

2007 DRAFTING REQUEST

Bill

Received: 01/08/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Wavrunek

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB0303 -

Topic:

Sentencing alternatives grants for Milwaukee County

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>
/?				_____			S&L
/P1	rryan 01/10/2007	lkunkel 01/12/2007	pgreensl 01/12/2007	_____	cduerst 01/12/2007		S&L
	rryan 01/24/2007	lkunkel 01/24/2007		_____			
/P2	rryan 01/27/2007	lkunkel 01/28/2007	jfrantze 01/26/2007	_____	sbasford 01/26/2007		S&L

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/P3

nmatzke _____
01/28/2007 _____

cduerst
01/28/2007

FE Sent For:

<END>

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			nvh 1/28	nvh/cmh 1/28			

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Handwritten notes:
 /p2/mk/24 Jo 1/24 Jo/WV
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1/2	rryan	p/llmk 1/12	1/12 P8	1/12 P8 / P8			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Milwaukee County Criminal Justice Funding
- Tracking Code: BB0303
- SBO team: General Government and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: OJA
- Agency number: 505, program 06
- Priority (Low, Medium, High): Medium

The intent of this language request is to establish grant funds for Milwaukee County under two criminal justice programs: the Treatment Alternatives and Diversion (TAD) program and the Assess, Inform and Measure (AIM) program.

TAD

Add language to have Milwaukee County submit a grant to OJA to receive funding under the TAD program, funded with GPR funds. All current requirements of the TAD program would apply to Milwaukee County's grant application, including the oversight committee.

AIM

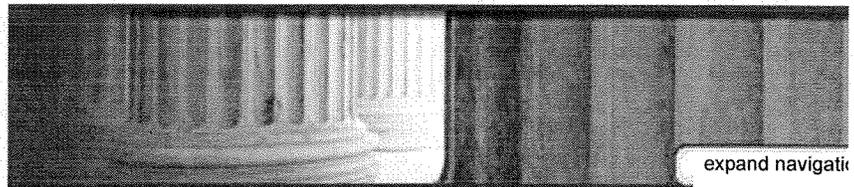
Add language to have Milwaukee County submit a grant to OJA to receive funding for an AIM program in the county. The grant must be used to perform assessments on alleged offenders who commit misdemeanors and Class I through F felonies. No more than fifty percent of the assessments may be performed on misdemeanors. The program must also be evaluated each year. The grants will be funded with GPR.

wants to require mil. to apply (currently has grant for 2007)

new program developed by Courts Planning & Policy Com. - not in statutes

*1 yr. grant - 2008
fund from 20-505(6)2*

TAD grant will be GPR - currently grants only funded w/ PR



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Assess, inform and measure (AIM) pilot project

Over the past several months the PPAC Subcommittee on Alternatives to Incarceration (AIC) has dedicated a significant amount of time studying the key factors in determining when or if an individual is appropriate to be safely diverted from a jail or prison sentence. Critical to this determination is the nature and value of the information provided to the court in advance of a sentencing decision.

At the February PPAC meeting, Judge Carl Ashley, PPAC member and the Chair of the AIC and Tony Streveler, Policy Advisor at the Department of Corrections and an AIC member, presented a pilot project concept to PPAC members. The AIC proposed to work with three to five counties to implement and participate in the evaluation the Assess, Inform and Measure (AIM) model.

In summary, the intent of this project is to provide judges with more information prior to their sentencing decision so they can decide if an alternative(s) method is appropriate. More specifically:

- Enhance the quality and scope of information provided to the court, including: risk assessment (an individual's risk to commit further crime in the community); needs assessment (assessing criminogenic needs - needs that are directly related to the individual's criminal behavior); responsivity assessment (taking into account the individual's motivation to change, learning style, gender and cultural needs); and an assessment of available community-based treatment programs that address the assessed needs and reduce the person's risk to the community.
- Implement a "feedback loop" that is designed to provide information continually validates the accuracy of the assessment process and provides outcome data to the court on the success/failure rates of persons involved in the project.

Objectives of the project include:

- *Target Population, Referral and Assessment Components*
To establish a process to effectively provide the court, prior to sentencing, with reliable and valid assessment information about an offender's presenting risk to the community, the offender's assessed criminogenic and responsivity needs, and the availability of appropriate community-based treatment programs to address the treatment needs and risk.
- *Decision or Case Disposition Component*
To evaluate the value and usefulness of the assessment information provided to the court and make changes, as needed or necessary, to ensure accuracy and effectiveness of the assessment process.
- *Community Intervention and Follow-up Component*

To document and track community-based treatment and supervision interventions and measure outcomes related to recidivism or return to confinement.

- *Data Collection, Analysis and Reporting Component*

To provide baseline recidivism data to each pilot county based on historical cases that were placed on probation and were ultimately reconvicted of a new crime within three years. Scope of the data will span from 1980 – 2003.

To develop a simple data collection system and repository of data from the DOC, information the assessment document, court dispositions, judge's impressions, and community-based treatment and supervision interventions to measure effectiveness of the process and offender outcomes.

To establish a protocol and means for collecting, analyzing and regularly reporting aggregate data back to the county criminal justice system on the effectiveness and outcomes of the project

PPAC approved the subcommittee's request to proceed with the AIM pilot project and present this concept to the Chief Judges. On April 28, Judge Ashley and Tony Streveler presented AIM to the Committee of Chief Judges and asked them to consider counties in their respective districts who fit the pilot criteria and who may be interested in discussing this project further. Following this meeting, several counties expressed interest in learning more about AIM, considering becoming a potential pilot and/or participate in the further design the overall project.

On August 10, the first project development meeting of AIM took place and 11 counties came to the table and expressed interest in taking part in the planning phase of this project. The Alternatives to Incarceration Subcommittee anticipates having a final commitment from the participating pilot counties by January 2007.

[AIM pilot project handout](#) 

For further information about the AIM Project, contact Erin Slattengren in the Office of Court Operations (608) 266-8861.

[Back to top](#)

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Last modified: December 05, 2006

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1402/?

RLR:.....

lmc

In 1/10/06

DOA:.....Wavrunek, BB0303 - Sentencing alternatives grants for Milwaukee County

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RMR
D-N

Do NOT Gen

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

Analysis by the Legislative Reference Bureau

CRIMES ✓

CRIMINAL PROCEDURE ✓

Under current law, the Office of Justice Assistance (OJA) ✓ administers a treatment alternatives and diversion grant program to fund county programs that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. ✓ This bill requires any county with a population of 500,000 or more (currently only Milwaukee County) to submit an application for a treatment alternatives and diversion grant by August 15, 2007, and specifies that if OJA awards such a grant to a county with a population of 500,000 or more, the grant will be funded with general purpose revenue. ✓

The bill also requires any county with a population of 500,000 or more to submit a plan to OJA for conducting pre-sentencing assessments of a target group of people who commit a Class F to I felony or a misdemeanor for the purpose of collecting information that courts may use at sentencing. The plan must identify the target group and provide for risk assessments and needs assessments of the offenders, assessment of available community-based treatment services, collection and dissemination of information concerning the accuracy and usefulness of the assessments, and annual evaluation of the pre-sentencing assessment program.

The bill authorizes OJA to award a grant to a county with a population of 500,000 or more to conduct pre-sentencing assessments in calendar year 2008.

FES/L →

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

1 SECTION 1. 20.505 (6) (b) of the statutes is amended to read:

2 20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use*
3 *alcohol or other drugs; ~~pre~~sentencing assessments.* The amounts in the schedule for
4 making grants to counties under s. 16.964 (12) (b) and entering into contracts under
5 s. 16.964 (12) (j) and for making grants under 2007 Wisconsin Act ... (this act)

6 SECTION 9101 (v).

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

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, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433.

7 SECTION 2. 20.505 (6) (b) of the statutes, as affected by 2007 Wisconsin Act ...
8 (this act), is amended to read:

9 20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use*
10 *alcohol or other drugs; ~~pre~~sentencing assessments.* The amounts in the schedule for
11 making grants to counties under s. 16.964 (12) (b) and entering into contracts under
12 s. 16.964 (12) (j) and for making grants under 2007 Wisconsin Act ... (this act)

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Create A.R.A. (pg 4)

A.R.B. (pg 2)

lc notes

A.R.B. (pg 3)

lc notes

SECTION 9101. Nonstatutory provisions; Administration.

(1) TREATMENT ALTERNATIVES AND DIVERSION GRANT. By August 15, 2007, any county having a population of 500,000 or more shall submit an application to the Office of Justice Assistance for a grant under section 16.964 (2) (b) of the statutes. Any grant awarded under s. 16.964 (12) (b) for the calendar year beginning January 1, 2008, to a county having a population of 500,000 or more shall be made from the appropriation under section 20.505 (6) (b) of the statutes, as affected by this act. ✓

****NOTE: The bill directs Milwaukee County to submit an application by August 15, because current law (s. 16.964 (12) (g)) requires OJA to notify counties of grant awards by September 1. ✓

****NOTE: Do you want to retain the second sentence? OJA already has authority to award Milwaukee County a GPR-only grant under s. 16.964 (12) (b). This sentence restricts OJA from allocating any PR funding to Milwaukee County. Would you prefer to say that first priority for any GPR funding goes to Milwaukee County? ✓

Create A.R. B 8

(2) ASSESS, INFORM, AND MEASURE GRANT. (a) By September 1, 2007, any county having a population of 500,000 or more shall submit a plan to the Office of Justice Assistance for conducting pre-sentencing assessments for the purpose of providing courts information for sentencing decisions. The plan shall include all of the following components:

1. Identification of a target group of offenders from among persons who are convicted of a Class F, G, H, or I felony or a misdemeanor whom the county shall assess. ✓

2. Assessment of persons in the target group to determine the risk that they will commit further crimes, their needs that are directly related to criminal behavior, the likelihood that they will respond positively to community-based treatment for the assessed needs, as well as an assessment of the availability of community-based treatment programs to serve the offenders. ✓

SECTION 9101

1 3. Collection and dissemination of information relating to the accuracy of
 2 assessments performed, the value and usefulness of information contained in the
 3 assessment reports for purposes of making sentencing decisions, the effectiveness of
 4 community-based treatment programs in addressing the assessed needs of
 5 offenders, ^{and} the effect of the treatment programs with respect to recidivism.

6 4. Annual evaluation of the plan. ✓

7 (b) From the appropriation under section 20.505 (6) (b) of the statutes, the
 8 ~~Office of Justice Assistance~~ may award to a county having a population of 500,000
 9 or more that submits a plan under paragraph (a) a grant to perform ~~pre~~sentencing
 10 assessments of offenders during the calendar year beginning on January 1, 2008.
 11 At least 50 percent of the assessments performed by a county with funding provided
 12 under this subsection shall be of persons subject to sentencing in connection with a
 13 felony. ✓

SECTION 9401. Effective dates; Administration.

14 (1) TREATMENT ALTERNATIVES AND DIVERSION GRANTS. The treatment of section
 15 20.505 (6) (b) of the statutes ~~(by SECTION 2)~~ takes effect on June 30, 2009. ✓

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not
brackets

(END)

use
A.R. A

(dw)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1402/P1dn

RLR:.....

lme

(date)

Leah Wavrunek:

^S
This draft, which requires any county having a population of 500,000 or more to apply for certain grants, may violate the state constitutional prohibition against enacting private or local laws in a multi-subject bill such as the budget bill. Please see the LRB Constitutional Highlight on private and local laws for further information. The publication may be found at <http://www.legis.state.wi.us/lrb/pubs/conhigh.htm>.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

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

LRB-1402/P1dn
RLR:lmk:pg

January 12, 2007

Leah Wavrunek:

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Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Wavrunek, Leah J - DOA
Sent: Monday, January 22, 2007 3:58 PM
To: Ryan, Robin
Subject: LRB-1402/P1 Revisions

Hi Robin,

A couple of changes for draft LRB-1402/P1 relating to sentencing alternative grants for Milwaukee County.

- ✓ 1. On page 3, line 3: Milwaukee County must submit a plan to OJA by September 1, 2007. We would like to change that to December 1, 2007 to give the county some time to prepare their plan. We still want the assessments to begin on January 1, 2008
- ✓ 2. We also want to enumerate the funding amounts for both TAD and AIM to Milwaukee County in the nonstat language. Each program will fund \$250,000 in FY08 and \$500,000 in FY09 to Milwaukee County.
- ✓ 3. Regarding the question of a local provision in a multipart bill. Could we change the language to direct the funding for the biennium to the county which had a disparate amount of violent crimes and robberies and showed the greatest increase in violent crimes in previous biennium? This addresses the violent crime the programs are attempting to address with increased resources. Would this avoid the issue of a statewide concern?

Thanks!
Leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

Ryan, Robin

From: Wavrunek, Leah J - DOA
Sent: Tuesday, January 23, 2007 4:56 PM
To: Ryan, Robin
Subject: LRB-1402/P1

Hi Robin,

Another quick revision for the draft concerning grant funds to Milwaukee County. On page 4, line 4 the non-statutory language for AIM states "during the calendar year beginning on January 1, 2008." This seems to be in-line with our intention of funding the program for CY08 and CY09. However, the last line of the analysis on page 2 states "...to conduct presentencing assessments in calendar year 2008." Is there a way to amend this sentence to have the program funding for calendar years 2008 and 2009?

Thanks for your help and please call with any questions.
leah

Leah Wavrunek
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leah.wavrunek@wisconsin.gov

01/23/2007



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1402/P1

RLR:lmk:pg

P2

stays

In 1/24/07

DOA:.....Wavrunek, BB0303 - Sentencing alternatives grants for Milwaukee County

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RMNR
D-Note

Do Not Go

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The bill also requires any county with a population of 500,000 or more to submit a plan to OJA for conducting presentencing assessments of a target group of people who commit a Class F to I felony or a misdemeanor for the purpose of collecting information that courts may use at sentencing. The plan must identify the target group and provide for risk assessments and needs assessments of the offenders, assessment of available community-based treatment services, collection and dissemination of information concerning the accuracy and usefulness of the assessments, and annual evaluation of the presentencing assessment program. The

INS A

INS B

INS C

bill authorizes OJA to award a grant to a county with a population of 500,000 or more to conduct presentencing assessments in calendar year 2008.

For further information see the *state and local* 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:

SECTION 1. 20.505 (6) (b) of the statutes is amended to read:

20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments.* The amounts in the schedule for making grants to counties under s. 16.964 (12) (b) and entering into contracts under s. 16.964 (12) (j) and for making grants under 2007 Wisconsin Act (this act), section 9101 (2).

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JNS 2-15

JNS 2-17

1 2008, to a county having a population of 500,000 or more shall be made from the
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3 (2) ASSESS, INFORM, AND MEASURE GRANT. (a) By September 1, 2007, any county

4 having a population of 500,000 or more shall submit a plan to the office of justice
5 assistance for conducting presentencing assessments for the purpose of providing
6 courts information for sentencing decisions. The plan shall include all of the
7 following components:

8 1. Identification of a target group of offenders from among persons who are
9 convicted of a Class F, G, H, or I felony or a misdemeanor whom the county shall
10 assess.

11 2. Assessment of persons in the target group to determine the risk that they
12 will commit further crimes, their needs that are directly related to criminal behavior,
13 the likelihood that they will respond positively to community-based treatment for
14 the assessed needs, as well as an assessment of the availability of community-based
15 treatment programs to serve the offenders.

16 3. Collection and dissemination of information relating to the accuracy of
17 assessments performed, the value and usefulness of information contained in the
18 assessment reports for purposes of making sentencing decisions, the effectiveness of
19 community-based treatment programs in addressing the assessed needs of
20 offenders, and the effect of the treatment programs with respect to recidivism.

21 4. Annual evaluation of the plan.

INS
3-4

December

ANS 4-1

1 (b) From the appropriation under section 20.505 (6) (b) of the statutes, the office
2 of justice assistance may award to a county having a population of 500,000 or more
3 that submits a plan under paragraph (a) a grant to perform presentencing
4 assessments of offenders during the calendar year beginning on January 1, 2008.

5 At least 50 percent of the assessments performed by a county with funding provided
6 under this subsection shall be of persons subject to sentencing in connection with a
7 felony.

8 **SECTION 9401. Effective dates; Administration.**

9 (1) TREATMENT ALTERNATIVES AND DIVERSION GRANTS. The treatment of section
10 20.505 (6) (b) of the statutes (by SECTION 2) takes effect on June 30, 2009.

11 (END)

dn

Final Proposed for 2009

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1402/P2ins
RLR:.....

109 **Ins A:**

This bill requires the county that has the highest rate of violent crime and that experienced the greatest increase in violent crime between 2005 and 2006, as determined by OJA, to submit an application for a treatment alternatives and diversion grant by August 15, 2007. The bill further provides that upon approval of the application, OJA must award the county a treatment alternatives and diversion grant of \$250,000 for calendar year 2008 and \$500,000 for calendar year 2009. ✓

107 **Ins B:**

the county that has the highest rate of violent crime and that experienced the greatest increase in violent crime between 2005 and 2006, as determined by OJA, ✓

107 **Ins C:**

The bill provides that upon approval of the plan, OJA shall award the county \$250,000 for calendar year 2008 and \$500,000 for calendar year 2009 to perform presentencing assessments of offenders. ✓

Ins 2-15 and 3-4:

107 the county that has the highest rate of violent crime and experienced the greatest increase in the number of violent crimes between the calendar year beginning January 1, 2005 and the calendar year beginning January 1, 2006, as determined by the office of justice assistance,

Ins 2-17:

109 Upon approval of the county's grant application, the office of justice assistance shall from the appropriation under section 20.505 (6) (b) of the statutes, as affected by this act, award \$250,000 to the county for the calendar year beginning January 1, 2008, and \$500,000 for the the calendar year beginning January 1, 2009. ✓

1
2
3
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5
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7

Ins 4-1:

NOT

Upon approval of a county plan submitted under paragraph (a), the office of justice assistance shall from the appropriation under section 20.505 (6) (b) of the statutes, as affected by this act, award the county \$250,000 for the calendar year beginning January 1, 2008, and \$500,000 for the calendar year beginning January 1, 2009, to perform presentencing assessments of offenders. ✓

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

LRB-1402/P2dn

RLR:.....

lmk

(date)

✓
Leah Wavrunek:

Please review the description of which county must apply for and may receive the grants. ✓ The draft specifies the county that has the highest violent crime rate → is that what you mean by having a disparate ✓ amount of violent crime? I did not refer to robberies, because robberies can be violent crimes. ✓ This draft does not define violent crime (we have several definitions in the statutes). ✓ Instead it relies on OJA to determine how to count violent crime. ✓ Do you want to specify a definition? ✓ I think that crime statistics are generally collected on a calendar year basis, so the draft specifies the increase in violent crimes committed between January 1, 2005, and December 31, 2006. ✓ Do you want the increase in crime over those two years or the increase between the rate for those two years and a previous period? ✓

em dash

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Wavrunek, Leah J - DOA
Sent: Friday, January 26, 2007 1:11 PM
To: Ryan, Robin
Subject: LRB-1402/P2 Revisions

Hi Robin,

In order to specify the county with the highest crime rank, I would like to try language along the lines of "violent crime rate per 100,000 of the population as reported by OJA." Other counties had larger percentage increases in violent crime, but no county is near Milwaukee when it comes to indexed violent crimes per 100,000.

I hope this will be workable. Please call with any questions and thank you for your help.
leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

01/27/2007



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1402/P2

RLR:lmk:jf

P3

In 1/27/07

RMN/stays

DOA:.....Wavrunek, BB0303 - Sentencing alternatives grants for Milwaukee County

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GO

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

Analysis by the Legislative Reference Bureau

CRIMES

CRIMINAL PROCEDURE

Under current law, the Office of Justice Assistance (OJA) administers a treatment alternatives and diversion grant program to fund county programs that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. This bill requires the county that has the highest rate of violent crime and that experienced the greatest increase in violent crime between 2005 and 2006, as determined by OJA, to submit an application for a treatment alternatives and diversion grant by August 15, 2007. The bill further provides that upon approval of the application, OJA must award the county a treatment alternatives and diversion grant of \$250,000 for calendar year 2008 and \$500,000 for calendar year 2009.

The bill also requires the county that has the highest rate of violent crime and that experienced the greatest increase in violent crime between 2005 and 2006, as determined by OJA, to submit a plan to OJA for conducting presentencing assessments of a target group of people who commit a Class F to I felony or a misdemeanor for the purpose of collecting information that courts may use at sentencing. The plan must identify the target group and provide for risk

assessments and needs assessments of the offenders, assessment of available community-based treatment services, collection and dissemination of information concerning the accuracy and usefulness of the assessments, and annual evaluation of the presentencing assessment program. The bill provides that upon approval of the plan, OJA shall award the county \$250,000 for calendar year 2008 and \$500,000 for calendar year 2009 to perform presentencing assessments of offenders.

For further information see the *state and local* 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.** 20.505 (6) (b) of the statutes is amended to read:

2 20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use*
3 *alcohol or other drugs; presentencing assessments.* The amounts in the schedule for
4 making grants to counties under s. 16.964 (12) (b) and entering into contracts under
5 s. 16.964 (12) (j) and for making grants under 2007 Wisconsin Act (this act),
6 section 9101 (2).

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

7 **SECTION 9101. Nonstatutory provisions; Administration.**

8 (1) TREATMENT ALTERNATIVES AND DIVERSION GRANT. By August 15, 2007, the
9 county that has the highest ^{MOVE} rate of violent crime and experienced the greatest
10 increase in the number of violent crimes between the calendar year beginning
11 January 1, 2005 and the calendar year beginning January 1, 2006, as determined by
12 the office of justice assistance, shall submit an application to the office of justice
13 assistance for a grant under section 16.964 (2) (b) of the statutes. Upon approval of
14 the county's grant application, the office of justice assistance shall from the
15 appropriation under section 20.505 (6) (b) of the statutes, as affected by this act,
16 award \$250,000 to the county for the calendar year beginning January 1, 2008, and
17 \$500,000 for the the calendar year beginning January 1, 2009.

was reported

1 (2) ASSESS, INFORM, AND MEASURE GRANT. (a) By December 1, 2007, the county
2 that has the highest ^{more} rate of violent crime and experienced the greatest increase in
3 the number of violent crimes between the calendar year beginning January 1, 2005
4 and the calendar year beginning January 1, 2006, as determined by the office of ^{has reported}
5 justice assistance, shall submit a plan to the office of justice assistance for conducting
6 presentencing assessments for the purpose of providing courts information for
7 sentencing decisions. The plan shall include all of the following components:

8 1. Identification of a target group of offenders from among persons who are
9 convicted of a Class F, G, H, or I felony or a misdemeanor whom the county shall
10 assess.

11 2. Assessment of persons in the target group to determine the risk that they
12 will commit further crimes, their needs that are directly related to criminal behavior,
13 the likelihood that they will respond positively to community-based treatment for
14 the assessed needs, as well as an assessment of the availability of community-based
15 treatment programs to serve the offenders.

16 3. Collection and dissemination of information relating to the accuracy of
17 assessments performed, the value and usefulness of information contained in the
18 assessment reports for purposes of making sentencing decisions, the effectiveness of
19 community-based treatment programs in addressing the assessed needs of
20 offenders, and the effect of the treatment programs with respect to recidivism.

21 4. Annual evaluation of the plan.

22 (b) Upon approval of a county plan submitted under paragraph (a), the office
23 of justice assistance shall from the appropriation under section 20.505 (6) (b) of the
24 statutes, as affected by this act, award the county \$250,000 for the calendar year
25 beginning January 1, 2008, and \$500,000 for the calendar year beginning January

1 1, 2009, to perform presentencing assessments of offenders. At least 50 percent of
2 the assessments performed by a county with funding provided under this subsection
3 shall be of persons subject to sentencing in connection with a felony.

4 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1402/P3

RLR:lmk:nwn

DOA:.....Wavrunek, BB0303 - Sentencing alternatives grants for
Milwaukee County

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

CRIMES

CRIMINAL PROCEDURE

Under current law, the Office of Justice Assistance (OJA) administers a treatment alternatives and diversion grant program to fund county programs that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. This bill requires the county that has the highest violent crime rate to submit an application for a treatment alternatives and diversion grant by August 15, 2007. The bill further provides that upon approval of the application, OJA must award the county a treatment alternatives and diversion grant of \$250,000 for calendar year 2008 and \$500,000 for calendar year 2009.

The bill also requires the county that has the highest violent crime rate to submit a plan to OJA for conducting presentencing assessments of a target group of people who commit a Class F to I felony or a misdemeanor for the purpose of collecting information that courts may use at sentencing. The plan must identify the target group and provide for risk assessments and needs assessments of the offenders, assessment of available community-based treatment services, collection and dissemination of information concerning the accuracy and usefulness of the assessments, and annual evaluation of the presentencing assessment program. The

bill provides that upon approval of the plan, OJA shall award the county \$250,000 for calendar year 2008 and \$500,000 for calendar year 2009 to perform presentencing assessments of offenders.

For further information see the *state and local* 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:

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5 s. 16.964 (12) (j) and for making grants under 2007 Wisconsin Act (this act),
6 section 9101 (2).

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

7 **SECTION 9101. Nonstatutory provisions; Administration.**

8 (1) TREATMENT ALTERNATIVES AND DIVERSION GRANT. By August 15, 2007, the
9 county that has the highest violent crime rate, as reported by the office of justice
10 assistance, shall submit an application to the office of justice assistance for a grant
11 under section 16.964 (2) (b) of the statutes. Upon approval of the county's grant
12 application, the office of justice assistance shall from the appropriation under section
13 20.505 (6) (b) of the statutes, as affected by this act, award \$250,000 to the county
14 for the calendar year beginning January 1, 2008, and \$500,000 for the the calendar
15 year beginning January 1, 2009.

16 (2) ASSESS, INFORM, AND MEASURE GRANT. (a) By December 1, 2007, the county
17 that has the highest violent crime rate, as reported by the office of justice assistance,
18 shall submit a plan to the office of justice assistance for conducting presentencing

1 assessments for the purpose of providing courts information for sentencing
2 decisions. The plan shall include all of the following components:

3 1. Identification of a target group of offenders from among persons who are
4 convicted of a Class F, G, H, or I felony or a misdemeanor whom the county shall
5 assess.

6 2. Assessment of persons in the target group to determine the risk that they
7 will commit further crimes, their needs that are directly related to criminal behavior,
8 the likelihood that they will respond positively to community-based treatment for
9 the assessed needs, as well as an assessment of the availability of community-based
10 treatment programs to serve the offenders.

11 3. Collection and dissemination of information relating to the accuracy of
12 assessments performed, the value and usefulness of information contained in the
13 assessment reports for purposes of making sentencing decisions, the effectiveness of
14 community-based treatment programs in addressing the assessed needs of
15 offenders, and the effect of the treatment programs with respect to recidivism.

16 4. Annual evaluation of the plan.

17 (b) Upon approval of a county plan submitted under paragraph (a), the office
18 of justice assistance shall from the appropriation under section 20.505 (6) (b) of the
19 statutes, as affected by this act, award the county \$250,000 for the calendar year
20 beginning January 1, 2008, and \$500,000 for the calendar year beginning January
21 1, 2009, to perform presentencing assessments of offenders. At least 50 percent of
22 the assessments performed by a county with funding provided under this subsection
23 shall be of persons subject to sentencing in connection with a felony.

24 (END)