

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB44)**

Received: **05/05/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Onsager**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous  
Criminal Law - law enforcement  
Criminal Law - miscellaneous**

Extra Copies: **MGD**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

LFB:.....Onsager (Paul)-

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**Topic:**

Penalty assessment

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**Instructions:**

LFB Budget Paper #120, alternatives 1 and 3

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**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>
/?							
/1	rryan 05/06/2003	wjackson 05/07/2003	pgreensl 05/07/2003	_____	sbasford 05/07/2003		
/2	rryan 05/13/2003	wjackson 05/13/2003	chaskett 05/14/2003	_____	sbasford 05/14/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	rryan 05/23/2003	wjackson 05/27/2003	rschluet 05/27/2003	_____	sbasford 05/27/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 05/05/2003

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Paul Onsager

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May Contact:

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Criminal Law - miscellaneous

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Pre Topic:

LFB:.....Paul Onsager -

Topic:

Penalty assessment

Instructions:

LFB Budget Paper #120, alternatives 1 and 3

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Handwritten signature and date 5-27-03

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13 WLj 5/27

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2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 05/05/2003

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Paul Onsager

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous  
Criminal Law - law enforcement  
Criminal Law - miscellaneous

Extra Copies: MGD

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Pre Topic:

LFB:.....Paul Onsager -

Topic:

Penalty assessment

Instructions:

LFB Budget Paper #120, alternatives 1 and 3

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/?				pg/cph 5/11			
/1	rryan 05/06/2003	wjackson 05/07/2003	pgreensl 05/07/2003		sbasford 05/07/2003		

FE Sent For: 1/2 WLj 5/13 1/2 cph 5/12

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2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

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For: Legislative Fiscal Bureau

By/Representing: Paul Onsager

This file may be shown to any legislator: NO

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May Contact:

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Subject: Courts - miscellaneous  
Criminal Law - law enforcement  
Criminal Law - miscellaneous

Extra Copies: MGD

Submit via email: YES

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Carbon copy (CC:) to:

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Pre Topic:

LFB:.....Paul Onsager -

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Topic:

Penalty Assessment

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Instructions:

LFB Budget Paper #120, alternatives 1 and 3

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan	1WJ 5/7	7/3 P8	5/7 P5/19K			

FE Sent For:

<END>

**Ryan, Robin**

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**From:** Ryan, Robin  
**Sent:** May 05, 2003 2:41 PM  
**To:** Onsager, Paul  
**Subject:** penalty assessment

how do you want the diversion grant reductions drafted? It will be in a non-stat.  
Should I give the amounts by which the grants are reduced, or just describe how to make the reductions without giving numbers? Should the draft require that the reductions be proportionate for each grant or leave it to OJA to allocate the reduction?

Thanks

Phone call from Paul 5/6/03:  
Give \$ for reductions





## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 1, 2003

Joint Committee on Finance

Paper #120

### Penalty Assessment (DOA -- Office of Justice Assistance)

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#### CURRENT LAW

Whenever a court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or violations of safety belt use), the court also imposes a penalty assessment of 24% of the total fine or forfeiture.

Currently, eleven twenty-fourths of all penalty assessment surcharge revenues are credited to the Department of Justice (DOJ) penalty assessment surcharge receipts appropriation and the remaining thirteen twenty-fourths of all penalty assessment surcharge revenues are credited to the Office of Justice Assistance (OJA) penalty assessment surcharge receipts appropriation.

#### GOVERNOR

No provision.

#### DISCUSSION POINTS

1. Under Chapter 29, Laws of 1977, the Legislature created a penalty assessment surcharge in the amount of 10% of a fine or forfeiture imposed for the violation of state law, or a municipal or county ordinance (except for nonmoving traffic violations). The penalty assessment served as the funding source for the law enforcement training fund (LETF).

2. Over time, both the penalty assessment percentage and the number of uses of the revenues have increased. Penalty assessment revenues credited to DOJ are used to: (a) finance training for state and local law enforcement personnel under LETF; (b) support the administration costs of LETF; and (c) provide funding to cover supplies and laboratory equipment costs of the state

crime laboratories.

3. Penalty assessment revenues credited to OJA are used for: (a) Alcohol and Other Drug Abuse (AODA) programs under the Department of Public Instruction (DPI); (b) the Department of Corrections (DOC) victim services and programs appropriation; (c) correctional officer training under DOC; (d) DOJ's drug enforcement intelligence operations appropriation; (e) DOJ's reimbursement to counties for victim and witness services; (f) District Attorney information technology support (DA-IT); (g) matching funds for federal anti-drug programs under OJA; (h) youth diversion programs under OJA; and (i) training and conferences under the State Public Defender (SPD).

4. The following table summarizes the increases in the penalty assessment surcharge and the uses of penalty assessment revenue since the inception of the surcharge in 1977.

<u>Year</u>	<u>Penalty Assessment Surcharge (% of Fine or Forfeiture)</u>	<u>Distribution of Revenues/Programs Supported</u>
1977	10%	100% DOJ LETF.
1979	12%	83.3% DOJ LETF; 16.7% DPI AODA.
1981	12%	83.3% DOJ LETF; DOJ authorized to transfer some of its funding to DHSS for correctional officer training; 16.7% DPI AODA.
1983	15%	73.3% DOJ LETF; 13.3% DHSS for correctional officer training; 13.4% DPI AODA.
1987	20%	55% DOJ LETF and crime lab equipment; 10% DHSS for correctional officer training; 15% OJA for anti-drug enforcement (state and local) and DHSS for youth diversion; 5% DOJ county-tribal programs; 15% DPI AODA.
1993	22%	49.09% DOJ LETF and crime lab and identification system equipment; 9.09% DOC correctional officer training; 22.7% OJA anti-drug enforcement and DHSS youth diversion; 4.54% DOJ county-tribal programs; 0.91% SPD conferences and training; 13.67% DPI AODA.
1995	23%	49.09% DOJ LETF and crime lab equipment; 9.09% DOC correctional officer training; 22.7% OJA anti-drug enforcement and DHSS youth diversion; 4.54% DOJ county-tribal programs; 0.91% SPD conferences and training; 13.67% DPI AODA.
1999	23%	49.09% DOJ (LETF and crime laboratory equipment and supplies); and 50.91% OJA (various programs as outlined above).
2001	24%	45.83% DOJ (LETF and crime laboratory equipment and supplies); and 54.17% OJA (various programs as outlined above).

5. Under SB 44, the DOJ and OJA penalty assessment receipts appropriations show a cumulative deficit of \$373,400 at the end of 2003-04, and a cumulative balance of \$259,300 at the end of 2004-05.

6. Penalty assessment revenues have now been reestimated using more recent data and revised opening balance projections. The following tables summarize the revised fund condition for each of the DOJ and the OJA penalty assessment revenue receipts appropriations.

**Revised DOJ Penalty Assessment Receipts Appropriation Fund Condition under Governor's 2003-05 Budget Recommendations**

	<u>2003-04</u>	<u>2004-05</u>
<b>Revenues</b>		
Opening balance	-\$327,500	-\$1,116,700
Revenues	<u>8,311,600</u>	<u>8,644,000</u>
Total	\$7,984,100	\$7,527,300
<b>Appropriations and Reserves</b>		
Appropriations	\$9,100,800	\$9,100,800
Program reserves	<u>0</u>	<u>0</u>
Total	\$9,100,800	\$9,100,800
Balance	-\$1,116,700	-\$1,573,500

**Revised OJA Penalty Assessment Receipts Appropriation Fund Condition under Governor's 2003-05 Budget Recommendations**

	<u>2003-04</u>	<u>2004-05</u>
<b>Revenues</b>		
Opening balance	-\$372,500	-\$515,700
Revenues	<u>9,822,700</u>	<u>10,215,600</u>
Total	\$9,450,200	\$9,699,900
<b>Appropriations and Reserves</b>		
Appropriations	\$9,899,100	\$9,783,400
Program reserves	<u>66,800</u>	<u>70,100</u>
Total	\$9,965,900	\$9,853,500
Balance	-\$515,700	-\$153,600

7. As demonstrated in the above tables, if the current allocations of penalty assessment revenues between OJA and DOJ penalty assessment receipts appropriations remain unchanged (54.17% to OJA and 45.83% to DOJ), deficits will be experienced in both appropriations in both fiscal years at the proposed expenditure levels under SB 44. The DOJ deficit is projected to increase over the biennium, while the program position under the OJA appropriation is projected to show some improvement over the biennium.

8. Over 95% of the penalty assessment revenues credited to DOJ's penalty assessment receipts appropriation are utilized by the law enforcement training fund (LETF). Over time, the percentage of penalty assessment revenues dedicated to the LETF has continually declined.

9. The Committee could consider taking action to reverse this trend by allocating 48% of penalty assessment revenues to DOJ. Increasing the allocation of penalty assessment revenues to DOJ's penalty assessment receipts appropriation from 45.83% to 48% would: (a) significantly reduce the deficit affecting the LETF; and (b) bring revenues more nearly into balance with expenditures under these appropriations. The following tables show the revised conditions for the two appropriations, if this modification were adopted by the Committee.

**DOJ Penalty Assessment Receipts Fund Condition If Draw Increased to 48%**

	<u>2003-04</u>	<u>2004-05</u>
<b>Revenues</b>		
Opening balance	-\$327,500	-\$723,800
Revenues	<u>8,704,500</u>	<u>9,052,600</u>
Total	\$8,377,000	\$8,328,800
<b>Appropriations and Reserves</b>		
Appropriations	\$9,100,800	\$9,100,800
Program reserves	<u>0</u>	<u>0</u>
Total	\$9,100,800	\$9,100,800
Balance	-\$723,800	-\$772,000

**OJA Penalty Assessment Receipts Fund Condition If Draw Decreased to 52%**

	<u>2003-04</u>	<u>2004-05</u>
<b>Revenues</b>		
Opening balance	-\$372,500	-\$908,600
Revenues	<u>9,429,800</u>	<u>9,807,000</u>
Total	\$9,057,300	\$8,898,400
<b>Appropriations and Reserves</b>		
Appropriations	\$9,899,100	\$9,783,400
Program reserves	<u>66,800</u>	<u>70,100</u>
Total	\$9,965,900	\$9,853,500
Balance	-\$908,600	-\$955,100

10. Nonetheless, the two appropriations would continue to experience a combined deficit of \$1,727,100 PR by the end of 2004-05. Elimination of the deficit in these appropriations would require a decrease in expenditure authority, an increase to revenues, or a combination of these approaches.

11. A potential source of revenue would be the transfer of the unencumbered balances from appropriations that receive penalty assessment funding. Once amounts are credited to a program revenue appropriation, unencumbered balances at the end of a fiscal year are retained in that appropriation. All the appropriations that receive penalty assessment revenues are annual appropriations. Any unencumbered balances at the end of a fiscal year remain in the respective appropriations, and may not be expended except pursuant to expenditure authority provided by law.

12. The unencumbered penalty assessment balances in these appropriations on June 30, 2003, is projected to be \$620,800 PR. Applying these unencumbered balances (52% to OJA and 48% to DOJ), together with a 1% increase in the penalty assessment (to 25% of the total fine or forfeiture), could permit the Committee to bring both penalty assessment receipt appropriations into balance by the end of the biennium without across-the-board budget reductions. This alternative would generate \$1,352,500 PR in additional revenue over the biennium and would permit the OJA and DOJ receipt appropriations to end the biennium with respective balances of \$71,000 PR and \$175,200 PR.

13. Alternatively, the Committee could consider applying these unencumbered balances, together with across-the-board budget reductions, to bring these penalty assessment receipt appropriations into balance.

14. OJA's youth diversion program appropriation allocates grant funding totaling \$720,000 PR annually in penalty assessment funds to five organizations which provide gang diversion services. The statutes specify how much OJA must annually distribute to these organizations. While this appropriation could be subject to across-the-board budget reductions, nonstatutory language would also be needed to direct OJA to proportionately reduce the required grant awards during the 2003-05 biennium by the percentage reduction to the youth diversion program appropriation.

15. Under current law, there are three appropriations under OJA that receive penalty assessment funds which are used to provide the necessary match for federal anti-drug law enforcement Byrne grant funds distributed to state agencies, to local units of government, and to OJA for administration. The Committee may wish to exempt these appropriations from any across-the-board reductions. For every dollar in penalty assessment funds taken from these appropriations, the state would lose a corresponding three dollars in federal Byrne grant funding during the next biennium.

16. If across-the-board reductions were then applied to all penalty assessment appropriations other than the Byrne match appropriations, 75% of the 2002-03 unencumbered balances were credited to OJA's receipts appropriation and 25% of the 2002-03 unencumbered

balances were credited to DOJ's receipts appropriation, it is estimated that the two penalty assessment receipts appropriations could be brought into balance with the following annual across-the-board reduction amounts: (a) 6.5% in 2003-04; and (b) 0.5% in 2004-05. These action would reduce total expenditure authority by \$1,081,200 PR in 2003-04 and by \$83,200 PR in 2004-05. This alternative would allocate the reductions proportionately to all affected OJA and DOJ programs. Tables A-1 and A-2 identify the changes to penalty assessment appropriations supported by OJA's and DOJ's penalty assessment receipts appropriations if these changes were adopted.

### A-1 OJA Penalty Assessment Receipts Fund Condition

	<u>6.5% ATB Reduction</u>		<u>0.5% ATB Reduction</u>	
	<u>Pre-ATB</u> <u>2003-04</u>	<u>ATB</u> <u>2003-04</u>	<u>Pre-ATB</u> <u>2004-05</u>	<u>ATB</u> <u>2004-05</u>
<b>Revenue</b>				
Opening Balance	-\$372,500	-\$372,500	-\$443,000	\$50,900
Estimated Revenue	9,429,800	9,429,800	9,807,000	9,807,000
Unencumbered 2001-03 Balances	<u>465,600</u>	<u>465,600</u>	<u>0</u>	<u>0</u>
Total Available Revenue	\$9,522,900	\$9,522,900	\$9,364,000	\$9,857,900
<b>Expenditures</b>				
20.255(1)(kd) Alcohol and other drug abuse program	\$800,000	\$748,000	\$800,000	\$796,000
20.255(2)(kd) Aid for alcohol and other drug abuse programs	1,573,500	1,471,200	1,573,500	1,565,600
20.410(1)(kh) Victim services and programs	227,700	212,900	227,700	226,600
20.410(1)(kp) Correctional officer training	1,818,100	1,699,900	1,826,100	1,817,000
20.455(2)(ke) Drug enforcement intelligence operations	1,496,200	1,398,900	1,505,000	1,497,500
20.455(5)(kp) Reimbursement to counties for victim-witness services	773,000	722,800	773,000	769,100
20.505(6)(k) Law enforcement programs, youth diversion-admin.	161,000	161,000	161,000	161,000
20.505(6)(kj) Youth diversion program	720,000	673,200	720,000	716,400
20.505(6)(kp) Byrne, penalty assessment-local	1,445,800	1,445,800	1,449,300	1,449,300
20.505(6)(kt) Byrne, penalty assessment-state	761,100	761,100	625,100	625,100
20.550(1)(kj) Conference and training	<u>122,700</u>	<u>114,700</u>	<u>122,700</u>	<u>122,100</u>
Total Expenditures	\$9,899,100	\$9,409,500	\$9,783,400	\$9,745,700
<b>Supplements &amp; Reserves</b>				
20.410(1)(kh) Victim services and programs	\$66,800	\$62,500	\$70,100	\$69,700
<b>Total Expenditures &amp; Reserves</b>	\$9,965,900	\$9,472,000	\$9,853,500	\$9,815,400
<b>Closing Balance</b>	-\$443,000	\$50,900	-\$489,500	\$42,500

## A-2 DOJ Penalty Assessment Receipts Fund Condition

	6.5% ATB Reduction		0.50% ATB Reduction	
	Pre-ATB	ATB	Pre-ATB	ATB
	2003-04	2003-04	2004-05	2004-05
<b>Revenue</b>				
Opening Balance	-\$327,500	-\$327,500	-\$568,600	\$23,000
Estimated Revenue	8,704,500	8,704,500	9,052,600	9,052,600
Unencumbered 2001-03 Balances	<u>155,200</u>	<u>155,200</u>	<u>0</u>	<u>0</u>
<b>Total Available</b>	<b>\$8,532,200</b>	<b>\$8,532,200</b>	<b>\$8,484,000</b>	<b>\$9,075,600</b>
<b>Expenditures</b>				
20.455(2)(j) Law enforcement training fund, local assistance	5,345,700	4,998,200	5,345,700	5,319,000
20.455(2)(ja) Law enforcement training fund, state operations	3,377,800	3,158,200	3,377,800	3,360,900
20.455(2)(jb) Crime laboratory equipment and supplies	<u>377,300</u>	<u>352,800</u>	<u>377,300</u>	<u>375,400</u>
<b>Total Expenditures</b>	<b>\$9,100,800</b>	<b>\$8,509,200</b>	<b>\$9,100,800</b>	<b>\$9,055,300</b>
<b>Remaining Balance</b>	<b>-\$568,600</b>	<b>\$23,000</b>	<b>-\$616,800</b>	<b>\$20,300</b>

17. If across-the-board reductions were applied to all penalty assessment appropriations other than the Byrne match appropriations, and 100% of the 2002-03 unencumbered balances were credited to OJA's receipts appropriation, it is estimated that the two appropriations could be brought into balance with the following across-the-board reduction amounts: (a) 4% and 0.5%, respectively, to all remaining OJA penalty assessment appropriations in 2003-04 and 2004-05; and (b) 8% and 0.5% respectively to all DOJ penalty assessment appropriations in 2003-04 and 2004-05. These actions would reduce total expenditure authority by \$1,029,200 PR in 2003-04 and by \$83,200 PR in 2004-05. This alternative would allocate the reductions more to DOJ programs. Tables B-1 and B-2 identify the changes to penalty assessment appropriations supported by OJA's and DOJ's penalty assessment receipts appropriations if these changes were adopted.

## B-1 OJA Penalty Assessment Receipts Fund Condition

	<u>4% ATB Reduction</u>		<u>0.5% ATB Reduction</u>	
	Pre-ATB	ATB	Pre-ATB	ATB
	<u>2003-04</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2004-05</u>
<b>Revenue</b>				
Opening Balance	-\$372,500	-\$372,500	-\$287,800	\$16,000
Estimated Revenue	9,429,800	9,429,800	9,807,000	9,807,000
Unencumbered 2001-03 Balances	<u>620,800</u>	<u>620,800</u>	<u>0</u>	<u>0</u>
<b>Total Available Revenue</b>	<b>\$9,678,100</b>	<b>\$9,678,100</b>	<b>\$9,519,200</b>	<b>\$9,823,000</b>
<b>Expenditures</b>				
20.255(1)(kd) Alcohol and other drug abuse program	\$800,000	\$768,000	\$800,000	\$796,000
20.255(2)(kd) Aid for alcohol and other drug abuse programs	1,573,500	1,510,600	1,573,500	1,565,600
20.410(1)(kh) Victim services and programs	227,700	218,600	227,700	226,600
20.410(1)(kp) Correctional officer training	1,818,100	1,745,400	1,826,100	1,817,000
20.455(2)(ke) Drug enforcement intelligence operations	1,496,200	1,436,400	1,505,000	1,497,500
20.455(5)(kp) Reimbursement to counties for victim-witness services	773,000	742,100	773,000	769,100
20.505(6)(k) Law enforcement programs, youth diversion-admin.	161,000	161,000	161,000	161,000
20.505(6)(kj) Youth diversion program	720,000	691,200	720,000	716,400
20.505(6)(kp) Byrne, penalty assessment-local	1,445,800	1,445,800	1,449,300	1,449,300
20.505(6)(kt) Byrne, penalty assessment-state	761,100	761,100	625,100	625,100
20.550(1)(kj) Conference and training	<u>122,700</u>	<u>117,800</u>	<u>122,700</u>	<u>122,100</u>
<b>Total Expenditures</b>	<b>\$9,899,100</b>	<b>\$9,598,000</b>	<b>\$9,783,400</b>	<b>\$9,745,700</b>
<b>Supplements &amp; Reserves</b>				
20.410(1)(kh) Victim services and programs	\$66,800	\$64,100	\$70,100	\$69,700
<b>Total Expenditures &amp; Reserves</b>	<b>\$9,965,900</b>	<b>\$9,662,100</b>	<b>\$9,853,500</b>	<b>\$9,815,400</b>
<b>Closing Balance</b>	<b>-\$287,800</b>	<b>\$16,000</b>	<b>-\$334,300</b>	<b>\$7,600</b>

## B-2 DOJ Penalty Assessment Receipts Fund Condition

	<u>8% ATB Reduction</u>		<u>0.5% ATB Reduction</u>	
	Pre-ATB	ATB	Pre-ATB	ATB
	<u>2003-04</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2004-05</u>
<b>Revenue</b>				
Opening Balance	-\$327,500	-\$327,500	-\$723,800	\$4,300
Estimated Revenue	8,704,500	8,704,500	9,052,600	9,052,600
Unencumbered 2001-03 Balances	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total Available</b>	<b>\$8,377,000</b>	<b>\$8,377,000</b>	<b>\$8,328,800</b>	<b>\$9,056,900</b>
<b>Expenditures</b>				
20.455(2)(j) Law enforcement training fund, local assistance	\$5,345,700	\$4,918,000	\$5,345,700	\$5,319,000
20.455(2)(ja) Law enforcement training fund, state operations	3,377,800	3,107,600	3,377,800	3,360,900
20.455(2)(jb) Crime laboratory equipment and supplies	<u>377,300</u>	<u>347,100</u>	<u>377,300</u>	<u>375,400</u>
<b>Total Expenditures</b>	<b>\$9,100,800</b>	<b>\$8,372,700</b>	<b>\$9,100,800</b>	<b>\$9,055,300</b>
<b>Remaining Balance</b>	<b>-\$723,800</b>	<b>\$4,300</b>	<b>-\$772,000</b>	<b>\$1,600</b>



18. Finally, if across-the-board reductions were applied to all penalty assessment appropriations other than the Byrne match appropriations, and 100% of the 2002-03 unencumbered balances were credited to DOJ's receipts appropriation, it is estimated that the two appropriations could be brought into balance with the following across-the-board reduction amounts: (a) 12% and 1.0%, respectively, to all remaining OJA penalty assessment appropriations in 2003-04 and 2004-05; and (b) 1.5% and 0.5%, respectively, to all DOJ penalty assessment appropriations in 2003-04 and 2004-05. This action would reduce total expenditure authority by \$1,040,300 PR in 2003-04 and by \$120,900 PR in 2004-05. This alternative would allocate the reductions more to OJA programs. Tables C-1 and C-2 identify the changes to penalty assessment appropriations supported by OJA's and DOJ's penalty assessment receipts appropriations if these changes were adopted.

### C-1 OJA Penalty Assessment Receipts Fund Condition

	<u>12% ATB Reduction</u>		<u>1.0% ATB Reduction</u>	
	Pre-ATB <u>2003-04</u>	ATB <u>2003-04</u>	Pre-ATB <u>2004-05</u>	ATB <u>2004-05</u>
<b>Revenue</b>				
Opening Balance	-\$372,500	-\$372,500	-\$908,600	\$3,100
Estimated Revenue	9,429,800	9,429,800	9,807,000	9,807,000
Unencumbered 2001-03 Balances	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total Available Revenue</b>	<b>\$9,057,300</b>	<b>\$9,057,300</b>	<b>\$8,898,400</b>	<b>\$9,810,100</b>
<b>Expenditures</b>				
20.255(1)(kd) Alcohol and other drug abuse program	\$800,000	\$704,000	\$800,000	\$792,000
20.255(2)(kd) Aid for alcohol and other drug abuse programs	1,573,500	1,384,700	1,573,500	1,557,800
20.410(1)(kh) Victim services and programs	227,700	200,400	227,700	225,400
20.410(1)(kp) Correctional officer training	1,818,100	1,599,900	1,826,100	1,807,800
20.455(2)(ke) Drug enforcement intelligence operations	1,496,200	1,316,700	1,505,000	1,490,000
20.455(5)(kp) Reimbursement to counties for victim-witness services	773,000	680,200	773,000	765,300
20.505(6)(k) Law enforcement programs, youth diversion-admin.	161,000	161,000	161,000	161,000
20.505(6)(kj) Youth diversion program	720,000	633,600	720,000	712,800
20.505(6)(kp) Byrne, penalty assessment-local	1,445,800	1,445,800	1,449,300	1,449,300
20.505(6)(kt) Byrne, penalty assessment-state	761,100	761,100	625,100	625,100
20.550(1)(kj) Conference and training	<u>122,700</u>	<u>108,000</u>	<u>122,700</u>	<u>121,500</u>
<b>Total Expenditures</b>	<b>\$9,899,100</b>	<b>\$8,995,400</b>	<b>\$9,783,400</b>	<b>\$9,708,000</b>
<b>Supplements &amp; Reserves</b>				
20.410(1)(kh) Victim services and programs	\$66,800	\$58,800	\$70,100	\$69,400
<b>Total Expenditures &amp; Reserves</b>	<b>\$9,965,900</b>	<b>\$9,054,200</b>	<b>\$9,853,500</b>	<b>\$9,777,400</b>
<b>Closing Balance</b>	<b>-\$908,600</b>	<b>\$3,100</b>	<b>-\$955,100</b>	<b>\$32,700</b>

## C-2 DOJ Penalty Assessment Receipts Fund Condition

	<u>1.5% ATB Reduction</u>		<u>0.5% ATB Reduction</u>	
	<u>Pre-ATB</u> <u>2003-04</u>	<u>ATB</u> <u>2003-04</u>	<u>Pre-ATB</u> <u>2004-05</u>	<u>ATB</u> <u>2004-05</u>
<b>Revenue</b>				
Opening Balance	-\$327,500	-\$327,500	-\$103,000	\$33,600
Estimated Revenue	8,704,500	8,704,500	9,052,600	9,052,600
Unencumbered 2001-03 Balances	<u>620,800</u>	<u>620,800</u>	<u>0</u>	<u>0</u>
Total Available	\$8,997,800	\$8,997,800	\$8,949,600	\$9,086,200
<b>Expenditures</b>				
20.455(2)(j) Law enforcement training fund, local assistance	\$5,345,700	\$5,265,500	\$5,345,700	\$5,319,000
20.455(2)(ja) Law enforcement training fund, state operations	3,377,800	3,327,100	3,377,800	3,360,900
20.455(2)(jb) Crime laboratory equipment and supplies	<u>377,300</u>	<u>371,600</u>	<u>377,300</u>	<u>375,400</u>
Total Expenditures	\$9,100,800	\$8,964,200	\$9,100,800	\$9,055,300
<b>Remaining Balance</b>	-\$103,000	\$33,600	-\$151,200	\$30,900

### ALTERNATIVES

1. Provide that 52% of penalty assessment surcharge revenues be credited to the Office of Justice Assistance's penalty assessment surcharge receipts appropriation and that the remaining 48% of penalty assessment surcharge revenues be credited to the Department of Justice's penalty assessment receipts appropriation.

2. [In addition to Alternative 1.] Transfer 52% of the total unencumbered balance from all penalty assessment appropriations on June 30, 2003, to OJA's penalty assessment receipts appropriation and 48% of the total unencumbered balance from all penalty assessment appropriations on June 30, 2003, to DOJ's penalty assessment receipts appropriation. Increase the penalty assessment from 24% to 25% of the total underlying fine or forfeiture to which it applies.

<b>Alternative 2</b>	<b>PR</b>
<b>2003-05 REVENUE</b> (Change to Bill)	\$1,352,500

3. [In addition to Alternative 1.] Transfer 75% of the total unencumbered balance from all penalty assessment appropriations on June 30, 2003, to OJA's penalty assessment receipts appropriation and 25% of the total unencumbered balance from all penalty assessment appropriations on June 30, 2003, to DOJ's penalty assessment receipts appropriation. Adopt the funding changes identified in Tables A-1 and A-2 by applying the following across-the-board reductions to the appropriations identified for reduction: (a) 6.5% to DOJ and OJA penalty assessment appropriations (-\$1,081,200 PR) in 2003-04; and (b) 0.5% to DOJ and OJA penalty assessment appropriations (-\$83,200 PR) in 2004-05. Direct OJA to reduce the grant awards provided under the youth diversion program appropriation by the percentage reduction applied to

*CFS reduces Sched. amts.*

the appropriation.

<b>Alternative 3</b>	<b>PR</b>
<b>2003-05 FUNDING</b> (Change to Bill)	<b>-\$1,164,400</b>

4. [In addition to Alternative 1.] Transfer 100% of the unencumbered balance from all penalty assessment appropriations on June 30, 2003 to OJA's penalty assessment receipts appropriation. Adopt the funding changes identified in Tables B-1 and B-2 by applying the following across-the-board reductions to the appropriations identified for reduction: (a) 4% and 0.5% respectively to OJA penalty assessment appropriations in 2003-04 and 2004-05; and (b) 8% and 0.5% respectively to DOJ penalty assessment appropriations in 2003-04 and 2004-05 (-\$1,029,200 PR in 2003-04 and -\$83,200 PR in 2004-05). Direct OJA to reduce the grant awards provided under the youth diversion program appropriation by the percentage reduction applied to the appropriation.

<b>Alternative 4</b>	<b>PR</b>
<b>2003-05 FUNDING</b> (Change to Bill)	<b>-\$1,112,400</b>

5. [In addition to Alternative 1.] Transfer 100% of the unencumbered balance from all penalty assessment appropriations on June 30, 2003 to DOJ's penalty assessment receipts appropriation. Adopt the funding changes identified in Tables C-1 and C-2 by applying the following across-the-board reductions to the appropriations identified for reduction: (a) 12% and 1.0% respectively to OJA penalty assessment appropriations in 2003-04 and 2004-05; and (b) 1.5% and 0.5% respectively to DOJ penalty assessment appropriations in 2003-04 and 2004-05 (-\$1,040,300 PR in 2003-04 and -\$120,900 PR in 2004-05). Direct OJA to reduce the grant awards provided under the youth diversion program appropriation by the percentage reduction applied to the appropriation.

<b>Alternative 5</b>	<b>PR</b>
<b>2003-05 FUNDING</b> (Change to Bill)	<b>-\$1,161,200</b>

6. Maintain current law.

Prepared by: Paul Onsager



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb01347

RLR:.....

WLJ

In 5/6/03

LPS: Please Fix Request Sheet

RMR

LFB:.....Paul Onsager - Penalty Assessment

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

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10

At the locations indicated, amend the bill as follows:

1. Page 390, line 8: after that line insert:

"SECTION 541g. 20.455 (2) (i) of the statutes is amended to read:

20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated to this appropriation account under s. 757.05 (2) (a), and all moneys transferred under 2003 Wisconsin Act ... (this act), sections 9201 (1p), 9210 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), shall be credited to this appropriation account. Moneys may be transferred from this paragraph to pars. (j),

① (ja) and (jb) by the secretary of administration for expenditures based upon  
 2 determinations by the department of justice.”

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109.

3 ↓ 2. Page 399, line 16: after that line insert:

4 “SECTION 588p. 20.505 (6) (j) (intro.) of the statutes is amended to read:

5 20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys  
 6 received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines  
 7 and forfeitures and all moneys transferred under ~~2001 Wisconsin Act 16, sections~~  
 8 ~~9201 (6c) (a), (b), and (c), 9211 (2e), and 9240 (1e)~~ 2003 Wisconsin Act .... (this act),  
 9 sections 9201 (1p), 9210 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), for  
 10 the purpose of transferring the following amounts to the following appropriation  
 11 accounts.”

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296m, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104, 109.

12 ↓ 3. Page 1012, line 21: after that line insert:

13 “SECTION 2671g. 757.05 (2) (a) of the statutes is amended to read:

14 757.05 (2) (a) *Law enforcement training fund.* ~~Eleven twenty-fourths~~  
 15 Forty-eight percent of all moneys collected from penalty assessments under sub. (1)  
 16 shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized in  
 17 accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the  
 18 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
 19 20.455 (2) (jb), constitute the law enforcement training fund.”

History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672; 2001 a. 16.

20 ↓ 4. Page 1060, line 24: after that line insert:

① “(11p) YOUTH DIVERSION GRANT REDUCTIONS. <sup>ff</sup>(a) Notwithstanding the amount  
 ② specified under section 16.964 (8) (a) <sup>√</sup> of the statutes, the ~~Office of Justice Assistance~~  
 3 shall reduce the amount of money allocated under section 16.964 (8) (a) <sup>√</sup> of the  
 4 statutes by \$21,300 in fiscal year 2003–04 and by \$1,600 in fiscal year 2004–05.

5 (b) Notwithstanding the amounts specified under section 16.964 (8) (c) <sup>√</sup> of the  
 ⑥ statutes, the ~~Office of Justice Assistance~~ shall reduce the amount of money allocated  
 ⑦ for each of the ~~four~~ <sup>4</sup> contracts specified under section 16.964 (8) (c) <sup>√</sup> of the statutes by  
 8 \$6,400 in fiscal year 2003–04 and by \$500 in fiscal year 2004–05.”

9 <sup>√</sup> 5. Page 1105, line 20: after that line insert:

10 “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balances in  
 11 the appropriation accounts under section 20.505 (6) (k) <sup>√</sup>, (kj) <sup>√</sup>, (kp) <sup>√</sup>, and (kt) <sup>√</sup> of the  
 12 statutes, as affected by this act, immediately before the effective date of this  
 13 subsection, <sup>√</sup> are transferred to the following appropriation accounts in the following  
 14 proportions:

15 (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
 16 (j) <sup>√</sup> of the statutes, as affected by this act.

17 (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
 ⑬ (i) <sup>√</sup> of the statutes <sup>√</sup> as affected by this act.”

19 6. Page 1106, line 12: after that line insert:

20 “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balances in  
 21 the appropriation accounts under section 20.410 (1) (kh) <sup>√</sup> and (kp) <sup>√</sup> of the statutes, as  
 22 affected by this act, immediately before the effective date of this subsection, <sup>√</sup> are  
 23 transferred to the following appropriation accounts in the following proportions:

1 (a) Seventy-five percent to the appropriation account under section 20.505 (6)  
2 (j) of the statutes, as affected by this act.

3 (b) Twenty-five percent to the appropriation account under section 20.455 (2)  
4 (i) of the statutes as affected by this act.”

5 √ 7. Page 1108, line 20: after that line insert:

6 “(gp) The unencumbered balance in the appropriation account under section  
7 20.530 (1) (kq) of the statutes, as affected by this act, immediately before the effective  
8 date of this paragraph, is transferred to the following appropriation accounts in the  
9 following proportions:

10 1. Seventy-five percent to the appropriation account under section 20.505 (6)  
11 (j) of the statutes, as affected by this act.

12 2. Twenty-five percent to the appropriation account under section 20.455 (2)  
13 (i) of the statutes as affected by this act.”

14 √ 8. Page 1111, line 1: after that line insert:

15 “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balances in  
16 the appropriation accounts under section 20.455 (2) (ke) and (5) (kp) of the statutes,  
17 as affected by this act, immediately before the effective date of this subsection, are  
18 transferred to the following appropriation accounts in the following proportions:

19 (a) Seventy-five percent to the appropriation account under section 20.505 (6)  
20 (j) of the statutes, as affected by this act.

21 (b) Twenty-five percent to the appropriation account under section 20.455 (2)  
22 (i) of the statutes as affected by this act.”

23 √ 9. Page 1111, line 20: after that line insert:

1           “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balance in  
2 the appropriation account under section 20.550 (1) (kj) of the statutes, as affected by  
3 this act, immediately before the effective date of this subsection, is transferred to the  
4 following appropriation accounts in the following proportions:

5           (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
6 (j) of the statutes, as affected by this act.

7           (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
8 (i) of the statutes as affected by this act.”

9           **10.** Page 1111, line 21: after that line insert:

10           “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balances in  
11 the appropriation accounts under section 20.255 (1) (kd) and (2) (kd) of the statutes,  
12 as affected by this act, immediately before the effective date of this subsection, are  
13 transferred to the following appropriation accounts in the following proportions:

14           (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
15 (j) of the statutes, as affected by this act.

16           (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
17 (i) of the statutes as affected by this act.”

18

(END)





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0134/1

RLR:wlj:pg

In 5/13/03

RMR

LFB:.....Paul Onsager - Penalty assessment

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 390, line 8: after that line insert:

3 "SECTION 541g. 20.455 (2) (i) of the statutes is amended to read:

4 20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the

5 schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All

6 moneys received from the penalty assessment surcharge on court fines and

7 forfeitures as allocated to this appropriation account under s. 757.05 (2) (a), and all

8 moneys transferred under 2003 Wisconsin Act ... (this act), sections 9201 (1p), 9210

9 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), shall be credited to this

10 appropriation account. Moneys may be transferred from this paragraph to pars. (j),

11 (ja), and (jb) by the secretary of administration for expenditures based upon

12 determinations by the department of justice."

1           **2.** Page 399, line 16: after that line insert:

2           “**SECTION 588p.** 20.505 (6) (j) (intro.) of the statutes is amended to read:

3           20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys  
4 received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines  
5 and forfeitures and all moneys transferred under ~~2001 Wisconsin Act 16, sections~~  
6 ~~9201 (6e) (a), (b), and (c), 9211 (2e), and 9240 (1e)~~ 2003 Wisconsin Act ... (this act),  
7 sections 9201 (1p), 9210 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), for  
8 the purpose of transferring the following amounts to the following appropriation  
9 accounts:”.

10           **3.** Page 1012, line 21: after that line insert:

11           “**SECTION 2671g.** 757.05 (2) (a) of the statutes is amended to read:

12           757.05 (2) (a) *Law enforcement training fund.* ~~Eleven twenty-fourths~~  
13 ~~Forty-eight percent~~ of all moneys collected from penalty assessments under sub. (1)  
14 shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized in  
15 accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the  
16 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
17 20.455 (2) (jb), constitute the law enforcement training fund.”.

18           **4.** Page 1060, line 24: after that line insert:

19           “(11p) **YOUTH DIVERSION GRANT REDUCTIONS.**

20           (a) Notwithstanding the amount specified under section 16.964 (8) (a) of the  
21 statutes, the office of justice assistance shall reduce the amount of money allocated  
22 under section 16.964 (8) (a) of the statutes by \$21,300 in fiscal year 2003–04 and by  
23 \$1,600 in fiscal year 2004–05.

1 (b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the  
2 statutes, the office of justice assistance shall reduce the amount of money allocated  
3 for each of the 4 contracts specified under section 16.964 (8) (c) of the statutes by  
4 \$6,400 in fiscal year 2003–04 and by \$500 in fiscal year 2004–05.”.

5 **5.** Page 1105, line 20: after that line insert:

INS  
A

6 “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balances in  
7 the appropriation accounts under section 20.505 (6) (k), (kj), (kp), and (kt) of the  
8 statutes, as affected by this act, immediately before the effective date of this  
9 subsection, are transferred to the following appropriation accounts in the following  
10 proportions:

INS  
B

11 (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
12 (j) of the statutes, as affected by this act.

13 (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
14 (i) of the statutes, as affected by this act.”.

15 **6.** Page 1106, line 12: after that line insert:

INSA

16 “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balances in  
17 the appropriation accounts under section 20.410 (1) (kh) and (kp) of the statutes, as  
18 affected by this act, immediately before the effective date of this subsection, are  
19 transferred to the following appropriation accounts in the following proportions:

INS  
B

20 (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
21 (j) of the statutes, as affected by this act.

22 (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
23 (i) of the statutes, as affected by this act.”.

24 **7.** Page 1108, line 20: after that line insert:

INS  
C

1

“(gp) The unencumbered balance in the appropriation account under section

2

20.530 (1) (kq) of the statutes, as affected by this act, immediately before the effective

3

date of this paragraph, is transferred to the following appropriation accounts in the

4

following proportions:

5

1. Seventy-five percent to the appropriation account under section 20.505 (6)

6

(j) of the statutes, as affected by this act.

7

2. Twenty-five percent to the appropriation account under section 20.455 (2)

8

(i) of the statutes, as affected by this act.”.

9

**8.** Page 1111, line 1: after that line insert:

10

“(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS The unencumbered balances in

11

the appropriation accounts under section 20.455 (2) (ke) and (5) (kp) of the statutes,

12

as affected by this act, immediately before the effective date of this subsection, are

13

transferred to the following appropriation accounts in the following proportions:

14

(a) Seventy-five percent to the appropriation account under section 20.505 (6)

15

(j) of the statutes, as affected by this act.

16

(b) Twenty-five percent to the appropriation account under section 20.455 (2)

17

(i) of the statutes, as affected by this act.”.

18

**9.** Page 1111, line 20: after that line insert:

19

“(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balance in

20

the appropriation account under section 20.550 (1) (kj) of the statutes, as affected by

21

this act, immediately before the effective date of this subsection, is transferred to the

22

following appropriation accounts in the following proportions:

23

(a) Seventy-five percent to the appropriation account under section 20.505 (6)

24

(j) of the statutes, as affected by this act.

INS  
B

INS  
A

INS  
B

INS  
C

INS  
B

(j), (ja), (jb), and

1 (b) Twenty-five percent to the appropriation account under section 20.455 (2)  
2 (i) of the statutes, as affected by this act.”.

3 **10.** Page 1111, line 21: after that line insert:

4 “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. The unencumbered balances in  
5 the appropriation accounts under section 20.255 (1) (kd) and (2) (kd) of the statutes,  
6 as affected by this act, immediately before the effective date of this subsection, are  
7 transferred to the following appropriation accounts in the following proportions:

8 (a) Seventy-five percent to the appropriation account under section 20.505 (6)  
9 (j) of the statutes, as affected by this act.

10 (b) Twenty-five percent to the appropriation account under section 20.455 (2)  
11 (i) of the statutes, as affected by this act.”.

12 (END)

INS  
A

INS  
B

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0134/2ins  
RLR:.....

1  
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**Ins A:**

**No ff** There is transferred from each of

**Ins B:**

**No ff** an amount equal to the unencumbered balance in that appropriation account  
on June 30, 2003,

**Ins C:**

**No ff** There is transferred from

60134

Phone Call from Paul

(1.) Need to transfer from DOT  
appropriations as well  
20.455 (2) (j), (j<sup>a</sup>) & (j<sup>b</sup>)

(2) Specify amt in appropriations on June 30<sup>th</sup>

**Ryan, Robin**

---

**From:** Ryan, Robin  
**Sent:** May 12, 2003 3:39 PM  
**To:** Onsager, Paul  
**Subject:** penalty assessment

I see why you want the reference to June 30 in the appropriation changes. How about this?

There is transferred from each of the appropriation accounts under section 20.505 (6) (k), (kj), (kp), and (kt) of the statutes, as affected by this act, an amount equal to the unencumbered balance in that appropriation account on June 30, 2003, to the following appropriation accounts in the following proportions:

Phone call from  
Paul - yes - use this



6034/2

plc from Paul 5/23/03

change \$ on p. 2 line 22 to \$21,200  
to make consistent w/ other penalty  
assessment amendment



State of Wisconsin  
2003 - 2004 LEGISLATURE

3  
LRBb0134/2  
RLR:wlj:cph

LFB:.....Paul Onsager – Penalty assessment

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

RMR

1 At the locations indicated, amend the bill as follows:

2 1. Page 390, line 8: after that line insert:

3 “SECTION 541g. 20.455 (2) (i) of the statutes is amended to read:

4 20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the  
5 schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All  
6 moneys received from the penalty assessment surcharge on court fines and  
7 forfeitures as allocated to this appropriation account under s. 757.05 (2) (a), and all  
8 moneys transferred under 2003 Wisconsin Act .... (this act), sections 9201 (1p), 9210  
9 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), shall be credited to this  
10 appropriation account. Moneys may be transferred from this paragraph to pars. (j),  
11 (ja), and (jb) by the secretary of administration for expenditures based upon  
12 determinations by the department of justice.”.

1           **2.** Page 399, line 16: after that line insert:

2           “**SECTION 588p.** 20.505 (6) (j) (intro.) of the statutes is amended to read:

3           20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys  
4 received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines  
5 and forfeitures and all moneys transferred under ~~2001 Wisconsin Act 16, sections~~  
6 ~~9201 (6e) (a), (b), and (c), 9211 (2c), and 9240 (1e)~~ 2003 Wisconsin Act ... (this act),  
7 sections 9201 (1p), 9210 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), for  
8 the purpose of transferring the following amounts to the following appropriation  
9 accounts:”.

10           **3.** Page 1012, line 21: after that line insert:

11           “**SECTION 2671g.** 757.05 (2) (a) of the statutes is amended to read:

12           757.05 (2) (a) *Law enforcement training fund.* ~~Eleven twenty-fourths~~  
13 Forty-eight percent of all moneys collected from penalty assessments under sub. (1)  
14 shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized in  
15 accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the  
16 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
17 20.455 (2) (jb), constitute the law enforcement training fund.”.

18           **4.** Page 1060, line 24: after that line insert:

19           “(11p) **YOUTH DIVERSION GRANT REDUCTIONS.**

20           (a) Notwithstanding the amount specified under section 16.964 (8) (a) of the  
21 statutes, the office of justice assistance shall reduce the amount of money allocated  
22 under section 16.964 (8) (a) of the statutes by ~~\$21,300~~ in fiscal year 2003–04 and by  
23 \$1,600 in fiscal year 2004–05.

\$ 21,200

1           (b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the  
2 statutes, the office of justice assistance shall reduce the amount of money allocated  
3 for each of the 4 contracts specified under section 16.964 (8) (c) of the statutes by  
4 \$6,400 in fiscal year 2003–04 and by \$500 in fiscal year 2004–05.”.

5           **5.** Page 1105, line 20: after that line insert:

6           “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. There is transferred from each  
7 of the appropriation accounts under section 20.505 (6) (k), (kj), (kp), and (kt) of the  
8 statutes, as affected by this act, an amount equal to the unencumbered balance in  
9 that appropriation account on June 30, 2003, to the following appropriation accounts  
10 in the following proportions:

11           (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
12 (j) of the statutes, as affected by this act.

13           (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
14 (i) of the statutes, as affected by this act.”.

15           **6.** Page 1106, line 12: after that line insert:

16           “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. There is transferred from each  
17 of the appropriation accounts under section 20.410 (1) (kh) and (kp) of the statutes,  
18 as affected by this act, an amount equal to the unencumbered balance in that  
19 appropriation account on June 30, 2003, to the following appropriation accounts in  
20 the following proportions:

21           (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
22 (j) of the statutes, as affected by this act.

23           (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
24 (i) of the statutes, as affected by this act.”.

1           **7.** Page 1108, line 20: after that line insert:

2           “(gp) There is transferred from the appropriation account under section 20.530  
3 (1) (kq) of the statutes, as affected by this act, an amount equal to the unencumbered  
4 balance in that appropriation account on June 30, 2003, to the following  
5 appropriation accounts in the following proportions:

6           1. Seventy–five percent to the appropriation account under section 20.505 (6)  
7 (j) of the statutes, as affected by this act.

8           2. Twenty–five percent to the appropriation account under section 20.455 (2)  
9 (i) of the statutes, as affected by this act.”.

10          **8.** Page 1111, line 1: after that line insert:

11          “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. There is transferred from each  
12 of the appropriation accounts under section 20.455 (2) (j), (ja), (jb), and (ke) and (5)  
13 (kp) of the statutes, as affected by this act, an amount equal to the unencumbered  
14 balance in that appropriation account on June 30, 2003, to the following  
15 appropriation accounts in the following proportions:

16          (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
17 (j) of the statutes, as affected by this act.

18          (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
19 (i) of the statutes, as affected by this act.”.

20          **9.** Page 1111, line 20: after that line insert:

21          “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. There is transferred from the  
22 appropriation account under section 20.550 (1) (kj) of the statutes, as affected by this  
23 act, an amount equal to the unencumbered balance in that appropriation account on  
24 June 30, 2003, to the following appropriation accounts in the following proportions:





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0134/3  
RLR:wlj:rs

LFB:.....Onsager (Paul)– Penalty assessment

FOR 2003–05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 391, line 12: after that line insert:

3 “SECTION 556g. 20.455 (2) (i) of the statutes is amended to read:

4 20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the  
5 schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All  
6 moneys received from the penalty assessment surcharge on court fines and  
7 forfeitures as allocated to this appropriation account under s. 757.05 (2) (a), and all  
8 moneys transferred under 2003 Wisconsin Act .... (this act), sections 9201 (1p), 9210  
9 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), shall be credited to this  
10 appropriation account. Moneys may be transferred from this paragraph to pars. (j),  
11 (ja), and (jb) by the secretary of administration for expenditures based upon  
12 determinations by the department of justice.”.

1           **2.** Page 399, line 16: after that line insert:

2           “**SECTION 588p.** 20.505 (6) (j) (intro.) of the statutes is amended to read:

3           20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys  
4 received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines  
5 and forfeitures and all moneys transferred under ~~2001 Wisconsin Act 16, sections~~  
6 ~~9201 (6e) (a), (b), and (c), 9211 (2e), and 9240 (1e)~~ 2003 Wisconsin Act ... (this act),  
7 sections 9201 (1p), 9210 (1p), 9215 (1) (gp), 9232 (1p), 9240 (1p), and 9241 (1p), for  
8 the purpose of transferring the following amounts to the following appropriation  
9 accounts:”.

10           **3.** Page 1012, line 21: after that line insert:

11           “**SECTION 2671g.** 757.05 (2) (a) of the statutes is amended to read:

12           757.05 (2) (a) *Law enforcement training fund.* ~~Eleven twenty-fourths~~  
13 Forty-eight percent of all moneys collected from penalty assessments under sub. (1)  
14 shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized in  
15 accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the  
16 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
17 20.455 (2) (jb), constitute the law enforcement training fund.”.

18           **4.** Page 1060, line 24: after that line insert:

19           “(11p) **YOUTH DIVERSION GRANT REDUCTIONS.**

20           (a) Notwithstanding the amount specified under section 16.964 (8) (a) of the  
21 statutes, the office of justice assistance shall reduce the amount of money allocated  
22 under section 16.964 (8) (a) of the statutes by \$21,200 in fiscal year 2003–04 and by  
23 \$1,600 in fiscal year 2004–05.



1 (b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the  
2 statutes, the office of justice assistance shall reduce the amount of money allocated  
3 for each of the 4 contracts specified under section 16.964 (8) (c) of the statutes by  
4 \$6,400 in fiscal year 2003–04 and by \$500 in fiscal year 2004–05.”.

5 **5.** Page 1105, line 20: after that line insert:

6 “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. There is transferred from each  
7 of the appropriation accounts under section 20.505 (6) (k), (kj), (kp), and (kt) of the  
8 statutes, as affected by this act, an amount equal to the unencumbered balance in  
9 that appropriation account on June 30, 2003, to the following appropriation accounts  
10 in the following proportions:

11 (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
12 (j) of the statutes, as affected by this act.

13 (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
14 (i) of the statutes, as affected by this act.”.

15 **6.** Page 1106, line 12: after that line insert:

16 “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. There is transferred from each  
17 of the appropriation accounts under section 20.410 (1) (kh) and (kp) of the statutes,  
18 as affected by this act, an amount equal to the unencumbered balance in that  
19 appropriation account on June 30, 2003, to the following appropriation accounts in  
20 the following proportions:

21 (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
22 (j) of the statutes, as affected by this act.

23 (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
24 (i) of the statutes, as affected by this act.”.

1           **7.** Page 1108, line 20: after that line insert:

2           “(gp) There is transferred from the appropriation account under section 20.530  
3 (1) (kq) of the statutes, as affected by this act, an amount equal to the unencumbered  
4 balance in that appropriation account on June 30, 2003, to the following  
5 appropriation accounts in the following proportions:

6           1. Seventy–five percent to the appropriation account under section 20.505 (6)  
7 (j) of the statutes, as affected by this act.

8           2. Twenty–five percent to the appropriation account under section 20.455 (2)  
9 (i) of the statutes, as affected by this act.”.

10          **8.** Page 1111, line 1: after that line insert:

11          “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. There is transferred from each  
12 of the appropriation accounts under section 20.455 (2) (j), (ja), (jb), and (ke) and (5)  
13 (kp) of the statutes, as affected by this act, an amount equal to the unencumbered  
14 balance in that appropriation account on June 30, 2003, to the following  
15 appropriation accounts in the following proportions:

16          (a) Seventy–five percent to the appropriation account under section 20.505 (6)  
17 (j) of the statutes, as affected by this act.

18          (b) Twenty–five percent to the appropriation account under section 20.455 (2)  
19 (i) of the statutes, as affected by this act.”.

20          **9.** Page 1111, line 20: after that line insert:

21          “(1p) PENALTY ASSESSMENT RECEIPTS TRANSFERS. There is transferred from the  
22 appropriation account under section 20.550 (1) (kj) of the statutes, as affected by this  
23 act, an amount equal to the unencumbered balance in that appropriation account on  
24 June 30, 2003, to the following appropriation accounts in the following proportions:

