

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 518**

March 4, 2004 – Offered by Senator ROESSLER.

1 **AN ACT** *to repeal* 20.505 (6) (kv); *to amend* 302.43, 973.032 (6), 973.155 (1) (b)
2 and 973.155 (3); *to repeal and recreate* 961.472 (5); and *to create* 16.964 (10),
3 20.505 (6) (e), 20.505 (6) (kv), 967.11 and 973.155 (1m) of the statutes; **relating**
4 **to:** grants to counties for providing alternatives to prosecution and
5 incarceration for persons who abuse alcohol or other drugs and making
6 appropriations.

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

7 **SECTION 1.** 16.964 (10) of the statutes is created to read:

8 16.964 **(10)** (a) In this subsection:

9 1. “County department” means a county department under s. 51.42 or 51.437
10 that provides substance abuse treatment services.

11 2. “Violent offender” means a person to whom one of the following applies:

1 a. The person has been charged with or convicted of an offense in a pending case
2 and, during the course of the offense, the person carried, possessed, or used a
3 dangerous weapon, the person used force against another person, or a person died
4 or suffered serious bodily harm.

5 b. The person has one or more prior convictions for a felony involving the use
6 or attempted use of force against another person with the intent to cause death or
7 serious bodily harm.

8 (b) The office shall make grants to county departments to enable them to
9 establish and operate programs, including suspended and deferred prosecution
10 programs and programs based on principles of restorative justice, that provide
11 alternatives to prosecution and incarceration for criminal offenders who abuse
12 alcohol or other drugs. The office shall make the grants from the appropriation under
13 s. 20.505 (6) (kv). The office shall collaborate with the departments of corrections and
14 health and family services in establishing this grant program.

15 (c) A county department shall be eligible for a grant under par. (b) if all of the
16 following apply:

17 1. The county department's program is designed to meet the needs of a person
18 who abuses alcohol or other drugs and who may be or has been charged with or who
19 has been convicted of a crime in that county related to the person's use or abuse of
20 alcohol or other drugs.

21 2. The program is designed to promote public safety, reduce prison and jail
22 populations, reduce prosecution and incarceration costs, reduce recidivism, and
23 improve the welfare of participants' families by meeting the comprehensive needs of
24 participants.

1 3. The program establishes eligibility criteria for a person's participation. The
2 criteria shall specify that a violent offender is not eligible to participate in the
3 program.

4 4. The program is consistent with the best practices in substance abuse and
5 mental health treatment and provides intensive case management.

6 5. The program uses graduated sanctions and incentives to promote successful
7 substance abuse treatment.

8 6. The program provides holistic treatment to its participants and provides
9 them services that may be needed, as determined under the program, to eliminate
10 or reduce their use of alcohol or other drugs, improve their mental health, facilitate
11 their gainful employment or enhanced education or training, provide them stable
12 housing, facilitate family reunification, ensure payment of child support, and
13 achieve other objectives selected under subd. 10.

14 7. The program is designed to integrate all mental health services provided to
15 program participants by state and local government agencies and other
16 organizations. The program shall require regular communication between a
17 participant's substance abuse treatment providers and any probation, extended
18 supervision, and parole agent assigned to the participant.

19 8. The program provides substance abuse and mental health treatment
20 services through providers that are certified by the department of health and family
21 services.

22 9. The program requires participants to pay a reasonable amount for their
23 treatment, based on their income and available assets.

24 10. The program is developed with input from one or more circuit court judges,
25 the district attorney, the state public defender, local law enforcement officials, the

1 county department, other county agencies responsible for providing social services,
2 including services relating to child welfare, mental health, and the Wisconsin works
3 program, the departments of corrections and health and family services, private
4 social services agencies, and substance abuse treatment providers.

5 11. The county department complies with other eligibility requirements
6 established by the office to promote the objectives listed in subds. 1. and 2.

7 (d) A county department for a county with a population of 500,000 or more shall
8 apply for a grant from the office under par. (b). After ensuring that the county
9 department's program meets the requirements of par. (c), the office shall award the
10 county department a grant under par. (a).

11 (e) In selecting among competing grant proposals from county departments
12 other than a county department applying under par. (d), the office shall give priority
13 to counties that have the largest number of residents in state prisons as a result of
14 crimes or violations of extended supervision, parole, or probation relating to the
15 abuse of alcohol or other drugs.

16 (f) 1. A county department that receives a grant under this subsection shall
17 create an oversight committee to advise the county department in administering and
18 evaluating its program. Each committee shall consist of a circuit court judge, the
19 district attorney or his or her designee, the state public defender or his or her
20 designee, a local law enforcement official, a representative of the county department,
21 a representative of each other county agency responsible for providing social
22 services, including services relating to child welfare, mental health, and the
23 Wisconsin works program, representatives of the departments of corrections and
24 health and family services, a representative from private social services agencies, a

1 representative of substance abuse treatment providers, and other members to be
2 determined by the county department.

3 2. A county department that receives a grant under this subsection shall
4 comply with state audits and shall submit an annual report to the office regarding
5 the impact of the program on jail and prison populations.

6 (g) Two or more county departments may jointly apply for and receive a grant
7 under this subsection. If county departments submit a joint application, they shall
8 include with their application a written agreement specifying each county
9 department's role in developing, administering, and evaluating the program. The
10 oversight committee established under par. (c) shall consist of representatives from
11 each county department.

12 (gm) Grants provided under this subsection shall be provided on a calendar
13 year basis beginning on January 1, 2005.

14 (h) The office shall assist a county department receiving grants under this
15 subsection in obtaining funding from other sources for its program.

16 (i) The office shall inform any county department that is applying for a grant
17 under this subsection whether the county department meets the requirements
18 established under par. (c), regardless of whether the county department receives a
19 grant.

20 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
21 the following amounts for the purposes indicated:

2003–04 2004–05

20.505 Administration, department of

(6) OFFICE OF JUSTICE ASSISTANCE

(e) Alternatives to prosecution and

incarceration for persons who

use alcohol or other drugs GPR A –0– –0–

SECTION 3. 20.505 (6) (e) of the statutes is created to read:

20.505 (6) (e) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs.* The amounts in the schedule for making grants to counties under s. 16.964 (10).

SECTION 4. 20.505 (6) (kv) of the statutes is created to read:

20.505 (6) (kv) *Grants for substance abuse treatment programs for criminal offenders.* All moneys received from the departments of corrections and health and family services that are provided to enable the office to make grants to counties under s. 16.964 (10) for the purpose of making such grants.

SECTION 5. 20.505 (6) (kv) of the statutes, as created by 2003 Wisconsin Act (this act), is repealed.

SECTION 6. 302.43 of the statutes is amended to read:

302.43 Good time. Every inmate of a county jail is eligible to earn good time in the amount of one-fourth of his or her term for good behavior if sentenced to at least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects or refuses to perform any duty lawfully required of him or her, may be deprived by

1 the sheriff of good time under this section, except that the sheriff shall not deprive
2 the inmate of more than 2 days good time for any one offense without the approval
3 of the court. An inmate who files an action or special proceeding, including a petition
4 for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of
5 the number of days of good time specified in the court order prepared under s. 807.15
6 (3). This section does not apply to a person who is confined in the county jail in
7 connection with his or her participation in a substance abuse treatment program
8 that meets the requirements of s. 16.964 (10) (c), as determined by the office of justice
9 assistance under s. 16.964 (10) (i).

10 **SECTION 7.** 961.472 (5) of the statutes is repealed and recreated to read:

11 961.472 (5) The court is not required to enter an order under sub. (2) if any of
12 the following applies:

13 (a) The court finds that the person is already covered by or has recently
14 completed an assessment under this section or a substantially similar assessment.

15 (b) The person is participating in a substance abuse treatment program that
16 meets the requirements of s. 16.964 (10) (c), as determined by the office of justice
17 assistance under s. 16.964 (10) (i).

18 **SECTION 8.** 967.11 of the statutes is created to read:

19 **967.11 Alternatives to prosecution and incarceration; monitoring**
20 **participants. (1)** In this section, “approved substance abuse treatment program”
21 means a substance abuse treatment program that meets the requirements of s.
22 16.964 (10) (c), as determined by the office of justice assistance under s. 16.964 (10)
23 (i).

24 **(2)** If a county department establishes an approved substance abuse treatment
25 program and the program authorizes the use of electronic monitoring or day

1 reporting programs, a court or a district attorney may require a person participating
2 in an approved substance abuse treatment program to submit to electronic
3 monitoring or to participate in a day reporting program as a condition of
4 participation.

5 **SECTION 9.** 973.032 (6) of the statutes is amended to read:

6 973.032 **(6)** CREDIT. Any sentence credit under s. 973.155 (1) or (1m) applies
7 toward service of the period under sub. (3) (a) but does not apply toward service of
8 the period under sub. (3) (b).

9 **SECTION 10.** 973.155 (1) (b) of the statutes is amended to read:

10 973.155 **(1)** (b) The categories in par. (a) and sub. (1m) include custody of the
11 convicted offender which is in whole or in part the result of a probation, extended
12 supervision or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10
13 (2) placed upon the person for the same course of conduct as that resulting in the new
14 conviction.

15 **SECTION 11.** 973.155 (1m) of the statutes is created to read:

16 973.155 **(1m)** A convicted offender shall be given credit toward the service of
17 his or her sentence for all days spent in custody as part of a substance abuse
18 treatment program that meets the requirements of s. 16.964 (10) (c), as determined
19 by the office of justice assistance under s. 16.964 (10) (i) for any offense arising out
20 of the course of conduct that led to the person's placement in that program.

21 **SECTION 12.** 973.155 (3) of the statutes is amended to read:

22 973.155 **(3)** The credit provided in sub. (1) or (1m) shall be computed as if the
23 convicted offender had served such time in the institution to which he or she has been
24 sentenced.

25 **SECTION 13. Nonstatutory provisions.**

