



1           **SECTION 3833.** 938.57 (3) (b) of the statutes is amended to read:

2           938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.  
3           (a) shall be in an amount equal to that to which the juvenile would receive under s.  
4           ~~46.495~~ 48.569 (1) (d) if the juvenile were 16 years of age.

5           **SECTION 3834.** 938.78 (2) (h) of the statutes is amended to read:

6           938.78 (2) (h) Paragraph (a) does not prohibit the department of health and  
7           ~~family services~~ children and families, a county department, or a licensed child  
8           welfare agency from entering the content of any record kept or information received  
9           by that department, county department, or licensed child welfare agency into the  
10          statewide automated child welfare information system established under s. ~~46.03~~  
11          48.47 (7g).

12          **SECTION 3834c.** 941.237 (1) (c) of the statutes is amended to read:

13          941.237 (1) (c) "Encased" has the meaning given in s. 167.31 (1) (b) means  
14          enclosed in a case that is expressly made for the purpose of containing a firearm and  
15          that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part  
16          of the firearm exposed.

17          **SECTION 3835.** 948.22 (4) (b) of the statutes is amended to read:

18          948.22 (4) (b) For a person not subject to a court order requiring child,  
19          grandchild or spousal support payments, when the person knows or reasonably  
20          should have known that he or she has a dependent, failure to provide support equal  
21          to at least the amount established by rule by the department of workforce  
22          development children and families under s. 49.22 (9) or causing a spouse, grandchild  
23          or child to become a dependent person, or continue to be a dependent person, as  
24          defined in s. 49.01 (2).

25          **SECTION 3836.** 948.31 (1) (a) 2. of the statutes is amended to read:



1 948.31 (1) (a) 2. The department of health and family services children and  
2 families or the department of corrections or any person, county department under  
3 s. 46.215, 46.22, or 46.23, or licensed child welfare agency, if custody or supervision  
4 of the child has been transferred under ch. 48 or 938 to that department, person, or  
5 agency.

6 **SECTION 3836c.** 948.605 (1) (a) of the statutes is amended to read:

7 948.605 (1) (a) "Encased" has the meaning given in s. 167.31 (1) (b) means  
8 enclosed in a case that is expressly made for the purpose of containing a firearm and  
9 that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part  
10 of the firearm exposed.

11 **SECTION 3837.** Subchapter I (title) of chapter 949 [precedes 949.001] of the  
12 statutes is created to read:

13 **CHAPTER 949**

14 **SUBCHAPTER I**

15 **CRIME VICTIM COMPENSATION**

16 **SECTION 3838.** 949.01 (intro.) of the statutes is amended to read:

17 **949.01 Definitions.** (intro.) In this chapter subchapter:

18 **SECTION 3839.** 949.02 of the statutes is amended to read:

19 **949.02 Administration.** The department shall administer this chapter  
20 subchapter. The department shall appoint a program director to assist in  
21 administering this chapter subchapter. The department shall promulgate rules for  
22 the implementation and operation of this chapter subchapter. The rules shall  
23 include procedures to ensure that any limitation of an award is calculated in a fair  
24 and equitable manner.

25 **SECTION 3840.** 949.035 (1) of the statutes is amended to read:

1           949.035 (1) If a Wisconsin resident suffers injury or death in a situation  
2           described in s. 949.03 except that the act occurred outside this state, the resident has  
3           the same rights under this chapter subchapter as if the act had occurred in this state  
4           upon a showing that the state, territory, country or political subdivision of a country  
5           in which the act occurred does not have a compensation of victims of crimes law which  
6           covers the injury or death suffered by the person.

7           **SECTION 3841.** 949.04 (1) (intro.) of the statutes is amended to read:

8           949.04 (1) ELIGIBILITY. (intro.) Any person may apply for an award under this  
9           chapter subchapter.

10          **SECTION 3842.** 949.04 (2) of the statutes is amended to read:

11          949.04 (2) FORMS. The department shall prescribe application forms for awards  
12          under this chapter subchapter and shall furnish law enforcement agencies with the  
13          forms. The law enforcement agency investigating a crime shall provide forms to each  
14          person who may be eligible to file a claim under this subchapter.

15          **SECTION 3843.** 949.06 (1) (intro.) of the statutes is amended to read:

16          949.06 (1) (intro.) In accordance with this chapter subchapter, the department  
17          shall make awards, as appropriate, for any of the following economic losses incurred  
18          as a direct result of an injury:

19          **SECTION 3844.** 949.06 (1m) (b) of the statutes is amended to read:

20          949.06 (1m) (b) In accordance with this chapter subchapter, the department  
21          shall make awards, as appropriate, to persons who, immediately prior to the crime,  
22          lived in the same household with and to family members of a victim of s. 940.01,  
23          940.02, 940.05, 940.06, 940.07, 940.08 or 940.09 for any of the economic losses  
24          specified in sub. (1) as a result of the person's or family member's reaction to the

1 death. A dependent may recover both under sub. (1) and this subsection, subject to  
2 the limitation under sub. (2).

3 **SECTION 3845.** 949.06 (3) (f) of the statutes is created to read:

4 949.06 (3) (f) From an award under s. 949.26.

5 **SECTION 3846.** 949.06 (4) (b) of the statutes is amended to read:

6 949.06 (4) (b) The department may suspend proceedings under this chapter  
7 subchapter for a period it deems appropriate on the grounds that a prosecution for  
8 an offense arising out of the act or omission has been commenced or is imminent.

9 **SECTION 3847.** 949.09 of the statutes is amended to read:

10 **949.09 Effect of conviction.** If any person has been convicted of any offense  
11 with respect to an act or omission on which a claim under this chapter subchapter  
12 is based, proof of that conviction shall be taken as conclusive evidence that the  
13 offense has been committed, unless an appeal or any proceeding with regard thereto  
14 is pending.

15 **SECTION 3848.** 949.11 (1) of the statutes is amended to read:

16 949.11 (1) The procedure of ch. 227 for contested cases applies to hearings  
17 under this chapter subchapter except as otherwise provided in this section and ss.  
18 949.12 and 949.14.

19 **SECTION 3849.** 949.11 (2) of the statutes is amended to read:

20 949.11 (2) The division of hearings and appeals in the department of  
21 administration shall appoint hearing examiners to make findings and orders under  
22 s. 227.46 and this chapter subchapter.

23 **SECTION 3850.** 949.115 of the statutes is amended to read:

24 **949.115 Subpoenas.** The department or any of its authorized agents may  
25 issue subpoenas for persons or records for any investigation or hearing conducted

1 under this chapter subchapter and may enforce compliance with such subpoenas as  
2 provided in s. 885.12.

3 **SECTION 3851.** 949.12 of the statutes is amended to read:

4 **949.12 Condition of claimant.** There is no privilege, except privileges  
5 arising from the attorney-client relationship, as to communications or records  
6 relevant to an issue of the physical, mental or emotional condition of the claimant  
7 or victim in a proceeding under this chapter subchapter in which that condition is  
8 an element.

9 **SECTION 3852.** 949.13 of the statutes is amended to read:

10 **949.13 Agency cooperation.** Upon request by the department, any state or  
11 local agency, including a district attorney or law enforcement agency, shall make  
12 available all reports, files and other appropriate information which the department  
13 requests in order to make a determination that a person is eligible for an award  
14 under this chapter subchapter.

15 **SECTION 3853.** 949.15 (1) of the statutes is amended to read:

16 949.15 (1) Whenever the department orders the payment of an award under  
17 this chapter subchapter as a result of the occurrence of an event that creates a cause  
18 of action on the part of a claimant against any person, the department is subrogated  
19 to the rights of the claimant and may bring an action against the person for the  
20 amount of the damages sustained by the claimant. If an amount greater than that  
21 paid under the award order is recovered and collected in any such action, the  
22 department shall pay the balance to the claimant. If the person responsible for the  
23 injury or death has previously made restitution payments to the general fund under  
24 s. 973.20, any judgment obtained by the department under this section shall be  
25 reduced by the amount of the restitution payments to the general fund.

1       **SECTION 3854.** 949.16 of the statutes is amended to read:

2       **949.16 Confidentiality of records.** The record of a proceeding before an  
3       examiner or the department under this chapter subchapter is a public record. Any  
4       record or report obtained by an examiner or the department; the confidentiality of  
5       which is protected by any other law or rule, shall remain confidential.

6       **SECTION 3855.** 949.165 (12) of the statutes is amended to read:

7       **949.165 (12) PAYMENT IS NOT AN AWARD.** Any payment from an escrow account  
8       under this section shall not be considered as an award by the department under this  
9       chapter subchapter.

10       **SECTION 3856.** 949.18 (intro.) of the statutes is amended to read:

11       **949.18 Report by the department.** (intro.) The department's biennial  
12       report under s. 15.04 (1) (d) shall include a report of its activities under this chapter  
13       subchapter including:

14       **SECTION 3857.** 949.18 (1) of the statutes is amended to read:

15       **949.18 (1)** An explanation of the procedures for filing and processing claims  
16       under this chapter subchapter.

17       **SECTION 3858.** 949.18 (4) of the statutes is amended to read:

18       **949.18 (4)** A copy of the forms utilized under this chapter subchapter.

19       **SECTION 3859.** 949.18 (5) (intro.) of the statutes is amended to read:

20       **949.18 (5) (intro.)** A complete statistical analysis of the cases handled under  
21       this chapter subchapter, including:

22       **SECTION 3860.** 949.18 (5) (e) of the statutes is amended to read:

23       **949.18 (5) (e)** A summary of cases handled under this chapter subchapter.

24       **SECTION 3861.** Subchapter II of chapter 949 [precedes 949.20] of the statutes  
25       is created to read:

## CHAPTER 949

## SUBCHAPTER II

## SEXUAL ASSAULT FORENSIC

## EXAMINATION COMPENSATION

**949.20 Definitions.** In this subchapter:

(1) "Cooperate with a law enforcement agency" means to report a sex offense to a law enforcement agency or to aid a law enforcement agency in the investigation of a sex offense.

(2) "Department" means the department of justice.

(3) "Examination costs" means the costs of an examination that is done to gather evidence regarding a sex offense, any procedure during that examination process that tests for or prevents a sexually transmitted disease, and any medication provided or prescribed, during that examination process, that prevents or treats a sexually transmitted disease that the person performing the examination or procedure believes could be a consequence of the sex offense. "Examination costs" does not include any processing or administrative costs, attorney fees, or other expenses.

(4) "Guardian of the victim" means one of the following:

1. If the victim is under 18 years of age, the parent, guardian, or legal custodian of the victim.

2. If the victim has been determined to be incompetent under ch. 54, the guardian of the victim.

(5) "Health care provider" means any person providing health care services.

(6) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

1 (7) "Sex offense" means an act committed in the state that, if committed by a  
2 competent adult, would be a violation, or an attempted violation, of s. 940.225,  
3 948.02, 948.025, 948.05, 948.06, 948.08, or 948.09.

4 (8) "Sexually transmitted disease" has the meaning given in s. 252.11 (1).

5 (9) "Victim" means a person against whom a sex offense has been committed.

6 **949.22 Administration.** The department shall administer this subchapter.

7 The department shall appoint a program director to assist in administering this  
8 subchapter. The department shall promulgate rules for the implementation and  
9 operation of this subchapter. The rules shall include procedures to ensure that any  
10 limitation of an award is calculated in a fair and equitable manner.

11 **949.24 Application for award. (1) ELIGIBILITY.** Any health care provider who  
12 conducts an examination to gather evidence regarding a sex offense may apply for  
13 an award under this subchapter.

14 (2) **FORMS.** The department shall prescribe application forms for awards under  
15 this subchapter and shall furnish health care providers with the forms.

16 (3) **MEDICAL RECORDS.** An applicant shall submit to the department reports  
17 from any physician, physician's assistant, or nurse who treated or examined the  
18 victim to gather evidence regarding a sex offense, performed any procedure during  
19 that treatment or examination that tests for or prevents a sexually transmitted  
20 disease, or provided or prescribed any medication to prevent or treat a sexually  
21 transmitted disease. The applicant may not submit to the department any other  
22 records than those pertaining to the examination, treatment, procedure, or  
23 medication for which the applicant is seeking an award.

24 **949.26 Computation of awards. (1)** Except as provided in sub. (1m), the  
25 department shall make an award under this section to a health care provider who



1 conducts an examination to gather evidence regarding a sex offense to reimburse the  
2 health care provider only for the examination costs, as follows:

3 (a) If, under sub. (2) (b), the health care provider is not authorized to seek  
4 payment from insurance or another available source of payment, the award shall be  
5 the examination costs, regardless of whether the victim, or any guardian of the  
6 victim, cooperates with a law enforcement agency regarding the sex offense.

7 (b) If, under sub. (2) (b), the health care provider is authorized to seek payment  
8 from insurance or another available source of payment and the victim, or any  
9 guardian of the victim, does not cooperate with a law enforcement agency regarding  
10 the sex offense, the award shall be the examination costs, reduced by any payment  
11 to be received as a result of the authorization under sub. (2) (b).

12 **(1m)** The department may not make an award under this section if, under sub.  
13 (2) (b), the health care provider is authorized to seek payment and the victim, or any  
14 guardian of the victim, cooperates with a law enforcement agency.

15 **(2) (a)** A health care provider seeking an award under this section may not seek  
16 payment for any examination costs from the victim or any guardian of the victim.

17 **(b)** A health care provider seeking an award under this section may not seek  
18 payment for any examination costs from insurance or another available source of  
19 payment unless the victim or any guardian of the victim authorizes the health care  
20 provider to seek payment.

21 **(3)** The department may not refuse to make an award under this section  
22 because the victim or the guardian of the victim does not cooperate with a law  
23 enforcement agency regarding the sex offense, or due to lack of an investigation or  
24 prosecution of the sex offense.

1           **949.28 Limitations on awards.** (1) No order for the payment of an award  
2           under this subchapter may be made unless the application was made within one year  
3           after the date of the examination. The department may waive the one-year  
4           requirement under this subsection in the interest of justice.

5           (2) The department may not make an award under this subchapter that  
6           exceeds the examination costs of the victim.

7           (3) The department may not make an award under this subchapter for any part  
8           of the examination costs of the victim for which the health care provider seeking the  
9           award has received compensation from any other source.

10           **949.31 Hearings.** (1) The procedure of ch. 227 for contested cases applies to  
11           hearings under this subchapter except as otherwise provided in this section and s.  
12           949.32.

13           (2) The division of hearings and appeals in the department of administration  
14           shall appoint hearing examiners to make findings and orders under s. 227.46 and  
15           this subchapter.

16           (3) All hearings shall be open to the public unless in a particular case the  
17           examiner determines that the hearing, or a portion of the hearing, shall be held in  
18           private having regard to the fact that the offender has not been convicted or to the  
19           interest of the victim.

20           **949.315 Subpoenas.** The department or any of its authorized agents may  
21           issue subpoenas for persons or records for any investigation or hearing conducted  
22           under this subchapter and may enforce compliance with such subpoenas as provided  
23           in s. 885.12.

24           **949.32 Condition of victim.** There is no privilege, except privileges arising  
25           from the attorney-client relationship, as to communications or records relevant to

1 an issue of the physical condition of the victim in a proceeding under this subchapter  
2 in which that condition is an element.

3 **949.33 Agency cooperation.** Upon request by the department, any state or  
4 local agency, including a district attorney or law enforcement agency, shall make  
5 available all reports, files, and other appropriate information which the department  
6 requests in order to make a determination that a health care provider is eligible for  
7 an award under this subchapter.

8 **949.36 Confidentiality.** If a health care provider seeks an award under this  
9 subchapter, any personally identifiable information, as defined in s. 19.62 (5), of the  
10 victim who received the examination shall remain confidential unless written  
11 consent for the release of any personally identifiable information is provided by one  
12 of the following:

13 (1) Except as provided under sub. (2), the victim.

14 (2) If there is a guardian of the victim, the guardian of the victim.

15 **949.37 Offenses. (1) PROHIBITION.** In connection with an award under this  
16 subchapter, no person may do any of the following:

17 (a) Submit a fraudulent application or claim for an award.

18 (b) Intentionally make or cause to be made any false statement or  
19 representation of a material fact.

20 (c) Intentionally conceal or fail to disclose information affecting the amount of  
21 or the initial or continued right to any such award when reasonably requested to  
22 provide such information by the department.

23 (2) **PENALTIES.** Any person who violates this section shall be fined not more than  
24 \$500 or imprisoned not more than 6 months or both. The person shall forfeit any  
25 benefit received and shall reimburse the state for payments received.

1           **(3) DAMAGES.** The state has a civil cause of action for relief against any person  
2           who violates this section for the amount of damages that the state sustained by  
3           reason of the violation and, in addition, for punitive damages not more than double  
4           the amount of damages that the state may have sustained, together with interest,  
5           and the cost of the suit.

6           **(4) ACTION.** The attorney general may bring any action and has such powers  
7           as may be necessary to enforce this section.

8           **949.38 Report by the department.** The department's biennial report under  
9           s. 15.04 (1) (d) shall include a report of its activities under this subchapter including  
10          all of the following:

11          **(1)** An explanation of the procedures for filing and processing claims under this  
12          subchapter.

13          **(2)** A description of the programs and policies instituted to promote awareness  
14          about the awards under this subchapter.

15          **(3)** An analysis of future needs and suggested program improvements.

16          **(4)** A copy of the forms used under this subchapter.

17          **(5)** A complete statistical analysis of the cases handled under this subchapter,  
18          including all of the following:

19                  **(a)** The number of claims filed.

20                  **(b)** The number of claims approved and the amount of each award.

21                  **(c)** The number of claims denied and the reasons for rejection.

22                  **(d)** A breakdown of claims by geographic area and month.

23          **SECTION 3863.** 950.04 (1v) (rm) of the statutes is amended to read:

24          950.04 (1v) (rm) To compensation, as provided under subch. I of ch. 949.

25          **SECTION 3864.** 950.08 (2g) (b) of the statutes is amended to read:

1 950.08 (2g) (b) The availability of compensation under subch. I of ch. 949 and  
2 the address and telephone number at which to contact the department for  
3 information concerning compensation under subch. I of ch. 949.

4 **SECTION 3865.** 950.08 (2r) (d) of the statutes is amended to read:

5 950.08 (2r) (d) The availability of compensation under subch. I of ch. 949,  
6 including information concerning eligibility for compensation and the procedure for  
7 applying for compensation.

8 **SECTION 3866.** 961.41 (5) (c) of the statutes, as affected by 2005 Wisconsin Act  
9 25, is amended to read:

10 961.41 (5) (c) 1. ~~Two-thirds~~ The first \$850,000 plus two-thirds of all moneys  
11 in excess of \$1,275,000 collected in each fiscal year from drug surcharges under this  
12 subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

13 2. ~~One-third of all~~ All moneys in excess of \$850,000 and up to \$1,275,000 plus  
14 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug  
15 surcharges under this subsection shall be credited to the appropriation account  
16 under s. 20.505 (6) (ku).

17 **SECTION 3869.** 967.06 of the statutes is renumbered 967.06 (1) and amended  
18 to read:

19 967.06 (1) As soon as practicable after a person has been detained or arrested  
20 in connection with any offense which that is punishable by incarceration, or in  
21 connection with any civil commitment proceeding, or in any other situation in which  
22 a person is entitled to counsel regardless of ability to pay under the constitution or  
23 laws of the United States or this state, the person shall be informed of his or her right  
24 to counsel. ~~Persons~~

1        (2) (a) Except as provided in par. (b), a person entitled to counsel under sub.  
2        (1) who indicate indicates at any time that they wish he or she wants to be  
3        represented by a lawyer, and who claim that they are claims that he or she is not able  
4        to pay in full for a lawyer's services, shall immediately be permitted to contact the  
5        authority for indigency determinations specified under s. 977.07 (1). The authority  
6        for indigency determination in each county shall have daily telephone access to the  
7        county jail in order to identify all persons who are being held in the jail. The jail  
8        personnel shall provide by phone information requested by the authority.

9        (3) In any case in which the state public defender provides representation to  
10       an indigent person, the public defender may request that the applicable court  
11       reporter or clerk of circuit court prepare and transmit any transcript or court record.  
12       The request shall be complied with. The state public defender shall, from the  
13       appropriation under s. 20.550 (1) (f), compensate the court reporter or clerk of circuit  
14       court for the cost of preparing, handling, duplicating, and mailing the documents.

15        **SECTION 3870.** 967.06 (2) (b) of the statutes is created to read:

16        967.06 (2) (b) If the person indicating that he or she wants to be represented  
17        by a lawyer is detained under ch. 48, 51, 55, or 938, the person shall be referred for  
18        appointment of counsel as provided under s. 48.23 (4), 51.60, 55.105, or 938.23 (4),  
19        whichever is applicable.

20        **SECTION 3871.** 971.14 (3) (d) of the statutes is amended to read:

21        971.14 (3) (d) If the examiner reports that the defendant lacks competency, the  
22        examiner's opinion regarding the likelihood that the defendant, if provided  
23        treatment, may be restored to competency within the time period permitted under  
24        sub. (5) (a). The examiner shall provide an opinion as to whether the individual's  
25        treatment should occur in an inpatient facility designated by the department of

1 health and family services, or should be conducted in a jail or a locked unit of a facility  
2 that has entered into a voluntary agreement with the state to serve as a location for  
3 treatment, or as a condition of bail or bond.

4 **SECTION 3872.** 971.14 (5) (a) of the statutes is amended to read:

5 971.14 (5) (a) If the court determines that the defendant is not competent but  
6 is likely to become competent within the period specified in this paragraph if  
7 provided with appropriate treatment, the court shall suspend the proceedings and  
8 commit the defendant to the custody of the department of health and family services  
9 for placement in an appropriate institution for the department to determine whether  
10 treatment shall occur in an appropriate institution designated by the department,  
11 or in a community-based treatment conducted in a jail or a locked unit of a facility  
12 that has entered into a voluntary agreement with the state to serve as a location for  
13 treatment, or as a condition of bail or bond, for a period of time not to exceed 12  
14 months, or the maximum sentence specified for the most serious offense with which  
15 the defendant is charged, whichever is less. Under this subsection, the department  
16 of health and family services may commence services to a person in jail but shall, as  
17 soon as possible, transfer that person to an institution or provide services to the  
18 person in a nonjail setting consistent with this subsection. Days spent in  
19 commitment under this paragraph are considered days spent in custody under s.  
20 973.155.

21 **SECTION 3873.** 971.14 (5) (b) of the statutes is amended to read:

22 971.14 (5) (b) The defendant shall be periodically reexamined by the treatment  
23 facility department of health and family services examiners. Written reports of  
24 examination shall be furnished to the court 3 months after commitment, 6 months  
25 after commitment, 9 months after commitment and within 30 days prior to the

1 expiration of commitment. Each report shall indicate either that the defendant has  
2 become competent, that the defendant remains incompetent but that attainment of  
3 competency is likely within the remaining commitment period, or that the defendant  
4 has not made such progress that attainment of competency is likely within the  
5 remaining commitment period. Any report indicating such a lack of sufficient  
6 progress shall include the examiner's opinion regarding whether the defendant is  
7 mentally ill, alcoholic, drug dependent, developmentally disabled or infirm because  
8 of aging or other like incapacities.

9 **SECTION 3874.** 971.14 (5) (c) of the statutes is amended to read:

10 971.14 (5) (c) Upon receiving a report under par. (b), indicating the defendant  
11 has regained competency or is not competent and unlikely to become competent in  
12 the remaining commitment period, the court shall hold a hearing within 14 days of  
13 receipt of the report and the court shall proceed under sub. (4). If the court  
14 determines that the defendant has become competent, the defendant shall be  
15 discharged from commitment and the criminal proceeding shall be resumed. If the  
16 court determines that the defendant is making sufficient progress toward becoming  
17 competent, the commitment shall continue.

18 **SECTION 3875.** 971.17 (3) (e) of the statutes is amended to read:

19 971.17 (3) (e) An order for conditional release places the person in the custody  
20 and control of the department of health and family services. A conditionally released  
21 person is subject to the conditions set by the court and to the rules of the department  
22 of health and family services. Before a person is conditionally released by the court  
23 under this subsection, the court shall so notify the municipal police department and  
24 county sheriff for the area where the person will be residing. The notification  
25 requirement under this paragraph does not apply if a municipal department or



1 county sheriff submits to the court a written statement waiving the right to be  
2 notified. If the department of health and family services alleges that a released  
3 person has violated any condition or rule, or that the safety of the person or others  
4 requires that conditional release be revoked, he or she may be taken into custody  
5 under the rules of the department. The department of health and family services  
6 shall submit a statement showing probable cause of the detention and a petition to  
7 revoke the order for conditional release to the committing court and the regional  
8 office of the state public defender responsible for handling cases in the county where  
9 the committing court is located within 48 72 hours after the detention, excluding  
10 Saturdays, Sundays, and legal holidays. The court shall hear the petition within 30  
11 days, unless the hearing or time deadline is waived by the detained person. Pending  
12 the revocation hearing, the department of health and family services may detain the  
13 person in a jail or in a hospital, center or facility specified by s. 51.15 (2). The state  
14 has the burden of proving by clear and convincing evidence that any rule or condition  
15 of release has been violated, or that the safety of the person or others requires that  
16 conditional release be revoked. If the court determines after hearing that any rule  
17 or condition of release has been violated, or that the safety of the person or others  
18 requires that conditional release be revoked, it may revoke the order for conditional  
19 release and order that the released person be placed in an appropriate institution  
20 under s. 51.37 (3) until the expiration of the commitment or until again conditionally  
21 released under this section.

22 **SECTION 3876.** 971.23 (10) of the statutes is amended to read:

23 971.23 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT  
24 DEFENDANTS. When the state public defender or a private attorney appointed under  
25 s. 977.08 requests photocopies copies, in any format, of any item that is discoverable

1 under this section, the state public defender shall pay any fee charged for the  
2 photocopies copies from the appropriation under s. 20.550 (1) (f). If the person  
3 providing photocopies copies under this section charges the state public defender a  
4 fee for the photocopies copies, the fee may not exceed the actual, necessary, and direct  
5 cost of photocopying providing the copies.

6 **SECTION 3879d.** 973.017 (2) (a) of the statutes is amended to read:

7 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted by  
8 the sentencing commission under s. 973.30 created under 2001 Wisconsin Act 109,  
9 or, if the sentencing commission has not adopted a guideline for the offense, any  
10 applicable temporary sentencing guideline adopted by the criminal penalties study  
11 committee created under 1997 Wisconsin Act 283.

12 **SECTION 3880.** 973.045 (1) (intro.) of the statutes is amended to read:

13 973.045 (1) (intro.) ~~Except as provided in sub. (1m), if~~ If a court imposes a  
14 sentence or places a person on probation, the court shall impose a crime victim and  
15 witness assistance surcharge calculated as follows:

16 **SECTION 3881.** 973.045 (1m) of the statutes is repealed and recreated to read:

17 973.045 (1m) (a) In this subsection, "civil offense" means an offense punishable  
18 by a forfeiture.

19 (b) If all of the following apply, the court shall impose a crime victim and witness  
20 assistance surcharge in addition to any forfeiture that it imposes:

- 21 1. The person is charged with one or more crimes in a complaint.
- 22 2. As a result of the complaint being amended, the person is charged with a civil  
23 offense in lieu of one of those crimes.
- 24 3. The court finds that the person committed that civil offense on or after the  
25 effective date of this subdivision .... [revisor inserts date].

1 (c) The amount of the surcharge imposed under par. (b) shall be the amount  
2 specified in sub. (1) (a) or (b), depending on whether the crime that was the subject  
3 of the amendment under par. (b) 2. was a misdemeanor or a felony.

4 **SECTION 3882.** 973.045 (1r) (b) of the statutes is created to read:

5 973.045 (1r) (b) The entire amount of any surcharge imposed under sub. (1m)  
6 shall be allocated to part A.

7 **SECTION 3883.** 973.045 (2m) of the statutes is created to read:

8 973.045 (2m) The secretary of administration shall credit part A of the crime  
9 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and  
10 part B to the appropriation account under s. 20.455 (5) (ge).

11 **SECTION 3884.** 973.045 (3) (a) of the statutes is renumbered 973.045 (1r) (a),  
12 and 973.045 (1r) (a) (intro.), as renumbered, is amended to read:

13 973.045 (1r) (a) (intro.) The clerk shall record the any crime victim and witness  
14 surcharge imposed under sub. (1) in 2 parts. ~~Part A is the portion that the secretary~~  
15 ~~of administration shall credit to the appropriation account under s. 20.455 (5) (g) and~~  
16 ~~part B is the portion that the secretary of administration shall credit to the~~  
17 ~~appropriation account under s. 20.455 (5) (ge), as follows:~~

18 **SECTION 3885.** 973.05 (2m) (r) of the statutes is amended to read:

19 973.05 (2m) (r) To payment of the enforcement surcharge under s. 253.06 49.17  
20 (4) (c) until paid in full.

21 **SECTION 3885m.** 973.055 (1) (intro.) of the statutes is amended to read:

22 973.055 (1) (intro.) If a court imposes a sentence on an adult person or places  
23 an adult person on probation, regardless of whether any fine is imposed, the court  
24 shall impose a domestic abuse surcharge under ch. 814 of \$75 \$100 for each offense  
25 if:

1           **SECTION 3886.** 973.055 (3) of the statutes is amended to read:

2           973.055 (3) All moneys collected from domestic abuse surcharges shall be  
3           deposited by the secretary of administration in s. ~~20.435 (3)~~ 20.437 (1) (hh) and  
4           utilized in accordance with s. ~~46.95~~ 49.165.

5           **SECTION 3887.** 973.09 (1) (b) of the statutes is amended to read:

6           973.09 (1) (b) If the court places the person on probation, the court shall order  
7           the person to pay restitution under s. 973.20, unless the court finds there is  
8           substantial reason not to order restitution as a condition of probation. If the court  
9           does not require restitution to be paid to a victim, the court shall state its reason on  
10          the record. If the court does require restitution, it shall notify the department of  
11          justice of its decision if the victim may be eligible for compensation under subch. I  
12          of ch. 949.

13          **SECTION 3891.** 973.20 (9) (a) of the statutes is amended to read:

14          973.20 (9) (a) If a crime victim is paid an award under subch. I of ch. 949 for  
15          any loss arising out of a criminal act, the state is subrogated to the rights of the victim  
16          to any restitution required by the court. The rights of the state are subordinate to  
17          the claims of victims who have suffered a loss arising out of the offenses or any  
18          transaction which is part of the same continuous scheme of criminal activity.

19          **SECTION 3892.** 973.20 (9) (b) of the statutes is amended to read:

20          973.20 (9) (b) When restitution is ordered, the court shall inquire to see if an  
21          award has been made under subch. I of ch. 949 and if the department of justice is  
22          subrogated to the cause of action under s. 949.15. If the restitution ordered is less  
23          than or equal to the award under subch. I of ch. 949, the restitution shall be paid only  
24          to the general fund credited to the appropriation account under s. 20.455 (5) (hh).  
25          If the restitution ordered is greater than the award under subch. I of ch. 949, the

1 general fund shall receive an amount equal to the award under subch. I of ch. 949  
2 shall be credited to the appropriation account under s. 20.455 (5) (hh) and the balance  
3 shall be paid to the victim.

4 SECTION 3893. 973.30 (title) of the statutes is repealed.

5 SECTION 3894. 973.30 (1) (intro.) of the statutes is repealed.

6 SECTION 3895. 973.30 (1) (a) of the statutes is repealed.

7 SECTION 3896. 973.30 (1) (b) of the statutes is renumbered 16.964 (13) (a) 2.

8 SECTION 3897. 973.30 (1) (c) of the statutes is repealed.

9 SECTION 3898. 973.30 (1) (d) of the statutes is renumbered 16.964 (13) (a) 3.

10 SECTION 3899. 973.30 (1) (e) of the statutes is repealed.

11 SECTION 3900. 973.30 (1) (f) of the statutes is repealed.

12 SECTION 3901. 973.30 (1) (g) of the statutes is renumbered 16.964 (13) (a) 4.

13 SECTION 3902. 973.30 (1) (h) of the statutes is renumbered 16.964 (13) (a) 5.

14 SECTION 3903. 973.30 (1) (i) of the statutes is renumbered 16.964 (13) (a) 6.

15 SECTION 3904. 973.30 (1) (j) of the statutes is renumbered 16.964 (13) (a) 7.

16 SECTION 3905. 973.30 (2) of the statutes is repealed.

17 SECTION 3906. 973.30 (3) of the statutes is repealed.

18 SECTION 3909. 977.02 (2m) of the statutes is amended to read:

19 977.02 (2m) Promulgate rules regarding eligibility for legal services under this  
20 chapter, including legal services for children persons who are entitled to be  
21 represented by counsel without a determination of indigency, as provided in s. 48.23  
22 (4), 51.60, 55.105, or 938.23 (4).

23 SECTION 3910. 977.02 (3) of the statutes is amended to read:

24 977.02 (3) Promulgate rules regarding the determination of indigency of  
25 persons entitled to be represented by counsel, other than children persons who are

1 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23,  
2 including the time period in which the determination must be made and the criteria  
3 to be used to determine indigency and partial indigency.

4 **SECTION 3911.** 977.05 (4) (gm) of the statutes is amended to read:

5 977.05 (4) (gm) In accordance with the standards under pars. (h) and (i), accept  
6 referrals from judges and courts for the provision of legal services without a  
7 determination of indigency of children persons who are entitled to be represented by  
8 counsel under s. 48.23, 51.60, 55.105, or 938.23, appoint counsel in accordance with  
9 contracts and policies of the board, and inform the referring judge or court of the  
10 name and address of the specific attorney who has been assigned to the case.

11 **SECTION 3912.** 977.05 (4) (h) of the statutes is amended to read:

12 977.05 (4) (h) Accept requests for legal services from children persons who are  
13 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23 and  
14 from indigent persons who are entitled to be represented by counsel under s. 967.06  
15 or who are otherwise so entitled under the constitution or laws of the United States  
16 or this state and provide such persons with legal services when, in the discretion of  
17 the state public defender, such provision of legal services is appropriate.

18 **SECTION 3913.** 977.05 (4) (i) 8. of the statutes is amended to read:

19 977.05 (4) (i) 8. Cases involving individuals who are subject to petitions for  
20 protective placement or involuntary administration of psychotropic medication  
21 under ch. 55.

22 **SECTION 3914.** 977.06 (2) (a) of the statutes is amended to read:

23 977.06 (2) (a) A person seeking to have counsel assigned for him or her under  
24 s. 977.08, other than a child person who is entitled to be represented by counsel under  
25 s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that he or she has

1 not disposed of any assets for the purpose of qualifying for that assignment of  
2 counsel. If the representative or authority making the indigency determination  
3 finds that any asset was disposed of for less than its fair market value for the purpose  
4 of obtaining that assignment of counsel, the asset shall be counted under s. 977.07  
5 (2) at its fair market value at the time it was disposed of, minus the amount of  
6 compensation received for the asset.

7 **SECTION 3915.** 977.06 (2) (am) of the statutes is amended to read:

8 977.06 (2) (am) A person seeking to have counsel assigned for him or her under  
9 s. 977.08, other than a child person who is entitled to be represented by counsel under  
10 s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that the  
11 information that he or she has given to determine eligibility for assignment of  
12 counsel he or she believes to be true and that he or she is informed that he or she is  
13 subject to the penalty under par. (b).

14 **SECTION 3916.** 977.06 (4) (bm) of the statutes is amended to read:

15 977.06 (4) (bm) In response to a request for information under s. 49.22 (2m)  
16 made by the department of workforce development children and families or a county  
17 child support agency under s. 59.53 (5), the state public defender shall provide the  
18 name and address of an individual, the name and address of the individual's  
19 employer and financial information related to the individual, if the name, address  
20 or financial information is included in any statement, affidavit or other information  
21 provided by the individual regarding financial eligibility under s. 977.07 and if, at  
22 the time the request for information is made, the individual is represented by the  
23 state public defender or by counsel assigned under s. 977.08.

24 **SECTION 3917.** 977.07 (1) (a) of the statutes is amended to read:

1 977.07 (1) (a) Determination of indigency for persons entitled to counsel shall  
2 be made as soon as possible and shall be in accordance with the rules promulgated  
3 by the board under s. 977.02 (3) and the system established under s. 977.06. No  
4 determination of indigency is required for a child person who is entitled to be  
5 represented by counsel under s. 48.23, 51.60, 55.105, or 938.23.

6 **SECTION 3918.** 977.07 (1) (c) of the statutes is amended to read:

7 977.07 (1) (c) For all referrals made under ss. 809.107, 809.30, 974.06 (3) (b)  
8 and 974.07 (11), except a referral of a child person who is entitled to be represented  
9 by counsel under s. 48.23, 51.60, 55.105, or 938.23, a representative of the state  
10 public defender shall determine indigency. For referrals made under ss. 809.107,  
11 809.30 and 974.06 (3) (b), except a referral of a child person who is entitled to be  
12 represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, the representative  
13 of the state public defender may, unless a request for redetermination has been filed  
14 under s. 809.30 (2) (d) or the person's request for representation states that his or her  
15 financial circumstances have materially improved, rely upon a determination of  
16 indigency made for purposes of trial representation under this section.

17 **SECTION 3919.** 977.075 (1g) of the statutes is created to read:

18 977.075 (1g) In this section, "client responsible for payment" means a client of  
19 the state public defender other than a client entitled to legal representation without  
20 a determination of indigency.

21 **SECTION 3920.** 977.075 (3) of the statutes is amended to read:

22 977.075 (3) The board shall establish by rule a fee schedule that sets the  
23 amount that a person, ~~other than a parent subject to s. 48.275 (2) (b) or 938.275 (2)~~  
24 ~~(b), who is~~ client responsible for payment for legal representation shall pay for the  
25 cost of the legal representation if the person client does not pay the applicable



1 discount fee under sub. (3m). The schedule shall establish a fee for a given type of  
2 case, and the fee for a given type of case shall be based on the average cost, as  
3 determined by the board, for representation for that type of case.

4 **SECTION 3921.** 977.075 (3m) of the statutes is amended to read:

5 977.075 (3m) The board shall establish by rule a fee schedule that sets the  
6 discount amount that a ~~person, other than a parent subject to s. 48.275 (2) (b) or~~  
7 ~~938.275 (2) (b), who is~~ client responsible for payment for legal representation, may  
8 pay during a time period established by rule instead of paying the applicable fee  
9 under sub. (3). The fee schedule shall establish a discount fee for each type of case  
10 included in the schedule under sub. (3). If a ~~person~~ client responsible for payment  
11 pays the applicable discount fee within the time period established under this  
12 section, the ~~person~~ client may not be held liable for any additional payment for  
13 counsel.

14 **SECTION 3922.** 977.075 (4) of the statutes is created to read:

15 977.075 (4) The board shall establish by rule a fee schedule that sets the  
16 maximum amount that a parent subject to s. 48.275 (2) (b) or 938.275 (2) (b) shall pay  
17 as reimbursement for legal services and sets the maximum amount that a person  
18 subject to s. 51.605 or 55.107 shall pay as reimbursement for legal services. The  
19 maximum amounts under this subsection shall be based on the average cost, as  
20 determined by the board, for each applicable type of case.

21 **SECTION 3923.** 977.08 (1) of the statutes is amended to read:

22 977.08 (1) If the representative or the authority for indigency determinations  
23 specified under s. 977.07 (1) refers a case to or within the office of the state public  
24 defender or if a case is referred under s. 48.23 (4), 51.60, 55.105, or 938.23 (4), the  
25 state public defender shall assign counsel according to subs. (3) and (4). If a

1 defendant makes a request for change of attorney assignment, the change of attorney  
2 must be approved by the circuit court.

3 **SECTION 3924.** 977.08 (2) (intro.) of the statutes is amended to read:

4 977.08 (2) (intro.) All attorneys in a county shall be notified in writing by the  
5 state public defender that a set of lists is being prepared of attorneys willing to  
6 represent children persons referred under s. 48.23 (4), 51.60, 55.105, or 938.23 (4)  
7 and indigent clients in the following:

8 **SECTION 3925.** 977.08 (2) (d) of the statutes is repealed.

9 **SECTION 3926.** 977.085 (3) of the statutes is amended to read:

10 977.085 (3) The board shall provide quarterly reports to the joint committee  
11 on finance on the status of reimbursement for or recoupment of payments under ss.  
12 48.275, 51.605, 55.107, 757.66, 938.275, 977.06, 977.07 (2), 977.075 and 977.076,  
13 including the amount of revenue generated by reimbursement and recoupment. The  
14 quarterly reports shall include any alternative means suggested by the board to  
15 improve reimbursement and recoupment procedures and to increase the amount of  
16 revenue generated. The department of justice, district attorneys, circuit courts and  
17 applicable county agencies shall cooperate by providing any necessary information  
18 to the state public defender.

19 **SECTION 3927.** 978.05 (4m) of the statutes is amended to read:

20 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments  
21 of ~~workforce development~~ children and families and health and family services  
22 regarding the fraud investigation programs under ss. 49.197 (1m) and 49.845 (1).

23 **SECTION 3928.** 980.036 (10) of the statutes is amended to read:

24 980.036 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT  
25 RESPONDENTS. When the state public defender or a private attorney appointed under

1 s. 977.08 requests ~~photocopies~~ copies, in any format, of any item that is discoverable  
2 under this section, the state public defender shall pay any fee charged for the  
3 ~~photocopies~~ copies from the appropriation under s. 20.550 (1) (a). If the person  
4 providing ~~photocopies~~ copies under this section charges the state public defender a  
5 fee for the ~~photocopies~~ copies, the fee may not exceed the actual, necessary, and,  
6 direct cost of ~~photocopying~~ providing the copies.

7 **SECTION 3929.** 980.08 (9) of the statutes, as created by 2005 Wisconsin Act 431,  
8 is renumbered 980.08 (9) (a).

9 **SECTION 3930.** 980.08 (9) (b) of the statutes is created to read:

10 980.08 (9) (b) The department of corrections may contract for the escort  
11 services under par. (a).

12 **SECTION 3931.** 985.01 (1g) of the statutes is amended to read:

13 985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and  
14 includes a family long-term care district board under s. 46.2895.

15 **SECTION 3932.** 985.01 (3) of the statutes is amended to read:

16 985.01 (3) "Municipality" has the meaning in s. 345.05 (1) (c) and includes a  
17 family long-term care district under s. 46.2895.

18 **SECTION 3933m.** 995.24 of the statutes is created to read:

19 **995.24 Robert "Fighting Bob" La Follette Day.** June 14 is designated as  
20 "Robert 'Fighting Bob' La Follette Day." When June 14 falls on a Sunday,  
21 celebrations may be held on either June 13 or June 15.

22 **SECTION 3934.** 995.67 (1) (a) of the statutes is amended to read:

23 995.67 (1) (a) "Domestic abuse" has the meaning given in s. 46.95 ~~49.165~~ (1)  
24 (a).

25 **SECTION 3935.** 2003 Wisconsin Act 33, section 9159 (4f) is repealed.

1           **SECTION 3936.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c) is amended  
2   to read:

3           [2005 Wisconsin Act 25] Section 9101 (4) (b) ~~the secretary~~ The department of  
4   administration shall submit a report to the secretary of the building commission  
5   containing an inventory of his or her recommendations to offer specified state  
6   properties may offer any parcel of state-owned real property for sale under in  
7   accordance with section 16.848 of the statutes, as created by this act, if the property  
8   is eligible for sale under that section and this subsection. If the department of  
9   administration receives an offer to purchase the property, the secretary of  
10   administration may submit a report to the secretary of the building commission  
11   recommending acceptance of the offer. The report shall contain a description of the  
12   property and the reasons therefor. A property may be included in the inventory for  
13   the recommendation. The secretary of administration may recommend the sale of  
14   a property with or without approval of the state agency having jurisdiction of the  
15   property. If, during the period on or before June 30, 2007, or the period beginning  
16   on the effective date of this paragraph and ending on June 30, 2009, the building  
17   commission votes to approve the sale of any offer to purchase the property included  
18   in the inventory, the department of administration may offer sell the property for sale  
19   under section 16.848 of the statutes, as created by this act.

20           (c) This subsection does not apply during the period beginning after June 30,  
21   2007 and ending the day before the effective date of this paragraph, nor during the  
22   period after June 30, 2009.

23           **SECTION 3936m.** 2005 Wisconsin Act 25, section 9105 (9) is amended to read:

24           [2005 Wisconsin Act 25] Section 9105 (9) COLUMBIA ST. MARYS—COLUMBIA  
25   CAMPUS. Notwithstanding section 18.04 (1) and (2) of the statutes, no public debt

1 authorized for the acquisition and remodeling of the Columbia campus medical  
2 facilities, as enumerated in subsection (1)(h) 1. and 3., may be contracted until after  
3 June 30, 2007 2009. Beginning on July 1, 2007 2009, and ending on June 30, 2009  
4 2011, not more than 50 percent of the general fund supported borrowing and 50  
5 percent of the program revenue supported borrowing authorized for the acquisition  
6 and remodeling of the Columbia campus medical facilities may be incurred.  
7 Beginning on July 1, 2009 2011, the remainder of the general fund supported  
8 borrowing and program revenue supported borrowing authorized for the acquisition  
9 and remodeling of the Columbia campus medical facilities may be incurred.

10 **SECTION 3937.** 2005 Wisconsin Act 25, section 9152 (5) is amended to read:

11 [2005 Wisconsin Act 25] Section 9152 (5) SALE OF REAL PROPERTY. If the Board  
12 of Regents of the University of Wisconsin System sells any real property under its  
13 jurisdiction during the period prior to July 1, 2007, and the period beginning on the  
14 effective date of this subsection and ending on June 30, 2009, the board shall credit  
15 the net proceeds of the sale to the appropriation account under section 20.285 (1) (iz)  
16 of the statutes, as affected by this act, except that if there is any outstanding public  
17 debt used to finance the acquisition, construction, or improvement of any property  
18 that is sold, the board shall deposit a sufficient amount of the net proceeds from the  
19 sale of the property in the bond security and redemption fund under section 18.09  
20 of the statutes to repay the principal and pay the interest on the debt, and any  
21 premium due upon refunding any of the debt. If the property was acquired,  
22 constructed, or improved with federal financial assistance, the board shall pay to the  
23 federal government any of the net proceeds required by federal law. If the property  
24 was acquired by gift or grant or acquired with gift or grant funds, the board shall  
25 adhere to any restriction governing use of the proceeds.

1           **SECTION 3938b.** 2007 Wisconsin Act 1, section 210 (3) is amended to read:

2           [2007 Wisconsin Act 1] Section 210 (3) The unencumbered balance in the  
3           appropriation account under section 20.521 (1) (g) of the statutes is transferred to the  
4           appropriation account under section 20.511 (1) (i) (im) of the statutes, as created by  
5           this act 2007 Wisconsin Act ... (Senate Bill 40).

6           **SECTION 3938c.** 2007 Wisconsin Act 1, section 211 (4) is created to read:

7           [2007 Wisconsin Act 1] Section 211 (4) The treatment of sections 5.05 (11), 7.08  
8           (7), 7.31 (5), 20.510 (intro.) and (1) (title), (a), (b), (bm), (c), (d), (g), (gm), (h), (i), (j),  
9           (q), (t), and (x), 20.511 (1) (h) and (i), and 20.521 (intro.) and (1) (title), (a), (b), (g), (h),  
10           and (i) of the statutes and SECTION 210 (1) to (4) of this act take effect on the initiation  
11           date specified in SECTION 209 (1) or on the day after publication of the 2007 biennial  
12           budget act, whichever is earlier.

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

14           (2) **EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION.** On the effective date  
15           of this subsection, all incumbent employees holding positions having responsibility  
16           for administering energy conservation and efficiency and renewable resource  
17           programs under section 16.957 of the statutes, as determined by the secretary of  
18           administration, are transferred to the public service commission. The employees  
19           transferred under this subsection have all the rights and the same status under  
20           subchapter V of chapter 111 and chapter 230 of the statutes in the public service  
21           commission that they enjoyed in the department of administration immediately  
22           before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee  
23           so transferred who has attained permanent status in class is required to serve a  
24           probationary period.

1 (3) TREATMENT ALTERNATIVES AND DIVERSION GRANT. By August 15, 2007, the  
2 county that has the highest violent crime rate, as reported by the office of justice  
3 assistance, shall submit an application to the office of justice assistance for a grant  
4 under section 16.964 (12) (b) of the statutes. Upon approval of the county's grant  
5 application, the office of justice assistance shall from the appropriation under section  
6 20.505 (6) (b) of the statutes, as affected by this act, award \$375,000 to the county  
7 for the calendar year beginning January 1, 2008.

8 (4) ASSESS, INFORM, AND MEASURE GRANT.

9 (a) By December 1, 2007, the county that has the highest violent crime rate, as  
10 reported by the office of justice assistance, shall submit a plan to the office of justice  
11 assistance for conducting presentencing assessments for the purpose of providing  
12 courts information for sentencing decisions. The plan shall include all of the  
13 following components:

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

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

22 3. Collection and dissemination of information relating to the accuracy of  
23 assessments performed, the value and usefulness of information contained in the  
24 assessment reports for purposes of making sentencing decisions, the effectiveness of

1 community-based treatment programs in addressing the assessed needs of  
2 offenders, and the effect of the treatment programs with respect to recidivism.

3 4. Annual evaluation of the plan.

4 (b) Upon approval of a county plan submitted under paragraph (a), the office  
5 of justice assistance shall from the appropriation under section 20.505 (6) (b) of the  
6 statutes, as affected by this act, award the county \$500,000 for the calendar year  
7 beginning January 1, 2009, to perform presentencing assessments of offenders. At  
8 least 50 percent of the assessments performed by a county with funding provided  
9 under this subsection shall be of persons subject to sentencing in connection with a  
10 felony.

11 (5) YOUTH DIVERSION GRANT REDUCTIONS.

12 (a) Notwithstanding the amount specified under section 16.964 (8) (a) of the  
13 statutes, as affected by this act, the office of justice assistance in the department of  
14 administration shall reduce the amount of money allocated under section 16.964 (8)  
15 (a) of the statutes, as affected by this act, by \$10,000 in each of fiscal years 2007-08  
16 and 2008-09.

17 (b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the  
18 statutes, as affected by this act, the office of justice assistance in the department of  
19 administration shall reduce the amount of money allocated for each of the 4 contracts  
20 that are funded with moneys from the appropriation accounts under section 20.505  
21 (6) (d) of the statutes, as affected by this act, by \$3,000 in each of fiscal years 2007-08  
22 and 2008-09 and shall reduce the amount of money allocated for the contract that  
23 is funded only with moneys from the appropriation account under section 20.505 (6)  
24 (kj) of the statutes, as affected by this act, by \$3,100 in each of fiscal years 2007-08  
25 and 2008-09.



1 (6L) FEDERAL BYRNE JUSTICE ASSISTANCE GRANT FUNDING FOR  
2 MULTIJURISDICTIONAL ENFORCEMENT GROUPS. For the 2007-08 and 2008-09 fiscal  
3 years, the department of administration shall allocate to multijurisdictional  
4 enforcement groups 44 percent of the federal Byrne Justice Assistance Grant awards  
5 appropriated under section 20.505 (6) (p) of the statutes.

6 (7k) INFORMATION TECHNOLOGY DEVELOPMENT ASSISTANCE TO ELECTIONS BOARD AND  
7 GOVERNMENT ACCOUNTABILITY BOARD. The department of administration shall:

8 (a) Assist the elections board, prior to its termination, or the government  
9 accountability board, thereafter, in the selection of a vendor to complete the board's  
10 database conversion project.

11 (b) Designate a staff person to provide to the elections board, prior to its  
12 termination, or the government accountability board, thereafter, quality assurance  
13 for information technology development work completed in connection with  
14 conversion of the board's campaign finance database.

15 (7t) YOUTH COURT COORDINATOR. From the appropriation account under section  
16 20.505 (6) (p) of the statutes, the office of justice assistance in the department of  
17 administration shall distribute \$58,000 in each of fiscal years 2007-08 and 2008-09  
18 to an entity in Dane County for the employment of a full-time youth court  
19 coordinator to expand the number of youth courts in that county.

20 (8i) WRITTEN POLICIES FOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS. No  
21 later than January 1, 2008, the department of administration shall submit for review  
22 by the joint legislative audit committee and for approval by the joint committee on  
23 information policy and technology a preliminary draft of the policies required under  
24 section 16.971 (2) (Lg) 1. of the statutes, as created by this act.

(8j) RULES PERTAINING TO LARGE, HIGH-RISK INFORMATION TECHNOLOGY PROJECTS.

The department of administration shall submit in proper form the rules required under section 16.973 (10) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than June 30, 2008.

**SECTION 9102. Nonstatutory provisions; Aging and Long-Term Care Board.**

**SECTION 9103. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.**

(1k) PRESCRIPTION DRUG COLLECTION GRANT RULES. Using the procedure under section 227.24 of the statutes, the department of agriculture, trade and consumer protection may promulgate a rule necessary to authorize grants for programs to collect unwanted prescription drugs under section 93.57 of the statutes, as affected by this act, for the period before the effective date of the permanent rule necessary to authorize those grants, but not to exceed the period authorized under section 227.24 (1)(c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2c) INTERNATIONAL CRANE FOUNDATION FUNDING. The department of agriculture, trade and consumer protection shall provide \$71,000 in fiscal year 2007-08 and \$71,000 in fiscal year 2008-09 from the appropriation under section 20.115 (7) (t) of the statutes, as created by this act, to the International Crane Foundation for costs associated with a sandhill crane crop depredation project if the

1 International Crane Foundation provides funding for the project from other sources  
2 equal to at least 70 percent of the amount to be provided under this subsection.

3 **SECTION 9104. Nonstatutory provisions; Arts Board.**

4 (1j) ONETIME GRANTS. From the appropriation account under section 20.215 (1)  
5 (fm) of the statutes, as created by this act, the arts board shall distribute grants as  
6 follows:

7 (a) *Lake Superior Big Top Chautauqua.* A grant of \$25,000 in fiscal year  
8 2007-08 to the Lake Superior Big Top Chautauqua performing arts center in the  
9 county of Bayfield.

10 (b) *Ko-Thi Dance Company.* A grant of \$10,000 in fiscal year 2007-08 to the  
11 Ko-Thi Dance Company in the city of Milwaukee.

12 (c) *African American Children's Theater.* A grant of \$5,000 in fiscal year  
13 2007-08 to the African American Children's Theater in the city of Milwaukee.

14 **SECTION 9105. Nonstatutory provisions; Building Commission.**

15 (1) 2007-09 AUTHORIZED STATE BUILDING PROGRAM. For the fiscal years  
16 beginning on July 1, 2007, and ending on June 30, 2009, the Authorized State  
17 Building Program is as follows:

18 (a) DEPARTMENT OF ADMINISTRATION

19 1. *Projects financed by existing general fund supported*  
20 *borrowing authority:*

21 Preservation and storage facility — Dane County \$ 15,000,000

22 (Total project all funding sources \$25,000,000)

2. *Projects financed by program revenue supported**borrowing:*

General Executive Facility 3 renovation —	5,304,000
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Madison	
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Preservation and storage facility — Dane County	10,000,000
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(Total project all funding sources \$25,000,000)

State Transportation Building replacement —	
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Madison	50,000,000
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3. *Agency totals:*

Existing general fund supported borrowing	
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authority	15,000,000
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Program revenue supported borrowing	<u>65,304,000</u>
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Total — All sources of funds	\$ 80,304,000
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## (b) DEPARTMENT OF CORRECTIONS

1. *Projects financed by general fund supported**borrowing:*

Kettle Moraine Correctional Institution health	
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services unit	\$ 4,831,700
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Racine Correctional Institution food preparation	
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building	5,424,800
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2. *Agency totals:*

General fund supported borrowing	<u>10,256,500</u>
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1 Total — All sources of funds \$ 10,256,500

2 (c) EDUCATIONAL COMMUNICATIONS BOARD

3 1. *Projects financed by general fund supported*

4 *borrowing:*

5 WHHI-FM Tower replacement — Highland \$ 1,023,400

6 2. *Agency totals:*

7 General fund supported borrowing 1,023,400

8 Total — All sources of funds \$ 1,023,400

9 (d) DEPARTMENT OF HEALTH AND FAMILY SERVICES

10 1. *Projects financed by general fund supported*

11 *borrowing:*

12 Sand Ridge Secure Treatment Center 300-bed  
13 addition \$ 34,000,000

14 Wisconsin Resource Center 45-bed female  
15 treatment unit 11,056,000

16 2. *Agency totals:*

17 General fund supported borrowing 45,056,000

18 Total — All sources of funds \$ 45,056,000

19 (e) DEPARTMENT OF MILITARY AFFAIRS

20 1. *Projects financed by general fund supported*

21 *borrowing:*

1 Armed Forces Reserve Center replacement —  
 2 Dane County \$ 5,308,600  
 3 (Total project all funding sources \$38,308,600)

4 *2. Projects financed by federal funds:*

5 Aircraft maintenance hangar remodeling — West  
 6 Bend 749,000

7 Armed Forces Reserve Center replacement —  
 8 Dane County 33,000,000

9 (Total project all funding sources \$38,308,600)

10 Motor vehicle storage buildings — Rice Lake and  
 11 Wausau 1,500,000

12 *3. Agency totals:*

13 General fund supported borrowing 5,308,600

14 Federal funds 35,249,000

15 Total — All sources of funds \$ 40,557,600

16 (f) DEPARTMENT OF NATURAL RESOURCES

17 *1. Projects financed by existing general fund supported*

18 *borrowing authority — stewardship property*

19 *development and local assistance funds:*

20 Governor Thompson State Park initial  
 21 development \$ 3,524,900

22 Hank Aaron State Trail western extension 320,000

1 (Total project all funding sources \$1,600,000)

2 Park entrance and visitor stations — Blue

3 Mound, Council Grounds, and Wildcat

4 Mountain state parks 2,345,100

5 2. *Projects financed by segregated fund supported*

6 *borrowing:*

7 Northern region co-headquarters — Spooner 4,494,600

8 Ranger station replacements — Plover, Prentice,

9 and Tomah 4,122,700

10 Wild Rose State Fish Hatchery renovation —

11 Phase 2.5 6,000,000

12 (Total project all funding sources \$9,000,000)

13 Wilson Nursery expansion — Phase 2 644,900

14 3. *Projects financed by federal funds:*

15 Hank Aaron State Trail western extension 1,280,000

16 (Total project all funding sources \$1,600,000)

17 Wild Rose State Fish Hatchery renovation —

18 Phase 2.5 3,000,000

19 (Total project all funding sources \$9,000,000)

20 4. *Agency totals:*

1	Existing general fund supported borrowing	
2	authority — stewardship property development	
3	and local assistance funds	6,190,000
4	Segregated fund supported borrowing	15,262,200
5	Federal funds	<u>4,280,000</u>
6	Total — All sources of funds	\$ 25,732,200

## (h) STATE HISTORICAL SOCIETY

1. *Projects financed by general fund supported**borrowing:*

10	Shelving for storage facility — Dane County	\$ 3,250,000
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2. *Agency totals:*

12	General fund supported borrowing	<u>3,250,000</u>
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13	Total — All sources of funds	\$ 3,250,000
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## (i) DEPARTMENT OF TRANSPORTATION

1. *Projects financed by general fund supported**borrowing:*

## Division of State Patrol/Educational

18	Communications Board gap filler towers —	
19	statewide	\$ 100,000

20 (Total project all funding sources \$2,398,900)

2. *Projects financed by segregated fund supported**borrowing:*



1 Division of Motor Vehicles/Department of Natural Resources  
 2 Resources office renovation — Phase 2 —  
 3 Wausau 250,000  
 4 (Total project all funding sources \$642,700)

5 *3. Projects financed by segregated fund supported*  
 6 *revenue borrowing:*

7 Division of Motor Vehicles/Department of Natural Resources  
 8 Resources office renovation — Phase 2 —  
 9 Wausau 392,700  
 10 (Total project all funding sources \$642,700)

11 Division of Motor Vehicles service center  
 12 remodeling — Eau Claire 559,700

13 Division of State Patrol/Educational  
 14 Communications Board gap filler towers —  
 15 statewide 1,798,900

16 (Total project all funding sources \$2,398,900)

17 Division of State Patrol post remodeling — Fond  
 18 du Lac 526,200

19 *4. Projects financed by existing segregated fund*  
 20 *supported revenue borrowing authority:*

21 Division of State Patrol/Educational  
 22 Communications Board gap filler towers —  
 23 statewide 500,000

1 (Total project all funding sources \$2,398,900)

2 5. *Agency totals:*

3	General fund supported borrowing	100,000
4	Segregated fund supported borrowing	250,000
5	Segregated fund supported revenue borrowing	3,277,500
6	Existing segregated fund supported revenue	
7	borrowing authority	<u>500,000</u>
8	Total — All sources of funds	\$ 4,127,500

9 (j) UNIVERSITY OF WISCONSIN SYSTEM

10 1. *Projects financed by general fund supported*

11 *borrowing:*

12	Green Bay — Rose and Wood halls remodeling	\$ 6,734,000
13	La Crosse — Academic building	36,950,000

14 (Total project all funding sources \$44,000,000)

15	Madison — School of Human Ecology addition	22,500,000
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16 (Total project all funding sources \$47,950,000)

17	Oshkosh — Academic building	45,946,000
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18 (Total project all funding sources \$54,296,000)

19 — Elmwood Center remodeling and

20	addition or replacement	8,464,000
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21	Parkside — Communications Arts Center	32,100,000
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22 (Total project all funding sources \$34,176,000)

1	Stout — Harvey Hall theater renovation	5,139,000
2	Superior — Academic building	24,143,000
3	(Total project all funding sources \$32,343,000)	
4	System — Classroom renovation/instructional	
5	technology	3,500,000
6	— Utility Improvements — Madison	19,889,000
7	(Total project all funding sources \$24,704,000)	
8	2. <i>Projects funded by existing general fund supported</i>	
9	<i>borrowing authority:</i>	
10	Stevens Point — Maintenance building	
11	remodeling and addition	2,122,000
12	— Military science building relocation	1,585,000
13	3. <i>Projects financed by program revenue supported</i>	
14	<i>borrowing:</i>	
15	Extension — Lowell Hall guest room remodeling	
16	— Madison	3,600,000
17	La Crosse — Academic building	700,000
18	(Total project all funding sources \$44,000,000)	
19	Madison — Parking ramps 36 and 46 expansion	4,432,000
20	(Total project all funding sources \$7,132,000)	

1	— Chadbourne Residence Hall renova-	
2	tion — Phase 3 and Barnard Resi-	
3	dence Hall renovation	14,627,000
4	— School of Human Ecology addition	2,950,000
5	(Total project all funding sources \$47,950,000)	
6	Oshkosh — Academic building	350,000
7	(Total project all funding sources \$54,296,000)	
8	Platteville — Williams Field House addition and	
9	remodeling	3,727,000
10	Stevens Point — Residence halls renovation	19,995,000
11	Stout — Price Commons 2nd floor renovation	2,429,000
12	(Total project all funding sources \$3,079,000)	
13	System — Utility Improvements — Madison	4,815,000
14	(Total project all funding sources \$24,704,000)	
15	Whitewater — Drumlin Dining Hall renovation	1,275,000
16	<i>5. Projects financed by program revenue:</i>	
17	La Crosse — Stadium and fields	2,500,000
18	(Total project all funding sources \$14,612,000)	
19	Madison — Parking ramps 36 and 46 expansion	2,700,000
20	(Total project all funding sources \$7,132,000)	
21	Stout — Price Commons 2nd floor renovation	650,000
22	(Total project all funding sources \$3,079,000)	

1 6. *Projects financed by building trust funds:*

2 La Crosse — Academic building 350,000

3 (Total project all funding sources \$44,000,000)

4 Superior — Academic building 1,200,000

5 (Total project all funding sources \$32,343,000)

6 7. *Projects financed by gifts, grants, and other receipts:*

7 La Crosse — Academic building 6,000,000

8 (Total project all funding sources \$44,000,000)

9 — Stadium and fields 12,112,000

10 (Total project all funding sources \$14,612,000)

11 Madison — Music performance building 43,865,000

12 — School of Human Ecology addition 22,500,000

13 (Total project all funding sources \$47,950,000)

14 Oshkosh — Academic building 8,000,000

15 (Total project all funding sources \$54,296,000)

16 — Softball stadium 500,000

17 Parkside — Communications Arts Center 2,076,000

18 (Total project all funding sources \$34,176,000)

19 Superior — Academic building 7,000,000

20 (Total project all funding sources \$32,343,000)

21 Whitewater — Multisport facility — Phase 3 3,474,000

22 8. *Agency totals:*

1	General fund supported borrowing	205,365,000
2	Existing general fund supported borrowing	
3	authority	3,707,000
4	Program revenue supported borrowing	58,900,000
5	Program revenue	5,850,000
6	Building trust funds	1,550,000
7	Gifts, grants, and other receipts	<u>105,527,000</u>
8	Total — All sources of funds	\$ 380,899,000
9	(k) DEPARTMENT OF VETERANS AFFAIRS	
10	1. <i>Projects financed by program revenue supported</i>	
11	<i>borrowing:</i>	
12	Wisconsin Veterans Home at King — 45-bed	
13	assisted living facility	2,639,000
14	(Total project all funding sources \$7,540,000)	
15	2. <i>Projects financed by federal funds:</i>	
16	Wisconsin Veterans Home at King — 45-bed	
17	assisted living facility	4,901,000
18	(Total project all funding sources \$7,540,000)	
19	3. <i>Agency totals:</i>	
20	Program revenue supported borrowing	2,639,000
21	Federal funds	<u>4,901,000</u>
22	Total — All sources of funds	\$ 7,540,000

1 (m) MEDICAL COLLEGE OF WISCONSIN, INC.

2 1. *Projects financed by general fund supported*

3 *borrowing:*

4 Translational research program equipment

5 acquisition — Wauwatosa \$ 10,000,000

6 (Total project all funding sources \$12,000,000)

7 2. *Projects financed by federal funds:*

8 Translational research program equipment

9 acquisition — Wauwatosa 2,000,000

10 (Total project all funding sources \$12,000,000)

11 3. *Agency totals:*

12 General fund supported borrowing 10,000,000

13 Federal funds 2,000,000

14 Total — All sources of funds \$ 12,000,000

15 (o) ALL AGENCY PROJECT FUNDING

16 1. *Projects financed by general fund supported*

17 *borrowing:*

18 Capital equipment acquisition \$ 7,000,000

19 (Total program all funding sources \$7,965,000)

20 Facility maintenance and repair 90,000,000

21 (Total program all funding sources \$131,719,900)

22 Health, safety, and environmental protection 10,000,000

1	(Total program all funding sources \$12,697,400)	
2	Land and property acquisition	5,000,000
3	(Total program all funding sources \$10,000,000)	
4	Preventive maintenance	3,000,000
5	(Total program all funding sources \$4,000,000)	
6	Programmatic remodeling and renovation	5,000,000
7	(Total program all funding sources \$14,480,500)	
8	Utilities repair and renovation	45,000,000
9	(Total program all funding sources \$60,052,000)	
10	<i>2. Projects financed by existing general fund supported</i>	
11	<i>borrowing authority — stewardship property</i>	
12	<i>development and local assistance funds:</i>	
13	Facilities maintenance and repair	721,900
14	(Total program all funding sources \$131,719,900)	
15	<i>3. Projects financed by program revenue supported</i>	
16	<i>borrowing:</i>	
17	Energy conservation	30,000,000
18	Facilities maintenance and repair	17,568,300
19	(Total program all funding sources \$131,719,900)	
20	Land and property acquisition	5,000,000
21	(Total program all funding sources \$10,000,000)	
22	Health, safety, and environmental protection	870,400



1	(Total program all funding sources \$12,697,400)	
2	Programmatic remodeling and renovation	4,922,000
3	(Total program all funding sources \$14,480,500)	
4	Utilities repair and renovation	2,957,300
5	(Total program all funding sources \$60,052,000)	
6	4. <i>Projects financed by segregated fund supported</i>	
7	<i>borrowing:</i>	
8	Facilities maintenance and repair	5,537,200
9	(Total program all funding sources \$131,719,900)	
10	5. <i>Projects financed by segregated fund supported</i>	
11	<i>revenue borrowing:</i>	
12	Facilities maintenance and repair	2,844,100
13	(Total program all funding sources \$131,719,900)	
14	6. <i>Projects financed by program revenue:</i>	
15	Capital equipment acquisition	290,000
16	(Total program all funding sources \$7,965,000)	
17	Facilities maintenance and repair	12,198,700
18	(Total program all funding sources \$131,719,900)	
19	Health, safety, and environmental protection	827,000
20	(Total program all funding sources \$12,697,400)	
21	Programmatic remodeling and renovation	1,084,500
22	(Total program all funding sources \$14,480,500)	

1	Preventive maintenance	1,000,000
2	(Total program all funding sources \$4,000,000)	
3	Utilities repair and renovation	11,644,700
4	(Total program all funding sources \$60,052,000)	
5	7. <i>Projects financed by segregated funds:</i>	
6	Facilities maintenance and repair	633,300
7	(Total program all funding sources \$131,719,900)	
8	8. <i>Building trust funds:</i>	
9	Health, safety, and environmental protection	1,000,000
10	(Total program all funding sources \$12,697,400)	
11	9. <i>Projects financed by gifts, grants, and other receipts:</i>	
12	Capital equipment acquisition	675,000
13	(Total program all funding sources \$7,965,000)	
14	Programmatic remodeling and renovation	3,432,000
15	(Total program all funding sources \$14,480,500)	
16	Utilities repair and renovation	350,000
17	(Total program all funding sources \$60,052,000)	
18	10. <i>Projects financed by federal funds:</i>	
19	Facilities maintenance and repair	2,216,400
20	(Total program all funding sources \$131,719,900)	
21	Programmatic remodeling and renovation	42,000
22	(Total program all funding sources \$14,480,500)	