

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/06/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-9918

By/Representing: Bauer (DS)

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Correctional System - misc
Counties - miscellaneous
Criminal Law - district attys
Health - miscellaneous
Correctional System - prisons

Extra Copies: rpn
rlr
mes
dak

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Bauer (DS) -

Topic:

Faith-based approaches to crime prevention and corrections; restorative justice; evaluation of DHFS and DOC AODA programs; operation of inmate rehabilitation programs by nonprofit organizations

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 07/10/2001	wjackson 07/11/2001		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typcd</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1		wjackson 07/16/2001	rschluet 07/11/2001	_____	lrb_docadmin 07/11/2001		
/2			pgreensl 07/16/2001	_____	lrb_docadmin 07/16/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/06/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-9918

By/Representing: Bauer (DS)

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Counties - miscellaneous
Criminal Law - district attys
Health - miscellaneous
Correctional System - prisons**

Extra Copies: **rpn
rlr
mes
dak**

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Bauer (DS) -

Topic:

Faith-based approaches to crime prevention and corrections; restorative justice; evaluation of DHFS and DOC AODA programs; operation of inmate rehabilitation programs by nonprofit organizations

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 07/10/2001	wjackson 07/11/2001		_____			

12 WLJ 7/16

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/1

rschluet _____
07/11/2001 _____

lrb_docadmin
07/11/2001

FE Scnt For:

<END>

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: **07/06/2001**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9918**

By/Representing: **Bauer (DS)**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Counties - miscellaneous
Criminal Law - district attys
Health - miscellaneous
Correctional System - prisons**

Extra Copies: **rpn
rlr
mes
dak**

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Bauer (DS) -


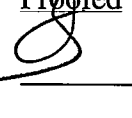
Topic:

Faith-based approaches to crime prevention and corrections; restorative justice; evaluation of DHFS and DOC AODA programs; operation of inmate rehabilitation programs by nonprofit organizations

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	1 WLj 7/11					
			7-11-1				

FE Sent For:

<END>



State of Wisconsin
2001 - 2002 LEGISLATURE

2012/11

LRBb(312/2)
MGD:wj/rs

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

Senate ~~GALEUS ASSEMBLY AMENDMENT~~
SENATE
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) (f), 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”.~~ 11 10
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 count^(y)ies and ^(y)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 ⁽²⁾3RD COUNTY. The attorney general, in consultation with the
6 department of corrections, shall select a county other than ⁽²⁾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 ^{1,688,100} "\$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 ^(2.0)3.0
24 PR project positions for the period beginning on July 1, 2001, and ending on June 30,

5
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)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2012(1)
MGD:wlj:rs

2

LFB:.....Bauer (DS) – Faith-based approaches to crime prevention and corrections; restorative justice; evaluation of DHFS and DOC AODA programs; operation of inmate rehabilitation programs by nonprofit organizations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

retrieve
from hold

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

2 **1.** Page 252, line 2: increase the dollar amount for fiscal year 2001-02 by
3 \$18,900 and increase the dollar amount for fiscal year 2002-03 by \$25,300 to
4 increase funding for the purpose for which the appropriation is made.

5 **2.** Page 252, line 6: decrease the dollar amount for fiscal year 2002-03 by
6 \$44,200 to decrease funding for the purpose for which the appropriation is made.

7 **3.** Page 559, line 14: after that line insert:

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

1 46.03 (44) PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE
2 INTERVENTION AND TREATMENT SERVICES. Promote efficient use of resources for alcohol
3 and other drug abuse intervention and treatment services by doing all of the
4 following:

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

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

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

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

20 **4.** Page 665, line 20: after that line insert:

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

22 59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition.* In this
23 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

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

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

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

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

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

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

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

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

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

19 301.03 (2t) Promote efficient use of resources for alcohol and other drug abuse
20 intervention and treatment services by doing all of the following:

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

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.

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 the 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 **6.** Page 1070, line 9: after that line insert:

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

15 **301.047 Inmate rehabilitation and aftercare.** (1) PROGRAM. The
16 department may permit one or more nonprofit community-based organizations
17 meeting the requirements of this section to operate an inmate rehabilitation
18 program in any department facility if the department determines that operation of
19 that program does not constitute a threat to the security of the facility or the safety
20 of inmates or the public and that operation of the program is in the best interest of
21 the inmates.

22 (2) PROGRAM REQUIREMENTS. (a) An organization seeking to operate a
23 rehabilitation program under sub. (1) shall submit to the department a detailed

1 proposal for the operation of the program. The proposal shall include all of the
2 following:

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

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

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

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

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

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

13 7. Any other information specified by the department.

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

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

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

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

21 4. Upon the inmate's release, the organization shall provide community-based
22 aftercare services for each inmate who completes the program and who resides in the
23 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 **7.** 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 **8.** 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 Milwaukee county and the county selected
2 under sub. (4) shall each assign one assistant district attorney in his or her
3 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 Milwaukee county and

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

5 (4) SELECTION OF 2ND COUNTY. The attorney general, in consultation with the
6 department of corrections, shall select a county other than Milwaukee county in
7 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 9. Page 1295, line 7: delete “\$1,864,700” and substitute “\$1,688,100”.

21 10. Page ¹³³²~~1298~~, line ⁵~~24~~: after that line insert:

22 “(20m) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The
23 authorized FTE positions for ^{district attorneys} ~~the department of administration~~ are increased by 2.0
24 PR project positions for the period beginning on July 1, 2001, and ending on June 30,

1 2005, 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 Milwaukee County
3 and one assistant district attorney for the county selected under section 978.044 (4)
4 of the statutes, as created by this act, to perform restorative justice services under
5 section 978.044 of the statutes, as created by this act.”

6 **11.** Page 1343, line 11: after that line insert:

7 “(4m) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2004, the
8 legislative audit bureau shall evaluate, on a quantitative and qualitative basis, the
9 success of restorative justice programming in Milwaukee county and the county
10 selected under section 978.044 (4) of the statutes, as created by this act, in serving
11 victims, offenders, and communities affected by crime and shall report its findings
12 to the appropriate standing committees of the legislature, as determined by the
13 speaker of the assembly and the president of the senate, under section 13.172 (3) of
14 the statutes.”

15 (END)



LFB:.....Bauer (DS) – Faith-based approaches to crime prevention and corrections; restorative justice; evaluation of DHFS and DOC AODA programs; operation of inmate rehabilitation programs by nonprofit organizations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 252, line 2: increase the dollar amount for fiscal year 2001-02 by
3 \$18,900 and increase the dollar amount for fiscal year 2002-03 by \$25,300 to
4 increase funding for the purpose for which the appropriation is made.

5 **2.** Page 252, line 6: decrease the dollar amount for fiscal year 2002-03 by
6 \$44,200 to decrease funding for the purpose for which the appropriation is made.

7 **3.** Page 559, line 14: after that line insert:

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

1 46.03 (44) PERFORMANCE EVALUATIONS FOR ALCOHOL AND OTHER DRUG ABUSE
2 INTERVENTION AND TREATMENT SERVICES. Promote efficient use of resources for alcohol
3 and other drug abuse intervention and treatment services by doing all of the
4 following:

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

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

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

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

20 **4.** Page 665, line 20: after that line insert:

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

22 59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition.* In this
23 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

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

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

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

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

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

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

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

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

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

19 301.03 (2t) Promote efficient use of resources for alcohol and other drug abuse
20 intervention and treatment services by doing all of the following:

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

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.

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 the 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 **6.** Page 1070, line 9: after that line insert:

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

15 **301.047 Inmate rehabilitation and aftercare.** (1) PROGRAM. The
16 department may permit one or more nonprofit community-based organizations
17 meeting the requirements of this section to operate an inmate rehabilitation
18 program in any department facility if the department determines that operation of
19 that program does not constitute a threat to the security of the facility or the safety
20 of inmates or the public and that operation of the program is in the best interest of
21 the inmates.

22 (2) PROGRAM REQUIREMENTS. (a) An organization seeking to operate a
23 rehabilitation program under sub. (1) shall submit to the department a detailed

1 proposal for the operation of the program. The proposal shall include all of the
2 following:

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

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

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

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

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

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

13 7. Any other information specified by the department.

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

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

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

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

21 4. Upon the inmate's release, the organization shall provide community-based
22 aftercare services for each inmate who completes the program and who resides in the
23 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 7. 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 **8.** 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 Milwaukee county and the county selected
2 under sub. (4) shall each assign one assistant district attorney in his or her
3 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 Milwaukee county and

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

5 (4) SELECTION OF 2ND COUNTY. The attorney general, in consultation with the
6 department of corrections, shall select a county other than Milwaukee county in
7 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 9. Page 1295, line 7: delete “\$1,864,700” and substitute “\$1,688,100”.

21 10. Page 1332, line 5: after that line insert:

22 “(2m) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE SERVICES. The
23 authorized FTE positions for district attorneys are increased by 2.0 PR project
24 positions for the period beginning on July 1, 2001, and ending on June 30, 2005, to

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

6 **11.** Page 1343, line 11: after that line insert:

7 “(4m) EVALUATION AND REPORT TO LEGISLATURE. By October 1, 2004, the
8 legislative audit bureau shall evaluate, on a quantitative and qualitative basis, the
9 success of restorative justice programming in Milwaukee county and the county
10 selected under section 978.044 (4) of the statutes, as created by this act, in serving
11 victims, offenders, and communities affected by crime and shall report its findings
12 to the appropriate standing committees of the legislature, as determined by the
13 speaker of the assembly and the president of the senate, under section 13.172 (3) of
14 the statutes.”.

15

(END)