

2003 DRAFTING REQUEST

Bill

Received: **01/27/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-3420**

By/Representing: **Johnston**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - victims
Justice - criminal**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Johnston - BB0452,

Topic:

Crime victim compensation

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mdsida 02/02/2003	wjackson 02/03/2003		_____			
/1			rschluet 02/03/2003	_____	lrb_docadmin 02/03/2003		State
/2	mdsida	wjackson	jfrantze	_____	amentkow		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/06/2003	02/06/2003	02/06/2003 _____		02/06/2003		

FE Sent For:

<END>

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/P1	mdsida 02/02/2003	wjackson 02/03/2003					
/1			rschluet 02/03/2003		lrb_docadmin 02/03/2003		State

Handwritten signatures and initials:
 rschluet (with date 2/6)
 Sclb (with date 2/6)

FE Sent För:

<END>

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Justice - criminal

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Instructions:

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/P1	mdsida	1 WLj 2/3					
			2-3-3				

FE Sent For:

<END>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: January 26, 2003

To: Steve Miller, LRB

1788

From: Jim Johnston, DOA
266-3420

Subject: Biennial Budget Request Statutory Language Draft – Department of Justice Crime Victim Compensation

Please draft language to amend the computation of crime victims awards to increase the Department of Justice's flexibility in determining which funding sources to use for awards and increase the funding for awards by directing that restitution and subrogation awards go to victims of crime.

Amend or delete s. 949.06 (5) to accomplish the intent of increasing DOJ's flexibility in making awards to victims. The language in s.949.06 (5) should be changed to allow the compensation payments, being made to victims and providers, to be made from all of the allocated and authorized funds from which claims can be paid. The goal is to prevent the program from carrying over these financial obligations to the subsequent federal fiscal year because of restrictions that only allow the federal appropriation to be used as compensation for certain losses, and/or to provide certain levels of compensation.

Second, create statutory authority to allow *restitution and subrogation* moneys received on behalf of crime victims to be retained in an appropriation that would be used to compensate victims instead of going to the General Fund. I believe a new PR continuing appropriation for *restitution and subrogation* under s.20.455 (5) will be needed to accomplish the intent of this provision.

Dsida, Michael

From: Johnston, James
Sent: Thursday, January 30, 2003 9:01 PM
To: Dsida, Michael
Subject: FW: Crime victim awards

FYI

Sorry I didn't get back to you sooner. I'll call tomorrow to discuss your questions.

-----Original Message-----

From: Benjamin, Jack R.
Sent: Thursday, January 30, 2003 5:14 PM
To: Johnston, James; Mukasa, Roger
Subject: RE: Crime victim awards

Hi. I'm not sure I understand Mike's questions. Did the draft from a previous session, that I FAXed to you yesterday, help? My concept is essentially to take restitution and subrogation moneys otherwise currently going to the general fund and make them available for payment as victim compensation from a new PR appropriation. This would apply to restitution ordered in all cases where victims eligible for compensation by us are involved. So, I assume it would pertain whether victims have already been compensated by us (his first question); or, prospectively, whether restitution has not yet been paid. It is unclear to me how this would effect the clerks of court. And, of course, the bonus from all this is to show the feds we are spending more on compensation--i.e. the restitution/subrogation \$ now going to the GF--and thereby get 40% of that "more" in added fed awards. Call me tomorrow if you need more. Thanks.

Jack

-----Original Message-----

From: Johnston, James
Sent: Wednesday, January 29, 2003 3:15 PM
To: Benjamin, Jack R.; Mukasa, Roger
Subject: FW: Crime victim awards

Please review and let's discuss.

-----Original Message-----

From: Dsida, Michael
Sent: Tuesday, January 28, 2003 9:09 AM
To: Johnston, James
Subject: Crime victim awards

Jim-

Do the changes regarding how the money is handled (i.e., through the new PR account) only apply to cases in which the victim has already been paid? See s. 973.20 (9). Or do they also apply to cases in which the restitution has not yet been paid? If it's the latter, will the changes cover cases that are currently handled by clerks of court?

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us

CORRESPONDENCE/MEMORANDUM

DEPARTMENT OF JUSTICE

Date: September 10, 1998

To: Drafting Attorneys
Legislative Reference Bureau

From: Jack Benjamin
Department of Justice

Subject: 1999-01 BUDGET BILL: Restitution and Subrogation Moneys for Crime
Victim Compensation

*1/29/03
Roger B. M.
Previous drafting
request.
JTB*

The Department of Justice requests that language be drafted for the 1999-01 budget bill, relating to the manner in which certain restitution or subrogation payments are accounted for. Currently, sec. 973.20(9) requires restitution to be paid to the General Fund. Our intent is to allow amounts received as restitution or subrogation in crime victim compensation cases to be retained in the victim compensation program. Our rationale is described in the attachment. In addition to amending sec. 973.20(9), accomplishing our objective may also require revisions to sec. 20.001(4) and (5) and 949.15.

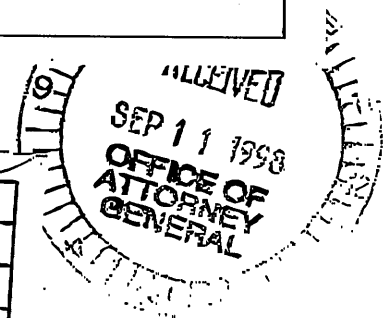
We submitted essentially the same request in the 1997-99 budget process; copy attached. To no avail, as I recall. The last LFB draft in my file, on this subject, is attached. I'm not sure we ever responded to the questions in the drafter's note. At this time, my responses would be: (1) to question #1—the proposed approach is fine; (2) to question #2—I'm not sure, but I will ask someone in OCVS or Legal Services to look at the issue; and (3) to question #3—fine.

Please direct any questions of an accounting nature—because this is, essentially, an accounting issue—to Dan Oakland, our Fiscal Services Chief, at 6-2609. When ready, the draft language should be forwarded to Kelly Kennedy (6-1221) in the Attorney General's capitol office. Thanks.

cc: Andy Cohn
Kelly Kennedy
Dan Oakland
Gretchen MacDonald

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 5
To Mike Dsrda	From J. Benjamin	
Co. LRB	Co. DOJ	
Dept.	Phone # 7-6714	
Fax # 4-6948	Fax #	

Post-It® Fax Note 7671		Date 1/29	# of pages ▶ 5
To Roger M. Kasa	From J. Benjamin		
Co./Dept. BOA	Co. DOJ		
Phone #	Phone # 7-6714		
Fax # 7-0372	Fax #		



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

LRB-0227/P1dn
JEO:jlg:jf

Friday, September 18, 1998

*1/29/09
Roger/Tim
Previous draft.
JEO*

This is a redraft of 1997 LRB-0385. Please review this draft carefully to make sure that it does what you want it to do. When reviewing this draft, please note the following:

1. As I noted last session, because s. 20.455 (5) (b), stats., is funded with general purpose revenue, the draft cannot simply provide for the deposit into that appropriation of restitution payments that satisfy DOJ subrogation claims. See s. 20.001 (2) (a), stats. Instead, the draft creates proposed s. 20.455 (5) (hm), a program revenue appropriation account (see s. 20.001 (2) (b)) into which those restitution payments are deposited. The draft then provides that the money in that program revenue appropriation account can be used only for awards under ch. 949. The draft also amends s. 20.455 (5) (b), stats., to provide that money can be expended from that account only if the money in the new program revenue appropriation is insufficient to pay awards.

2. Section 973.20 (9) (a), stats., seems to create a right of subrogation simply on payment of an award under ch. 949; on the other hand, s. 973.20 (9) (b), stats., seems to require DOJ to be subrogated under s. 949.15, stats., which suggests that DOJ is subrogated only if an award under ch. 949 is based on an event "that creates a cause of action on the part of a claimant against any person". See s. 949.15 (1), stats. Is there a conflict between these 2 provisions (s. 973.20 (9) (a) and (b), stats.), that needs resolution or is it the case that every ch. 949 award is based on an event that gives a claimant a cause of action? (Jack Benjamin said he would have someone at Legal Services or OCVS look at this issue.)

3. This draft makes changes to s. 973.20 (9) (b), stats., that were suggested by Jeffery Kuesel, our appropriations guru. Section 973.20 (9) (b), stats., currently says that the defendant makes payments to the general fund. However, people do not generally make payments to the general fund; instead, they pay a clerk of court or an appropriate state agency, who then deposits the receipts into the appropriate fund for crediting to the appropriate account, if any. This draft changes s. 973.20 (9) (b), stats., so that it conforms to the standard way that the state takes in money.

Please let me know if you have any questions or redrafting instructions.

Jefren E. Olsen
Legislative Attorney
266-8906

b. The Narcotics Buy Fund Appropriation: The DOJ proposes to create an **annual** appropriation, funded by a portion of restitution ordered in narcotics enforcement cases, and to set annual spending authority at \$25,000.

cc: James T. Johnston

Plc to Roger -

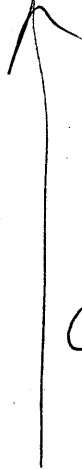
Add this

to

1st 25K

to

crime vict. awards



Crime Victim draft.
rest to



State of Wisconsin
1999 - 2000 LEGISLATURE

1788/1
LRB-~~11212~~
mgd: ~~PROJ~~
Wlj:

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: Please
proof amended
stats. w/ stats.

DO NOT GEN

the budget

1 **AN ACT ...; relating to** ~~restitution for victims of crime, compensation awards to~~
2 ~~victims of crime and making an appropriation~~

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

STATE FINANCE ✓

DOJ

Under current law, the department of justice (DOJ) makes crime victim compensation awards to ~~persons who are~~ the victims of certain crimes. In addition, when sentencing a person convicted of a crime, a judge may order the person to make restitution to the victim of the crime. If a person is ordered to make restitution to a victim of his or her crime and the victim also received a crime victim compensation award for that crime, DOJ is entitled to be reimbursed from the person's restitution payments for the amount of the crime victim compensation award. Restitution that is paid to DOJ as reimbursement for crime victim compensation awards is currently deposited into the general fund.

This bill provides that, instead of being deposited into the general fund, restitution that is paid to DOJ as reimbursement for crime victim compensation awards is to be deposited into a specific appropriation account that is to be used to fund crime victim compensation awards.

AN. INSUR
②

1999 - 2000 Legislature

- 2 -

LRB-0227/P1
JEO:jlg:jf

INS 2/0

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

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

1 SECTION 1. 20.455 (5) (b) of the statutes is amended to read:

2 20.455 (5) (b) *Awards for victims of crimes.* The amounts in the schedule for
3 the payment of compensation and funeral and burial expenses awards to the victims
4 of crimes under ch. 949. No moneys may be expended under this paragraph for the
5 payment of compensation and funeral and burial expenses awards to the victims of
6 crime under ch. 949 unless moneys appropriated under par. (hm) are insufficient for
7 the purposes specified under that paragraph.

1/20/03
w/...

is this needed?

8 SECTION 2. 20.455 (5) (hm) of the statutes is created to read:

9 20.455 (5) (hm) *Subrogation payments for awards for victims of crimes.* All
10 moneys received from restitution ordered under s. 973.20 (9) (b) to pay for
11 compensation and funeral and burial expenses awards to the victims of crime under
12 ch. 949. INS 2/12A

INS 2/12B

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 SECTION 3. 949.06 (5) (a) of the statutes is amended to read:

14 949.06 (5) (a) Except as provided in pars. (b) to (e), the department shall make
15 awards under this section from the appropriations under s. 20.455 (5) (b), (hm), (kj)
16 and (m).

17 SECTION 4. 949.15 (1) of the statutes is amended to read:

18 949.15 (1) Whenever the department orders the payment of an award under
19 this chapter as a result of the occurrence of an event that creates a cause of action
20 on the part of a claimant against any person, the department is subrogated to the

1999 - 2000 Legislature

- 3 -

LRB-0227/P1
JEOjlg:jf
SECTION 4

1 rights of the claimant and may bring an action against the person for the amount of
 2 the damages sustained by the claimant. If an amount greater than that paid under
 3 the award order is recovered and collected in any such action, the department shall
 4 pay the balance to the claimant. If the person responsible for the injury or death has
 5 previously made restitution payments to the general fund under s. 973.20 (9) (b), any
 6 judgment obtained by the department under this section shall be reduced by the
 7 amount of the restitution payments to the general fund that the person made under
 8 s. 973.20 (9) (b).

9 SECTION 5. 973.20 (9) (b) of the statutes is amended to read:

10 973.20 (9) (b) When a court orders a defendant to pay restitution is ordered
 11 under this section, the court shall inquire to see if an award has been made under
 12 ch. 949 and if the department of justice is subrogated to the cause of action under s.
 13 949.15. If the ~~restitution defendant~~ is ordered to pay restitution in an amount that
 14 is less than or equal to the award under ch. 949, the defendant shall pay the
 15 restitution shall be paid only to the general fund department of justice and the
 16 restitution payments shall be credited to the appropriation account under s. 20.455
 17 (5)(hm). If the ~~restitution defendant~~ is ordered to pay restitution in an amount that
 18 is greater than the award under ch. 949, the ^{plain space} ~~general fund~~ shall receive defendant
 19 shall pay the department of justice an amount equal to the award under ch. 949,
 20 which amount shall be credited to the appropriation account under s. 20.455 (5) (hm),
 21 and the defendant shall pay the balance shall be paid to the victim.

22

(END)

1 analysis Insert

(No ff)

This bill also eliminates restrictions contained in current law that prevent state funds from being used to pay certain parts of crime victim awards. Under this bill, either state or federal funding may be used to pay for any part of an award.

OTHER STATE GOVERNMENT ✓

This bill creates an appropriation, funded from restitution paid in illegal drug cases, that DOJ may use in purchasing drugs in investigating drug crimes.

2 Insert 2/0

3 SECTION [#] 20.455 (2) (kf) [↓] of the statutes is created to read:

4 20.455 (2) (kf) *Narcotics purchase appropriation*. The amounts in the schedule
5 for the purchase of controlled substances in investigating violations of ch. 961. All
6 moneys transferred from s. 20.455 (5) (hm) for the purpose of this appropriation shall
7 be credited to this appropriation account.

NOTE: bud →

History: 1989 a. 31, 117, 122; 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 448; 1999 a. 9; 2001 a. 16.

8 Insert 2/12A

(9)

(No ff)

9 and ^{STET} ~~for transferring~~ to the appropriation account under s. 20.455 (2) (kf) the
10 amounts in the schedule under s. 20.455 (2) (kf) or the amount of restitution received
11 under this paragraph [↓] from cases brought under ch. 961[↓], whichever is less.

12 Insert 2/12B

13 SECTION [#] 949.02^x of the statutes is amended to read:

14 **949.02 Administration.** The department shall administer this chapter. The
15 department shall appoint a program director to assist in administering this chapter.
16 The department shall promulgate rules for the implementation and operation of this
17 chapter. The rules shall include procedures to ensure that any limitation of an award
18 under s. 949.06 (5) (e) is calculated in a fair and equitable manner.

History: 1975 c. 344; 1979 c. 189; 1985 a. 242.

19 SECTION [#] 949.06 (5) [↓] of the statutes is repealed.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1788/02
MGD:wlj:rs

DOA:.....Johnston - BB0000, Crime victim compensation

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

Do Not Gen

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

Analysis by the Legislative Reference Bureau

~~STATE GOVERNMENT~~

CRIMES ✓

~~STATE FINANCE~~

Under current law, DOJ makes crime victim compensation awards to victims of certain crimes. In addition, when sentencing a person convicted of a crime, a judge may order the person to make restitution to the victim of the crime. If a person is ordered to make restitution to a victim of his or her crime, and the victim also received a crime victim compensation award for that crime, DOJ is entitled to be reimbursed from the person's restitution payments for the amount of the crime victim compensation award. Restitution that is paid to DOJ as reimbursement for crime victim compensation awards is currently deposited into the general fund.

This bill provides that, instead of being deposited into the general fund, restitution that is paid to DOJ as reimbursement for crime victim compensation awards is to be deposited into a specific appropriation account that is to be used to fund crime victim compensation awards. This bill also eliminates restrictions contained in current law that prevent state funds from being used to pay certain parts of crime victim awards. Under this bill, either state or federal funding may be used to pay for any part of an award.

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This bill creates an appropriation, funded from restitution paid in illegal drug cases, that DOJ may use in purchasing drugs in investigating drug crimes.

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

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

1 **SECTION 1.** 20.455 (2) (kf) of the statutes is created to read:

2 20.455 (2) (kf) *Narcotics purchase appropriation.* The amounts in the schedule
3 for the purchase of controlled substances in investigating violations of ch. 961. All
4 moneys transferred from s. 20.455 (5) (hm) for the purpose of this appropriation shall
5 be credited to this appropriation account.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 2.** 20.455 (5) (hm) of the statutes is created to read:

7 20.455 (5) (hm) *Subrogation payments for awards for victims of crimes.* All
8 moneys received from restitution under s. 973.20 (9) (b) to pay for awards to the
9 victims of crime under ch. 949, and for transferring to the appropriation account
10 under s. 20.455 (2) (kf) the amounts in the schedule under s. 20.455 (2) (kf) or the
11 amount of restitution received under this paragraph from cases brought under ch.
12 961, whichever is less.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 3.** 949.02 of the statutes is amended to read:

14 **949.02 Administration.** The department shall administer this chapter. The
15 department shall appoint a program director to assist in administering this chapter.
16 The department shall promulgate rules for the implementation and operation of this
17 chapter. The rules shall include procedures to ensure that any limitation of an award
18 under s. 949.06 (5) (e) is calculated in a fair and equitable manner.

19 **SECTION 4.** 949.06 (5) of the statutes is repealed.

1 **SECTION 5.** 949.15 (1) of the statutes is amended to read:

2 949.15 (1) Whenever the department orders the payment of an award under
3 this chapter as a result of the occurrence of an event that creates a cause of action
4 on the part of a claimant against any person, the department is subrogated to the
5 rights of the claimant and may bring an action against the person for the amount of
6 the damages sustained by the claimant. If an amount greater than that paid under
7 the award order is recovered and collected in any such action, the department shall
8 pay the balance to the claimant. If the person responsible for the injury or death has
9 previously made restitution payments ~~to the general fund~~ under s. 973.20 (9) (b), any
10 judgment obtained by the department under this section shall be reduced by the
11 amount of the restitution payments ~~to the general fund~~ that the person made under
12 s. 973.20 (9) (b).

13 **SECTION 6.** 973.20 (9) (b) of the statutes is amended to read:

14 973.20 (9) (b) When a court orders a defendant to pay restitution is ordered
15 under this section, the court shall inquire to see if an award has been made under
16 ch. 949 and if the department of justice is subrogated to the cause of action under s.
17 949.15. If the ~~restitution~~ defendant is ordered to pay restitution in an amount that
18 is less than or equal to the award under ch. 949, the defendant shall pay the
19 restitution shall be paid only to the general fund department of justice and the
20 restitution payments shall be credited to the appropriation account under s. 20.455
21 (5) (hm). If the ~~restitution~~ defendant is ordered to pay restitution in an amount that
22 is greater than the award under ch. 949, the general fund shall receive defendant
23 shall pay the department of justice an amount equal to the award under ch. 949,

1 which amount shall be credited to the appropriation account under s. 20.455 (5) (hm),
2 and the defendant shall pay the balance ~~shall be paid~~ to the victim.

3 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1788/2
MGD:wlj:jf

DOA:.....Johnston – BB0452, Crime victim compensation

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

CRIMES

Under current law, DOJ makes crime victim compensation awards to victims of certain crimes. In addition, when sentencing a person convicted of a crime, a judge may order the person to make restitution to the victim of the crime. If a person is ordered to make restitution to a victim of his or her crime, and the victim also received a crime victim compensation award for that crime, DOJ is entitled to be reimbursed from the person's restitution payments for the amount of the crime victim compensation award. Restitution that is paid to DOJ as reimbursement for crime victim compensation awards is currently deposited into the general fund.

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OTHER STATE GOVERNMENT

This bill creates an appropriation, funded from restitution paid in illegal drug cases, that DOJ may use in purchasing drugs in investigating drug crimes.

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

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

1 **SECTION 1.** 20.455 (2) (kf) of the statutes is created to read:

2 20.455 (2) (kf) *Narcotics purchase appropriation.* The amounts in the schedule
3 for the purchase of controlled substances in investigating violations of ch. 961. All
4 moneys transferred from s. 20.455 (5) (hm) for the purpose of this appropriation shall
5 be credited to this appropriation account.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 2.** 20.455 (5) (hm) of the statutes is created to read:

7 20.455 (5) (hm) *Subrogation payments for awards for victims of crimes.* All
8 moneys received from restitution under s. 973.20 (9) (b) to pay for awards to the
9 victims of crime under ch. 949, and for transferring to the appropriation account
10 under s. 20.455 (2) (kf) the amounts in the schedule under s. 20.455 (2) (kf) or the
11 amount of restitution received under this paragraph from cases brought under ch.
12 961, whichever is less.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 3.** 949.02 of the statutes is amended to read:

14 **949.02 Administration.** The department shall administer this chapter. The
15 department shall appoint a program director to assist in administering this chapter.
16 The department shall promulgate rules for the implementation and operation of this
17 chapter. The rules shall include procedures to ensure that any limitation of an award
18 ~~under s. 949.06 (5) (e)~~ is calculated in a fair and equitable manner.

19 **SECTION 4.** 949.06 (5) of the statutes is repealed.

1 **SECTION 5.** 949.15 (1) of the statutes is amended to read:

2 949.15 (1) Whenever the department orders the payment of an award under
3 this chapter as a result of the occurrence of an event that creates a cause of action
4 on the part of a claimant against any person, the department is subrogated to the
5 rights of the claimant and may bring an action against the person for the amount of
6 the damages sustained by the claimant. If an amount greater than that paid under
7 the award order is recovered and collected in any such action, the department shall
8 pay the balance to the claimant. If the person responsible for the injury or death has
9 previously made restitution payments ~~to the general fund~~ under s. 973.20 (9) (b), any
10 judgment obtained by the department under this section shall be reduced by the
11 amount of the restitution payments ~~to the general fund~~ that the person made under
12 s. 973.20 (9) (b).

13 **SECTION 6.** 973.20 (9) (b) of the statutes is amended to read:

14 973.20 (9) (b) When a court orders a defendant to pay restitution is ordered
15 under this section, the court shall inquire to see if an award has been made under
16 ch. 949 and if the department of justice is subrogated to the cause of action under s.
17 949.15. If the restitution defendant is ordered to pay restitution in an amount that
18 is less than or equal to the award under ch. 949, the defendant shall pay the
19 restitution shall be paid only to the general fund department of justice and the
20 restitution payments shall be credited to the appropriation account under s. 20.455
21 (5) (hm). If the restitution defendant is ordered to pay restitution in an amount that
22 is greater than the award under ch. 949, the general fund shall receive defendant
23 shall pay the department of justice an amount equal to the award under ch. 949,

1 which amount shall be credited to the appropriation account under s. 20.455 (5) (hm),

2 and the defendant shall pay the balance ~~shall be paid~~ to the victim.

3 (END)