

2015 DRAFTING REQUEST

Bill

Received: **12/30/2014** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Potts**
May Contact: Drafter: **phurley**
Subject: **Justice - criminal** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **Andrew.Potts@wisconsin.gov**
sbostatlanguage@webapps.wi.gov

Pre Topic:

DOA:.....Potts, BB0383 -

Topic:

Funding Source for Crime Laboratory Equipment appropriation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 1/28/2015	csicilia 1/5/2015	rschluet 1/5/2015	_____	srose 1/5/2015		State
/P2		jdyer 1/28/2015	jfrantze 1/28/2015	_____	lparisi 1/28/2015		State

FE Sent For:

<END>

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FE Sent For:

P2 1/28 jld *Jb 1/28*

<END>

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/P1 phurley

pl gjs 1/5
pl gjs 1/5
J

FE Sent For:

<END>

Hurley, Peggy

From: CathleneH <cathleneh@gmail.com>
Sent: Tuesday, December 30, 2014 12:04 PM
To: Hurley, Peggy; Hanaman, Cathlene
Subject: Fwd: Statutory Language Drafting Request - BB0383

I can do it if u want

Sent from my iPhone

Begin forwarded message:

From: <andrew.potts@wisconsin.gov>
Date: December 30, 2014 at 1:40:39 PM AST
To: <cathlene.hanaman@legis.wisconsin.gov>
Cc: <Caitlin.Frederick@wisconsin.gov>, <Andrew.Potts@wisconsin.gov>, <Christopher.Connor@wisconsin.gov>
Subject: Statutory Language Drafting Request - BB0383

Biennial Budget: 2015-17

DOA Tracking Code: BB0383

Topic: Crime Lab Equipment funding source change

SBO Team: AEJ

SBO Analyst: Potts, Andrew
Phone: 608-267-0370
E-mail: andrew.potts@wisconsin.gov

Agency Acronym: DOJ

Agency Number: 455

Priority: High

Intent:

Change the funding source of 20.455(2)(jb) from the Penalty Surcharge [20.455(2)(I)] to the DNA Surcharge [20.455(2)(Lm)].

Attachments: False

Please send completed drafts to SBOStatlanguage@webapps.wi.gov



MON 1-5
State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-1058/P1

PJH.:|:...

cjs

DOA:.....Potts, BB0383 – Funding Source for Crime Laboratory Equipment appropriation

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

in 12-30

SAV
1/2/16

do NOT gen

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

**Analysis by the Legislative Reference Bureau
JUSTICE**

Under current law, DOJ transfers a portion of the moneys it receives from a penalty surcharge paid by persons who pay certain criminal fines or civil forfeitures to an appropriation account that pays for crime laboratory equipment.

Under the bill, DOJ transfers a portion of the moneys it receives from a crime laboratory surcharge paid by persons who are sentenced, placed on probation, or who pay certain forfeitures and from a deoxyribonucleic acid analysis surcharge paid by persons who are sentenced for a crime or placed on probation to the appropriation account that pays for crime laboratory equipment.

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

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

X

2 SECTION 1. 20.455 (2) (i) (intro.) of the statutes is amended to read:

3 20.455 (2) (i) *Penalty surcharge, receipts.* (intro.) The amounts in the schedule

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

1 received from the penalty surcharge on court fines and forfeitures under s. 757.05
 2 (2) and all moneys transferred to this appropriation account from the appropriation
 3 accounts specified in subds. 1. to 15. shall be credited to this appropriation account.
 4 Moneys may be transferred from this paragraph to pars. (j), and (ja), ~~and (jb)~~ by the
 5 secretary of administration for expenditures based upon determinations by the
 6 department of justice. The following amounts shall be transferred to the following
 7 appropriation accounts:

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433; 2007 a. 1; 2007 a. 20 ss. 482 to 500, 9121 (6) (a); 2007 a. 200; 2009 a. 28, 179, 358; 2011 a. 32, 35; 2013 a. 1; 2013 a. 20 ss. 379m to 396, 435, 436, 438 to 443, 445, 446, 448 to 450; 2013 a. 173, 263.

8 **SECTION 2.** 20.455 (2) (jb) of the statutes is amended to read:

9 20.455 (2) (jb) *Crime laboratory equipment and supplies.* (The amounts in the

10 schedule for the maintenance, repair, upgrading, and replacement costs of the
 11 laboratory equipment, and for supplies used to maintain, repair, upgrade, and
 12 replace that equipment, in the state and regional crime laboratories. All moneys
 13 transferred from par. (i) (Lm) for the purpose of this appropriation shall be credited
 14 to this appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance
 15 on June 30 of each year shall be transferred to the appropriation account under par.
 16 (i) (Lm).

17 **SECTION 3.** 20.455 (2) (jb) of the statutes, as affected by 2013 Wisconsin Act 20
 18 and 2015 Wisconsin Act ... (this act) is repealed and recreated to read:

19 20.455 (2) (jb) The amounts in the schedule for the maintenance, repair,
 20 upgrading, and replacement costs of the laboratory equipment, for supplies used to
 21 maintain, repair, upgrade, and replace that equipment, and for operating costs, in
 22 the state and regional crime laboratories. All moneys transferred from par. (Lm) for
 23 the purpose of this appropriation shall be credited to this appropriation.

fix component

amended

(i)

1 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
2 shall be transferred to the appropriation account under par. (Lm). (i)

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433; 2007 a. 1; 2007 a. 20 ss. 482 to 500, 9121 (6) (a); 2007 a. 200; 2009 a. 28, 179, 358; 2011 a. 32, 35; 2013 a. 1; 2013 a. 20 ss. 379m to 396, 435, 436, 438 to 443, 445, 446, 448 to 450; 2013 a. 173, 263.

3 **SECTION 4. 20.455 (2) (Lm) of the statutes is amended to read:**

4 20.455 (2) (Lm) *Crime laboratories; deoxyribonucleic acid analysis.* All moneys
5 received from crime laboratories and drug law enforcement surcharges authorized
6 under s. 165.755 and deoxyribonucleic acid analysis surcharges authorized under s.
7 973.046 (1r) to provide deoxyribonucleic acid analysis, to administer s. 165.77, to pay
8 for the costs of mailing and materials under s. 165.76 for the submission of biological
9 specimens by the departments of corrections and health services and by persons in
10 charge of law enforcement and tribal law enforcement agencies, to transfer to the
11 appropriation account under par. (jb) the amounts in the schedule under par. (jb), and
12 to transfer to the appropriation account under par. (kd) the amounts in the schedule
13 under par. (kd).

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433; 2007 a. 1; 2007 a. 20 ss. 482 to 500, 9121 (6) (a); 2007 a. 200; 2009 a. 28, 179, 358; 2011 a. 32, 35; 2013 a. 1; 2013 a. 20 ss. 379m to 396, 435, 436, 438 to 443, 445, 446, 448 to 450; 2013 a. 173, 263.

14 **SECTION 9426. Effective dates; Justice**

15 (1) CRIME LABORATORY EQUIPMENT AND SUPPLIES. The repeal and recreation of
16 section 20.455 (2) (jb) of the statutes takes effect on April 1, 2015.

17 (END)

Insert 3.14

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1058/P1ins
PJH:.....

1 INSERT 3.14: ✓

2 SECTION 1. 165.755 (7) of the statutes is amended to read:

3 165.755 (7) All moneys collected from crime laboratories and drug law
4 enforcement surcharges under this section shall be deposited by the secretary of
5 administration and used as specified in s. 20.455 (2) (jb), (kd), and (Lm).

6 History: 1997 a. 27; 1999 a. 9, 72; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 30, 33, 139, 268, 326, 327; 2005 a. 25, 455; 2009 a. 12, 28, 100, 276; 2011 a. 260.

6 SECTION 2. 973.046 (3) of the statutes is amended to read:

7 973.046 (3) All moneys collected from deoxyribonucleic acid analysis
8 surcharges shall be deposited by the secretary of administration as specified in s.
9 20.455 (2) (jb) and (Lm) and utilized under s. 165.77.

History: 1993 a. 16; 1995 a. 201; 1997 a. 27; 1999 a. 9; 2003 a. 33; 2005 a. 277; 2013 a. 20.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1058/P1

PJH:cjs:rs

AP2
+ jld
rnrjld

due TODAY

DOA:.....Potts, BB0383 – Funding Source for Crime Laboratory Equipment
appropriation

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

note

do not gen

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

Analysis by the Legislative Reference Bureau

JUSTICE

Under current law, DOJ transfers a portion of the moneys it receives from a penalty surcharge paid by persons who pay certain criminal fines or civil forfeitures to an appropriation account that pays for crime laboratory equipment.

Under the bill, DOJ transfers a portion of the moneys it receives from a crime laboratory surcharge paid by persons who are sentenced, placed on probation, or who pay certain forfeitures and from a deoxyribonucleic acid analysis surcharge paid by persons who are sentenced for a crime or placed on probation to the appropriation account that pays for crime laboratory equipment.

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

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

2 SECTION 1. 20.455 (2) (i) (intro.) of the statutes is amended to read:

3 20.455 (2) (i) *Penalty surcharge, receipts.* (intro.) The amounts in the schedule

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

1 received from the penalty surcharge on court fines and forfeitures under s. 757.05
2 (2) and all moneys transferred to this appropriation account from the appropriation
3 accounts specified in subds. 1. to 15, shall be credited to this appropriation account.
4 Moneys may be transferred from this paragraph to pars. (j), and (ja), and ~~(jb)~~ by the
5 secretary of administration for expenditures based upon determinations by the
6 department of justice. The following amounts shall be transferred to the following
7 appropriation accounts:

8 **SECTION 2.** 20.455 (2) (jb) of the statutes, as affected by 2013 Wisconsin Act 20,
9 is amended to read:

10 20.455 (2) (jb) *Crime laboratory equipment and supplies.* The amounts in the
11 schedule for the maintenance, repair, upgrading, and replacement costs of the
12 laboratory equipment, for supplies used to maintain, repair, upgrade, and replace
13 that equipment, and for operating costs, in the state and regional crime laboratories.
14 All moneys transferred from par. (i) (Lm) for the purpose of this appropriation shall
15 be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the
16 unencumbered balance on June 30 of each year shall be transferred to the
17 appropriation account under par. (i) (Lm).

18 **SECTION 3.** 20.455 (2) (Lm) of the statutes is amended to read:

19 20.455 (2) (Lm) *Crime laboratories; deoxyribonucleic acid analysis.* All moneys
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22 973.046 (1r) to provide deoxyribonucleic acid analysis, to administer s. 165.77, to pay
23 for the costs of mailing and materials under s. 165.76 for the submission of biological
24 specimens by the departments of corrections and health services and by persons in
25 charge of law enforcement and tribal law enforcement agencies, to transfer to the

1 appropriation account under par. (jb) the amounts in the schedule under par. (jb), and
2 to transfer to the appropriation account under par. (kd) the amounts in the schedule
3 under par. (kd).

4 **SECTION 4.** 165.755 (7) of the statutes is amended to read:

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7 administration and used as specified in s. 20.455 (2) (jb), (kd), and (Lm).

8 (END)

d-note
↓

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1058/P2ins
PJH:cjs:rs

1

INSERT 2.7:

****NOTE: This is reconciled s. 20.455 (2) (i) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1058/P1 and -1117/P2. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1058/P2dn

PJH:~~rs~~:rs

date

Jld

This draft reconciles LRB-0240/P2[✓], LRB-1058/P1[✓], and LRB-1117/P2[✓]. All of these drafts should continue to appear in the compiled bill.

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

LRB-1058/P2dn
PJH;jld:jf

January 28, 2015

This draft reconciles LRB-0240/P2, LRB-1058/P1, and LRB-1117/P2. All of these drafts should continue to appear in the compiled bill.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1058/P2
PJH:cjs&jld:jf

DOA:.....Potts, BB0383 – Funding Source for Crime Laboratory Equipment
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FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION

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11 schedule for the maintenance, repair, upgrading, and replacement costs of the
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15 be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the
16 unencumbered balance on June 30 of each year shall be transferred to the
17 appropriation account under par. (i) (Lm).

18 (END)