prosecution of any matter for which a district attorney is
24 responsible under this chapter in like manner as assistants in the prosecutorial unit
25 and with the same authority as the district attorney in the unit in which the action

Insert
24/2

ASSEMBLY BILL 443

1 is brought. Nothing in this paragraph limits the authority of counties to regulate the
2 hiring, employment, and supervision of county employees. ✓

3 ~~SECTION 23. Nonstatutory provisions; administration.~~

4 " (1) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The
5 authorized FTE positions for the department of administration are increased by 3.0
6 GPR project positions for the period beginning on ^{July} January 1, 2002, and ending on
7 ^{June 30, 2004} ~~December 31, 2005~~, to be funded from the appropriation under section 20.475 (1) (d)
8 of the statutes, for the purpose of providing one assistant district attorney for Dane
9 County, one assistant district attorney for Milwaukee County, and one assistant
10 district attorney for the county selected under section 978.044 (4) of the statutes, as
11 created by this act, to perform restorative justice services under section 978.044 of
12 the statutes, as created by this act.

13 " (2) OFFICE OF CHARITABLE CHOICE IMPLEMENTATION. The authorized FTE
14 positions for the department of administration are increased by 1.0 GPR project
15 position to be funded from the appropriation under section 20.505 (4) (am) of the
16 statutes, as created by this act, for the purpose of administering the office of
17 charitable choice implementation under section 15.105 (28) of the statutes, as
18 created by this act, beginning on ^{the effective date of this subsection} ~~November 1, 2001~~, and ending on ^{June 30} ~~October 31, 2004~~. ✓

19 ~~SECTION 24. Nonstatutory provisions; corrections.~~

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

faith-based crime prevention initiatives

faith-based crime prevention initiatives

✓

to provide for additional assistant district attorney in each of the following counties:

2001-2002 Legislature

LRB-2854/1
MGD:wjl:rs

ASSEMBLY BILL 443

SECTION 25

(a) - 25 - Milwaukee
(b) Dane
(c) The county to be selected under section 978.044(4) of the statutes, as created by this act.

~~SECTION 25. Nonstatutory provisions; legislative audit bureau.~~

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

~~SECTION 26. Appropriation changes; administration.~~

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

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

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

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

(END)

for the department by

Q

insert 25/16

insert 25/16

AAST
out of order

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1312/lins
MGD:.....

1 ***INSERT these inserts into LRB2854***

2 **INSERT 5/12**

3 **SECTION 130k.** 15.01 (6) of the statutes, as affected by 2001 Wisconsin Act
4 (this act), is amended to read:

5 15.01 (6) "Division," "bureau," "section," and "unit" mean the subunits of a
6 department or an independent agency, whether specifically created by law or created
7 by the head of the department or the independent agency for the more economic and
8 efficient administration and operation of the programs assigned to the department
9 or independent agency. The office of justice assistance ~~and the office of faith-based~~
10 ~~crime prevention initiatives~~ in the department of administration and the office of
11 credit unions in the department of financial institutions have the meaning of
12 "division" under this subsection. The office of the long-term care ombudsman under
13 the board on aging and long-term care and the office of educational accountability
14 in the department of public instruction have the meaning of "bureau" under this
15 subsection.

16 **INSERT 6/8**

17 **SECTION 130s.** 15.02 (3) (c) 1. of the statutes, as affected by 2001 Wisconsin Act
18 (this act), is amended to read:

19 15.02 (3) (c) 1. The principal subunit of the department is the "division." Each
20 division shall be headed by an "administrator." The office of justice assistance ~~and~~
21 ~~the office of faith-based crime prevention initiatives~~ in the department of
22 administration and the office of credit unions in the department of financial
23 institutions have the meaning of "division," and the executive staff director of the

1 office of justice assistance and the executive director heading the office of faith-based
2 crime prevention initiatives in the department of administration and the director of
3 credit unions have the meaning of "administrator" under this subdivision."

4 INSERT 6/10

5 SECTION 138k. 15.105 (title) of the statutes, as affected by 2001 Wisconsin Act
6 (this act), is amended to read:

7 15.105 (title) Same; attached boards, commissions and offices office."

8 INSERT 8/8

9 SECTION 701r. 20.435 (3) (ft) of the statutes, as affected by 2001 Wisconsin Act
10 (this act), is repealed."

11 INSERT 8/15

12 SECTION 842r. 20.505 (4) (em) of the statutes, as affected by 2001 Wisconsin Act
13 (this act), is repealed." *kp*

14 INSERT 13/25

15 # A. Page 1004, line 11: after that line insert:

16 "SECTION 3048j. 230.08 (2) (e) 1. of the statutes, as affected by 2001 Wisconsin
17 Act (this act), is amended to read:

18 230.08 (2) (e) 1. Administration — ~~13~~ 12."

19 INSERT 25/16

20 # B. Page 1416, line 25: after that line insert:

21 "(3) SUNSET OF OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The
22 treatment of sections 15.01 (6) (by SECTION 130k), 15.02 (3) (c) 1. (by SECTION 130s),
23 15.105 (title) (by SECTION 138k), and 230.08 (2) (e) 1. (by SECTION 3048j) of the
24 statutes and the repeal of section 20.505 (4) (em) take effect on July 1, 2004."

Insert 24/2
#. Page 1295, line 70
delete "\$1, 864, 700" and
substitute "\$1, 454, 800"

NONSTAFFS
SUB

↓

1 **3.** Page 1420, line 19: after that line insert:
2 “^m~~16~~ SUNSET OF NEIGHBORHOOD ORGANIZATION INCUBATOR GRANT PROGRAM. The
3 repeal of section 20.435 (3) (ft) of the statutes takes effect on July 1, 2005.”

NONSTAFFS
Sub

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1312/linsZ
MGD:.....

1 **INSERT Z**
2 ^p
3 (27^p) FUNDING FOR OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The
4 secretary of administration shall allocate \$67,600 in fiscal year 2001-02 and \$77,400
5 in fiscal year 2002-03 from the appropriation accounts under section 20.505 (6) (kt)
6 and (m) of the statutes, to provide funding for the office of faith-based crime
 prevention initiatives.”.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1312/1dn

MGD:/.....

WJ

Like this amendment, the bill on which this amendment is based (2001 AB^o 443) authorizes the department of Corrections (DOC) to contract with nonprofit community-based organizations to operate an inmate rehabilitation program (although AB-443 applies only to DOC's AODA facility in Milwaukee). In addition, both bills require DOC to evaluate the effectiveness of the program. AB-443 links the deadline for that evaluation on a certification published by the revisor of statutes. But AB-443 contains certification requirement primarily to make public the sunset date for the program. Since there is no sunset date for the inmate rehabilitation program in this amendment, the amendment links the date for the evaluation to the date on which the program being evaluated began operating.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1312/1dn
MGD:wlj:kjf

June 27, 2001

Like this amendment, the bill on which this amendment is based (2001 AB-443) authorizes the department of corrections (DOC) to contract with nonprofit community-based organizations to operate an inmate rehabilitation program (although AB-443 applies only to DOC's AODA facility in Milwaukee). In addition, both bills require DOC to evaluate the effectiveness of the program. AB-443 links the deadline for that evaluation on a certification published by the revisor of statutes. But AB-443 contains a certification requirement primarily to make public the sunset date for the program. Since there is no sunset date for the inmate rehabilitation program in this amendment, the amendment links the date for the evaluation to the date on which the program being evaluated began operating.

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



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1312/1
MGD:wlj:lf

2

ARC:.....Raschka - AM1 Faith-based approaches to criminal justice and corrections; restorative justice; neighborhood organization incubator program; AODA programs

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

RMR

**CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 24, line 21: after that line insert:

3 "SECTION 130j. 15.01 (6) of the statutes is amended to read:

4 15.01 (6) "Division," "bureau," "section," and "unit" ~~means~~ mean the subunits
5 of a department or an independent agency, whether specifically created by law or
6 created by the head of the department or the independent agency for the more
7 economic and efficient administration and operation of the programs assigned to the
8 department or independent agency. The office of justice assistance and the office of
9 faith-based crime prevention initiatives in the department of administration and

1 the office of credit unions in the department of financial institutions have the
2 meaning of “division” under this subsection. The office of the long-term care
3 ombudsman under the board on aging and long-term care and the office of
4 educational accountability in the department of public instruction have the meaning
5 of “bureau” under this subsection.

6 **SECTION 130k.** 15.01 (6) of the statutes, as affected by 2001 Wisconsin Act ...
7 (this act), is amended to read:

8 15.01 (6) “Division,” “bureau,” “section,” and “unit” mean the subunits of a
9 department or an independent agency, whether specifically created by law or created
10 by the head of the department or the independent agency for the more economic and
11 efficient administration and operation of the programs assigned to the department
12 or independent agency. The office of justice assistance ~~and the office of faith-based~~
13 ~~crime prevention initiatives~~ in the department of administration and the office of
14 credit unions in the department of financial institutions have the meaning of
15 “division” under this subsection. The office of the long-term care ombudsman under
16 the board on aging and long-term care and the office of educational accountability
17 in the department of public instruction have the meaning of “bureau” under this
18 subsection.

19 **SECTION 130r.** 15.02 (3) (c) 1. of the statutes is amended to read:

20 15.02 (3) (c) 1. The principal subunit of the department is the “division”.” Each
21 division shall be headed by an “administrator”.” The office of justice assistance and
22 the office of faith-based crime prevention initiatives in the department of
23 administration and the office of credit unions in the department of financial
24 institutions have the meaning of “division,” and the executive staff director of the
25 office of justice assistance and the executive director heading the office of faith-based

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

3 **SECTION 130s.** 15.02 (3) (c) 1. of the statutes, as affected by 2001 Wisconsin Act
4 (this act), is amended to read:

5 15.02 (3) (c) 1. The principal subunit of the department is the “division.” Each
6 division shall be headed by an “administrator.” The office of justice assistance ~~and~~
7 ~~the office of faith-based crime prevention initiatives~~ in the department of
8 administration and the office of credit unions in the department of financial
9 institutions have the meaning of “division,” and the executive staff director of the
10 office of justice assistance ~~and the executive director heading the office of faith-based~~
11 ~~crime prevention initiatives~~ in the department of administration and the director of
12 credit unions have the meaning of “administrator” under this subdivision.”.

13 **2.** Page 25, line 12: after that line insert:

14 “**SECTION 138j.** 15.105 (title) of the statutes is amended to read:

15 **15.105 (title) Same; attached boards, commissions and office offices.**

16 **SECTION 138k.** 15.105 (title) of the statutes, as affected by 2001 Wisconsin Act
17 (this act), is amended to read:

18 **15.105 (title) Same; attached boards, commissions and offices office.”.**

19 **3.** Page 26, line 9: after that line insert:

20 “**SECTION 160j.** 15.105 (28) of the statutes is created to read:

21 **15.105 (28) OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES.** There is
22 created an office of faith-based crime prevention initiatives, headed by the executive
23 director, which is attached to the department of administration under s. 15.03. The
24 executive director shall be nominated by the governor, and with the advice and

1 consent of the senate appointed, to serve at the pleasure of the governor. The
2 executive director may not be a member of the board of directors of, be otherwise
3 involved in the governance or control of, or be employed by any faith-based
4 organization eligible for contracts or grants under s. 59.54 (27) or 301.065. The
5 executive director shall have experience relevant to the operation of nonprofit
6 organizations or state or local government and shall have a demonstrated
7 understanding of state and federal laws regarding nondiscrimination against
8 religious organizations. This subsection does not apply after June 30, 2004.”.

9 **4.** Page 36, line 14: after that line insert:

10 “SECTION 219j. 16.235 of the statutes is created to read:

11 **16.235 Office of faith-based crime prevention initiatives.** (1) The office
12 of faith-based crime prevention initiatives shall do all of the following to assist in the
13 implementation of federal and state laws regarding nondiscrimination against
14 religious organizations in the provision of government services:

15 (a) Act as a clearinghouse for and provide information to faith-based
16 organizations on opportunities to provide government services related to drug
17 control and crime prevention.

18 (b) Assist state and local governments in using the services of faith-based
19 organizations to address violent crimes, crimes and other matters involving
20 controlled substances, and other serious crimes.

21 (c) Compile and provide to the public information on government drug control
22 and crime prevention services available through faith-based organizations.

23 (2) This section does not apply after June 30, 2004.”.

24 **5.** Page 205, line 21: after that line insert:

1 “(ft) Neighborhood organization incu-
2 bator grants GPR A 100,000 100,000”.

3 **6.** Page 250, line 7: after that line insert:

4 “(kf) Office of faith-based crime pre-
5 vention initiatives PR-S A 67,600 77,400”.

6 **7.** Page 252, line 2: increase the dollar amount for fiscal year 2001–02 by
7 \$28,400 and increase the dollar amount for fiscal year 2002–03 by \$37,900 to
8 increase funding for the purpose for which the appropriation is made.

9 **8.** Page 252, line 6: increase the dollar amount for fiscal year 2001–02 by
10 \$16,900 to increase funding for the purpose for which the appropriation is made.

11 **9.** Page 252, line 6: decrease the dollar amount for fiscal year 2002–03 by
12 \$83,200 to decrease funding for the purpose for which the appropriation is made.

13 **10.** Page 356, line 18: after that line insert:

14 “SECTION 701j. 20.435 (3) (ft) of the statutes is created to read:

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

17 SECTION 701r. 20.435 (3) (ft) of the statutes, as affected by 2001 Wisconsin Act
18 (this act), is repealed.”.

19 **11.** Page 391, line 24: after that line insert:

20 “SECTION 846p. 20.505 (4) (kf) of the statutes is created to read:

21 20.505 (4) (kf) *Office of faith-based crime prevention initiatives*. The amounts
22 in the schedule for the general program operations of the office of faith-based crime
23 prevention initiatives. All moneys received from state agencies for the operations of

1 the office of faith-based crime prevention initiatives shall be credited to this
2 appropriation account.

3 **SECTION 846r.** 20.505 (4) (kf) of the statutes, as affected by 2001 Wisconsin Act
4 (this act), is repealed.”.

5 **12.** Page 559, line 14: after that line insert:

6 **“SECTION 1483j.** 46.03 (44) of the statutes is created to read:

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

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

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

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

1 (d) Requiring every person receiving funding from the department for alcohol
2 and other drug abuse intervention or treatment services to provide the department
3 the results of the evaluation conducted under par. (c).”

4 **13.** Page 574, line 4: after that line insert:

5 “SECTION 1563j. 46.72 of the statutes is created to read:

6 **46.72 Neighborhood organization incubator grants. (1) DEFINITIONS.** In
7 this section:

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

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

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

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

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

1 (a) Provide information to neighborhood organizations about funding and other
2 assistance that may be available to neighborhood organizations from private and
3 public entities.

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

6 (c) Act as a liaison between neighborhood organizations and public and private
7 entities.

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

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

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

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

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

18 **14.** Page 665, line 20: after that line insert:

19 “SECTION 2002j. 59.54 (27) of the statutes is created to read:

20 59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition.* In this
21 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

22 (b) *General purpose and authority.* The purpose of this subsection is to allow
23 the board to contract with, or award grants to, religious organizations, under any
24 program administered by the county dealing with delinquency and crime prevention

1 or the rehabilitation of offenders, on the same basis as any other nongovernmental
2 provider, without impairing the religious character of such organizations and
3 without diminishing the religious freedom of beneficiaries of assistance funded
4 under such program.

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

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

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

22 (e) *Rights of beneficiaries of assistance.* 1. If the board contracts with, or
23 awards grants to, a religious organization for the provision of crime prevention or
24 offender rehabilitation assistance under a program administered by the board, an
25 individual who is eligible for this assistance shall be informed in writing that

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

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

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

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

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

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

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

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

7 (k) *Certification of compliance.* Every religious organization that contracts
8 with or receives a grant from the county board 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 pars. (g) and (j) and submit to
11 the board a copy of this certification and a written description of the policies the
12 organization has adopted to ensure that it has complied with the requirements under
13 pars. (g) and (j).

14 (L) *Preemption.* Nothing in this subsection 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 **15.** Page 1004, line 11: after that line insert:

19 “SECTION 3048j. 230.08 (2) (e) 1. of the statutes, as affected by 2001 Wisconsin
20 Act ... (this act), is amended to read:

21 230.08 (2) (e) 1. Administration — ~~13~~ 12.”

22 **16.** Page 1004, line 11: delete “10” and substitute “11”.

23 **17.** Page 1068, line 2: after that line insert:

24 “SECTION 3327j. 301.03 (2t) of the statutes is created to read:

Promote efficient use of resources for alcohol and other drug abuse intervention and treatment services by doing all of the following:

1 301.03 (2t) (a) Develop^{ing} one or more methods to evaluate the effectiveness of,
2 and develop^{ing} performance standards for, alcohol and other drug abuse intervention
3 and treatment services that are administered by the department.

4 (b) Adopt^{ing} policies to ensure that, to the extent possible under state and federal
5 law, funding for alcohol and other drug abuse intervention and treatment services
6 that are administered by the department is distributed giving primary consideration
7 to the effectiveness of the services in meeting department performance standards for
8 alcohol and other drug abuse services.

9 (c) Require^{ing} every application for funding from the department for alcohol and
10 other drug abuse intervention or treatment services to include a plan for the
11 evaluation of the effectiveness of the services in reducing alcohol and other drug
12 abuse by recipients of the services.

13 (d) Require^{ing} every person receiving funding from the department for alcohol and
14 other drug abuse intervention or treatment services to provide the department the
15 results of the evaluation conducted under par. (c).”

16 **18.** Page 1070, line 9: after that line insert:

17 “SECTION 3333j. 301.047 of the statutes is created to read:

18 **301.047 Inmate rehabilitation and aftercare.** (1) PROGRAM. The
19 department may permit one or more nonprofit community-based organizations
20 meeting the requirements of this section to operate an inmate rehabilitation
21 program in any department facility if the department determines that operation of
22 that program does not constitute a threat to the security of the facility or the safety
23 of inmates or the public and that operation of the program is in the best interest of
24 the inmates.

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. The proposal shall include all of the
4 following:

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

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

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

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

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

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

15 7. Any other information specified by the department.

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

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

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

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

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

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

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,
16 shall be substantially the same for inmates who participate in a rehabilitation
17 program 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 the 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

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 (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
12 constitutes a threat to the security of the facility or the safety of the inmates or the
13 public.

14 (4) EVALUATION. The department shall evaluate or contract with a public or
15 private agency for an evaluation of the effectiveness of each rehabilitation program
16 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse
17 among program participants. The department shall collect the data and information
18 necessary to evaluate the program. No later than 3 years from the date on which the
19 rehabilitation program begins operating, the department shall submit a report of the
20 evaluation to the governor and to the appropriate standing committees of the
21 legislature, as determined by the speaker of the assembly and the president of the
22 senate, under s. 13.172 (3).

23 (5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION. Notwithstanding
24 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (1) may
25 suspend or terminate an inmate's participation in a program for reasons unrelated

1 to religious beliefs, including the inmate's failure to participate meaningfully in the
2 program.

3 **SECTION 3334j.** 301.065 of the statutes is created to read:

4 **301.065 Religious organizations; contract powers.** (1) RELIGIOUS
5 ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the
6 department to contract with, or award grants to, religious organizations, under any
7 program administered by the department relating to the prevention of delinquency
8 and crime or the rehabilitation of offenders, on the same basis as any other
9 nongovernmental provider, without impairing the religious character of such
10 organizations, and without diminishing the religious freedom of beneficiaries of
11 assistance funded under such program.

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

22 (3) RELIGIOUS CHARACTER AND FREEDOM. (a) The department shall allow a
23 religious organization with which the department contracts or to which the
24 department awards a grant to retain its independence from government, including

1 the organization's control over the definition, development, practice, and expression
2 of its religious beliefs.

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

6 (4) RIGHTS OF BENEFICIARIES OF ASSISTANCE. (a) If the department contracts with
7 or awards grants to a religious organization for the provisions of crime prevention
8 or offender rehabilitation assistance under a program administered by the
9 department, an individual who is eligible for this assistance shall be informed in
10 writing that assistance of equal value and accessibility is available from a
11 nonreligious provider upon request.

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

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

23 (6) NONDISCRIMINATION AGAINST BENEFICIARIES. A religious organization may not
24 discriminate against an individual in regard to rendering assistance that is funded

1 under any program administered by the department on the basis of religion, a
2 religious belief or nonbelief, or a refusal to actively participate in a religious practice.

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

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

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

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

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

24 (11) PREEMPTION. Nothing in this section may be construed to preempt any
25 provision of federal law, the U.S. Constitution, the Wisconsin constitution, or any

1 other statute that prohibits or restricts the expenditure of federal or state funds by
2 or the granting of federal or state funds to religious organizations.”.

3 **19.** Page 1077, line 23: after that line insert:

4 “**SECTION 3354j.** 302.11 (1g) (b) 2. of the statutes is amended to read:

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

12 **20.** Page 1271, line 13: after that line insert:

13 “**SECTION 4031j.** 978.03 (3) of the statutes is amended to read:

14 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
15 an attorney admitted to practice law in this state and, except as provided in s. ss.
16 978.043 and 978.044, may perform any duty required by law to be performed by the
17 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),
18 or (2) may appoint such temporary counsel as may be authorized by the department
19 of administration.

20 **SECTION 4031p.** 978.044 of the statutes is created to read:

21 **978.044 Assistants to perform restorative justice services. (1)**

22 **DEFINITIONS.** In this section:

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

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

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

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

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

- 14 1. Discuss the impact of the offender’s crime on the victim or on the community.
- 15 2. Explore potential restorative responses by the offender.
- 16 3. Provide methods for reintegrating the offender into community life.

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

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

- 20 1. The amount of time spent implementing the requirements of pars. (a) and
21 (b).
- 22 2. The number of victims and offenders served by programs established under
23 par. (a).
- 24 3. The types of offenses addressed by programs established under par. (a).

1 4. The rate of recidivism among offenders served by programs established
2 under par. (a) compared to the rate of recidivism by offenders not served by such
3 programs.

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

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

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

14 **SECTION 4031r.** 978.05 (8) (b) of the statutes is amended to read:

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

1 **21.** Page 1295, line 7: delete “\$1,864,700” and substitute “\$1,454,800”.

2 **22.** Page 1298, line 24: after that line insert:

3 “(27m) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The
4 authorized FTE positions for the department of administration are increased by 3.0
5 PR project positions for the period beginning on July 1, 2001, and ending on June 30,
6 2004, to be funded from the appropriation under section 20.475 (1) (k) of the statutes,
7 for the purpose of providing one assistant district attorney for Dane County, one
8 assistant district attorney for Milwaukee County, and one assistant district attorney
9 for the county selected under section 978.044 (4) of the statutes, as created by this
10 act, to perform restorative justice services under section 978.044 of the statutes, as
11 created by this act.

12 (27n) OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The authorized FTE
13 positions for the department of administration are increased by 1.0 PR project
14 position to be funded from the appropriation under section 20.505 (4) (kf) of the
15 statutes, as created by this act, for the purpose of administering the office of
16 faith-based crime prevention initiatives under section 15.105 (28) of the statutes, as
17 created by this act, beginning on the effective date of this subsection and ending on
18 June 30, 2004.

19 (27p) FUNDING FOR OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The
20 secretary of administration shall allocate \$67,600 in fiscal year 2001–02 and \$77,400
21 in fiscal year 2002–03 from the appropriation accounts under section 20.505 (6) (kt)
22 and (m) of the statutes, to provide funding for the office of faith-based crime
23 prevention initiatives.”.

24 **23.** Page 1343, line 11: after that line insert:

ARC:.....Raschka – AM1 Faith-based approaches to criminal justice and corrections; restorative justice; neighborhood organization incubator program; AODA programs

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 24, line 21: after that line insert:

3 “SECTION 130j. 15.01 (6) of the statutes is amended to read:

4 15.01 (6) “Division,” “bureau,” “section,” and “unit” means mean the subunits
5 of a department or an independent agency, whether specifically created by law or
6 created by the head of the department or the independent agency for the more
7 economic and efficient administration and operation of the programs assigned to the
8 department or independent agency. The office of justice assistance and the office of
9 faith-based crime prevention initiatives in the department of administration and

1 the office of credit unions in the department of financial institutions have the
2 meaning of “division” under this subsection. The office of the long-term care
3 ombudsman under the board on aging and long-term care and the office of
4 educational accountability in the department of public instruction have the meaning
5 of “bureau” under this subsection.

6 **SECTION 130k.** 15.01 (6) of the statutes, as affected by 2001 Wisconsin Act ...
7 (this act), is amended to read:

8 15.01 (6) “Division,” “bureau,” “section,” and “unit” mean the subunits of a
9 department or an independent agency, whether specifically created by law or created
10 by the head of the department or the independent agency for the more economic and
11 efficient administration and operation of the programs assigned to the department
12 or independent agency. The office of justice assistance ~~and the office of faith-based~~
13 ~~crime prevention initiatives~~ in the department of administration and the office of
14 credit unions in the department of financial institutions have the meaning of
15 “division” under this subsection. The office of the long-term care ombudsman under
16 the board on aging and long-term care and the office of educational accountability
17 in the department of public instruction have the meaning of “bureau” under this
18 subsection.

19 **SECTION 130r.** 15.02 (3) (c) 1. of the statutes is amended to read:

20 15.02 (3) (c) 1. The principal subunit of the department is the “division”.” Each
21 division shall be headed by an “administrator”.” The office of justice assistance and
22 the office of faith-based crime prevention initiatives in the department of
23 administration and the office of credit unions in the department of financial
24 institutions have the meaning of “division,” and the executive staff director of the
25 office of justice assistance and the executive director heading the office of faith-based

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

3 **SECTION 130s.** 15.02 (3) (c) 1. of the statutes, as affected by 2001 Wisconsin Act
4 (this act), is amended to read:

5 15.02 (3) (c) 1. The principal subunit of the department is the “division.” Each
6 division shall be headed by an “administrator.” The office of justice assistance and
7 ~~the office of faith-based crime prevention initiatives~~ in the department of
8 administration and the office of credit unions in the department of financial
9 institutions have the meaning of “division,” and the executive staff director of the
10 office of justice assistance ~~and the executive director heading the office of faith-based~~
11 ~~crime prevention initiatives~~ in the department of administration and the director of
12 credit unions have the meaning of “administrator” under this subdivision.”.

13 **2.** Page 25, line 12: after that line insert:

14 “**SECTION 138j.** 15.105 (title) of the statutes is amended to read:

15 **15.105 (title) Same; attached boards, commissions and office offices.**

16 **SECTION 138k.** 15.105 (title) of the statutes, as affected by 2001 Wisconsin Act
17 (this act), is amended to read:

18 **15.105 (title) Same; attached boards, commissions and offices office.”.**

19 **3.** Page 26, line 9: after that line insert:

20 “**SECTION 160j.** 15.105 (28) of the statutes is created to read:

21 **15.105 (28) OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES.** There is
22 created an office of faith-based crime prevention initiatives, headed by the executive
23 director, which is attached to the department of administration under s. 15.03. The
24 executive director shall be nominated by the governor, and with the advice and

1 consent of the senate appointed, to serve at the pleasure of the governor. The
2 executive director may not be a member of the board of directors of, be otherwise
3 involved in the governance or control of, or be employed by any faith-based
4 organization eligible for contracts or grants under s. 59.54 (27) or 301.065. The
5 executive director shall have experience relevant to the operation of nonprofit
6 organizations or state or local government and shall have a demonstrated
7 understanding of state and federal laws regarding nondiscrimination against
8 religious organizations. This subsection does not apply after June 30, 2004.”.

9 **4.** Page 36, line 14: after that line insert:

10 “SECTION 219j. 16.235 of the statutes is created to read:

11 **16.235 Office of faith-based crime prevention initiatives.** (1) The office
12 of faith-based crime prevention initiatives shall do all of the following to assist in the
13 implementation of federal and state laws regarding nondiscrimination against
14 religious organizations in the provision of government services:

15 (a) Act as a clearinghouse for and provide information to faith-based
16 organizations on opportunities to provide government services related to drug
17 control and crime prevention.

18 (b) Assist state and local governments in using the services of faith-based
19 organizations to address violent crimes, crimes and other matters involving
20 controlled substances, and other serious crimes.

21 (c) Compile and provide to the public information on government drug control
22 and crime prevention services available through faith-based organizations.

23 (2) This section does not apply after June 30, 2004.”.

24 **5.** Page 205, line 21: after that line insert:

1 the office of faith-based crime prevention initiatives shall be credited to this
2 appropriation account.

3 **SECTION 846r.** 20.505 (4) (kf) of the statutes, as affected by 2001 Wisconsin Act
4 (this act), is repealed.”.

5 **12.** Page 559, line 14: after that line insert:

6 “**SECTION 1483j.** 46.03 (44) of the statutes is created to read:

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

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

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

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

1 (d) Requiring every person receiving funding from the department for alcohol
2 and other drug abuse intervention or treatment services to provide the department
3 the results of the evaluation conducted under par. (c).”

4 **13.** Page 574, line 4: after that line insert:

5 “SECTION 1563j. 46.72 of the statutes is created to read:

6 **46.72 Neighborhood organization incubator grants. (1) DEFINITIONS.** In
7 this section:

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

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

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

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

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

1 (a) Provide information to neighborhood organizations about funding and other
2 assistance that may be available to neighborhood organizations from private and
3 public entities.

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

6 (c) Act as a liaison between neighborhood organizations and public and private
7 entities.

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

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

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

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

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

18 **14.** Page 665, line 20: after that line insert:

19 “SECTION 2002j. 59.54 (27) of the statutes is created to read:

20 59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition.* In this
21 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

22 (b) *General purpose and authority.* The purpose of this subsection is to allow
23 the board to contract with, or award grants to, religious organizations, under any
24 program administered by the county dealing with delinquency and crime prevention

1 or the rehabilitation of offenders, on the same basis as any other nongovernmental
2 provider, without impairing the religious character of such organizations and
3 without diminishing the religious freedom of beneficiaries of assistance funded
4 under such program.

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

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

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

22 (e) *Rights of beneficiaries of assistance.* 1. If the board contracts with, or
23 awards grants to, a religious organization for the provision of crime prevention or
24 offender rehabilitation assistance under a program administered by the board, an
25 individual who is eligible for this assistance shall be informed in writing that

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

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

9 (g) *Nondiscrimination against beneficiaries.* A religious organization may not
10 discriminate against an individual in regard to rendering assistance that is funded
11 under any program administered by the board on the basis of religion, a religious
12 belief or nonbelief, or a 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 accounting, in
16 accord with generally accepted auditing principles, for the use of the funds provided
17 under such 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 bring a civil action for injunctive relief against the entity that allegedly commits
23 the violation.

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 other statute that prohibits or restricts the expenditure of federal or state funds by
13 or the granting of federal or state funds to religious organizations.”.

14 **15.** Page 1004, line 11: after that line insert:

15 “**SECTION 3048j.** 230.08 (2) (e) 1. of the statutes, as affected by 2001 Wisconsin
16 Act (this act), is amended to read:

17 230.08 (2) (e) 1. Administration — ~~13~~ 12.”.

18 **16.** Page 1004, line 11: delete “10” and substitute “11”.

19 **17.** Page 1068, line 2: after that line insert:

20 “**SECTION 3327j.** 301.03 (2t) of the statutes is created to read:

21 301.03 (2t) Promote efficient use of resources for alcohol and other drug abuse
22 intervention and treatment services by doing all of the following:

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

4 (b) Adopting policies to ensure that, to the extent possible under state and
5 federal law, funding for alcohol and other drug abuse intervention and treatment
6 services that are administered by the department is distributed giving primary
7 consideration to the effectiveness of the services in meeting department performance
8 standards for alcohol and other drug abuse services.

9 (c) Requiring every application for funding from the department for alcohol and
10 other drug abuse intervention or treatment services to include a plan for the
11 evaluation of the effectiveness of the services in reducing alcohol and other drug
12 abuse by recipients of the services.

13 (d) Requiring every person receiving funding from the department for alcohol
14 and other drug abuse intervention or treatment services to provide the department
15 the results of the evaluation conducted under par. (c).”.

16 **18.** Page 1070, line 9: after that line insert:

17 “SECTION 3333j. 301.047 of the statutes is created to read:

18 **301.047 Inmate rehabilitation and aftercare.** (1) PROGRAM. The
19 department may permit one or more nonprofit community-based organizations
20 meeting the requirements of this section to operate an inmate rehabilitation
21 program in any department facility if the department determines that operation of
22 that program does not constitute a threat to the security of the facility or the safety
23 of inmates or the public and that operation of the program is in the best interest of
24 the inmates.

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. The proposal shall include all of the
4 following:

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

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

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

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

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

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

15 7. Any other information specified by the department.

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

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

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

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

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

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

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,
16 shall be substantially the same for inmates who participate in a rehabilitation
17 program 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 the 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

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 (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
12 constitutes a threat to the security of the facility or the safety of the inmates or the
13 public.

14 (4) EVALUATION. The department shall evaluate or contract with a public or
15 private agency for an evaluation of the effectiveness of each rehabilitation program
16 operated under sub. (1) in reducing recidivism and alcohol and other drug abuse
17 among program participants. The department shall collect the data and information
18 necessary to evaluate the program. No later than 3 years from the date on which the
19 rehabilitation program begins operating, the department shall submit a report of the
20 evaluation to the governor and to the appropriate standing committees of the
21 legislature, as determined by the speaker of the assembly and the president of the
22 senate, under s. 13.172 (3).

23 (5) SUSPENSION OR TERMINATION OF AN INMATE'S PARTICIPATION. Notwithstanding
24 sub. (2) (b) 2., an organization operating a rehabilitation program under sub. (1) may
25 suspend or terminate an inmate's participation in a program for reasons unrelated

1 to religious beliefs, including the inmate's failure to participate meaningfully in the
2 program.

3 **SECTION 3334j.** 301.065 of the statutes is created to read:

4 **301.065 Religious organizations; contract powers.** (1) RELIGIOUS
5 ORGANIZATIONS: LEGISLATIVE PURPOSE. The purpose of this section is to allow the
6 department to contract with, or award grants to, religious organizations, under any
7 program administered by the department relating to the prevention of delinquency
8 and crime or the rehabilitation of offenders, on the same basis as any other
9 nongovernmental provider, without impairing the religious character of such
10 organizations, and without diminishing the religious freedom of beneficiaries of
11 assistance funded under such program.

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

22 (3) RELIGIOUS CHARACTER AND FREEDOM. (a) The department shall allow a
23 religious organization with which the department contracts or to which the
24 department awards a grant to retain its independence from government, including

1 the organization's control over the definition, development, practice, and expression
2 of its religious beliefs.

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

6 (4) RIGHTS OF BENEFICIARIES OF ASSISTANCE. (a) If the department contracts with
7 or awards grants to a religious organization for the provisions of crime prevention
8 or offender rehabilitation assistance under a program administered by the
9 department, an individual who is eligible for this assistance shall be informed in
10 writing that assistance of equal value and accessibility is available from a
11 nonreligious provider upon request.

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

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

23 (7) FISCAL ACCOUNTABILITY. (a) Except as provided in par. (b), any religious
24 organization that contracts with, or receives a grant from, the department is subject
25 to the same laws and rules as other contractors and grantees regarding accounting,

1 in accord with generally accepted auditing principles, for the use of the funds
2 provided under such programs.

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

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

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

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

19 (11) PREEMPTION. Nothing in this section may be construed to preempt any
20 other statute that prohibits or restricts the expenditure of federal or state funds by
21 or the granting of federal or state funds to religious organizations.”.

22 **19.** Page 1077, line 23: after that line insert:

23 “SECTION 3354j. 302.11 (1g) (b) 2. of the statutes is amended to read:

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."

8 **20.** Page 1271, line 13: after that line insert:

9 "SECTION 4031j. 978.03 (3) of the statutes is amended to read:

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

16 SECTION 4031p. 978.044 of the statutes is created to read:

17 **978.044 Assistants to perform restorative justice services. (1)**

18 DEFINITIONS. In this section:

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

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

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

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

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

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

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

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

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

24 **(3) REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by
25 the department of administration, the district attorneys of Dane and Milwaukee

1 counties and of the county selected under sub. (4) shall each submit to the
2 department of administration a report summarizing the records under sub. (2) (c)
3 covering the preceding 12-month period. The department of administration shall
4 maintain the information submitted under this subsection by the district attorney.

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

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

9 SECTION 4031r. 978.05 (8) (b) of the statutes is amended to read:

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

20 **21.** Page 1295, line 7: delete “\$1,864,700” and substitute “\$1,454,800”.

21 **22.** Page 1298, line 24: after that line insert:

22 “(27m) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The
23 authorized FTE positions for the department of administration are increased by 3.0
24 PR project positions for the period beginning on July 1, 2001, and ending on June 30,

1 2004, to be funded from the appropriation under section 20.475 (1) (k) of the statutes,
2 for the purpose of providing one assistant district attorney for Dane County, one
3 assistant district attorney for Milwaukee County, and one assistant district attorney
4 for the county selected under section 978.044 (4) of the statutes, as created by this
5 act, to perform restorative justice services under section 978.044 of the statutes, as
6 created by this act.

7 (27n) OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The authorized FTE
8 positions for the department of administration are increased by 1.0 PR project
9 position to be funded from the appropriation under section 20.505 (4) (kf) of the
10 statutes, as created by this act, for the purpose of administering the office of
11 faith-based crime prevention initiatives under section 15.105 (28) of the statutes, as
12 created by this act, beginning on the effective date of this subsection and ending on
13 June 30, 2004.

14 (27p) FUNDING FOR OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The
15 secretary of administration shall allocate \$67,600 in fiscal year 2001–02 and \$77,400
16 in fiscal year 2002–03 from the appropriation accounts under section 20.505 (6) (kt)
17 and (m) of the statutes, to provide funding for the office of faith-based crime
18 prevention initiatives.”.

19 **23.** Page 1343, line 11: after that line insert:

20 “(4m) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2004, the
21 legislative audit bureau shall evaluate, on a quantitative and qualitative basis, the
22 success of restorative justice programming in Dane and Milwaukee counties and the
23 county selected under section 978.044 (4) of the statutes, as created by this act, in
24 serving victims, offenders, and communities affected by crime and shall report its

1 findings to the appropriate standing committees of the legislature, as determined by
2 the speaker of the assembly and the president of the senate, under section 13.172 (3)
3 of the statutes.”.

4 **24.** Page 1416, line 25: after that line insert:

5 “(3m) SUNSET OF OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The
6 treatment of sections 15.01 (6) (by SECTION 130k), 15.02 (3) (c) 1. (by SECTION 130s),
7 15.105 (title) (by SECTION 138k), and 230.08 (2) (e) 1. (by SECTION 3048j) of the
8 statutes and the repeal of section 20.505 (4) (kf) take effect on July 1, 2004.”.

9 **25.** Page 1420, line 19: after that line insert:

10 “(16m) SUNSET OF NEIGHBORHOOD ORGANIZATION INCUBATOR GRANT PROGRAM. The
11 repeal of section 20.435 (3) (ft) of the statutes takes effect on July 1, 2005.”.

12

(END)