

2015 DRAFTING REQUEST

Bill

Received: **1/9/2015** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Ley**
May Contact: Drafter: **phurley**
Subject: **Justice - criminal** Addl. Drafters:
Extra Copies:

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

Pre Topic:

DOA:.....Ley, BB0417 -

Topic:

Transfer of the Office of State Prosecutor

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>
/?	phurley 1/9/2015	jdyer 1/12/2015	jmurphy 1/14/2015	_____			
/P1				_____	lparisi 1/14/2015		State

FE Sent For:

<END>

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/? phurley

PI 1/12 jld

[Signature]
1/14

FE Sent For:

<END>

Hurley, Peggy

From: Hanaman, Cathlene
Sent: Friday, January 09, 2015 10:29 AM
To: Hurley, Peggy
Subject: FW: Statutory Language Drafting Request - BB0417
Attachments: BB0143 Transfer OSP and DAIT to DOJ.pdf

From: Emily.Ley@wisconsin.gov [mailto:Emily.Ley@wisconsin.gov]
Sent: Friday, January 09, 2015 10:25 AM
To: Hanaman, Cathlene
Cc: Frederick, Caitlin - DOA; Ley, Emily A - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0417

Biennial Budget: 2015-17

Topic: Transfer the Office of the State Prosecutor

Tracking Code: BB0417

SBO Team: AEJ

SBO Analyst: Ley, Emily - DOA
Phone: 608-266-2213
E-mail: Emily.Ley@wisconsin.gov

Agency Acronym: DOA

Agency Number: 505

Priority: Medium

Intent:

This is a revision to LRB 0388, which transferred both the Office of the State Prosecutor and DA IT from DOA to DOJ.

Please transfer only the Office of the State Prosecutor (all funding and FTE) from DOA to DOJ. Please incorporate administration of the State Prosecutors Office to 20.455(3)(a).

Attachments: True

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

*h/c Emily -
don't add this
to a non-stat
admin. of
OSP*



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0888/P2
PJH:jld:jm

due Fri 1-16

keep

DOA:.....Ley, BB0143 - Transfers of the office of the state prosecutor and district attorney information technology

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

In 1-9

1/79/19
mmr

The bill transfers from DOA to DOJ,
the NOA.

4
1

do not gen
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

~~Under current law, a person who files certain actions in court pays a justice information fee (JIF), a portion of which is sent to DOA and distributed by DOA to various appropriation accounts relating to criminal justice, law enforcement, and court resources. Under current law, DOA provides information technology services to district attorneys throughout the state and maintains a state prosecutor office, which provides administrative and legal support to district attorneys statewide.~~

~~Under the bill, DOJ will assume the responsibility for providing information technology services to district attorneys and the state prosecutor office will be transferred to DOJ. Under the bill, JIF moneys are sent to DOJ for distribution by DOJ to various appropriation accounts relating to criminal justice, law enforcement, and court resources.~~

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

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

1 **SECTION 1.** 16.971 (9) of the statutes is renumbered 165.823 and amended to
2 read:

3 **165.823 Information technology.** In conjunction with the public defender
4 board, the director of state courts, the departments of administration and
5 corrections, and justice and district attorneys, the department of justice may
6 maintain, promote and coordinate automated justice information systems that are
7 compatible among counties and the officers and agencies specified in this subsection,
8 using the moneys appropriated under s. ~~20.505~~ 20.455 (1) (kh), (kp), and (kq). The
9 department of justice shall annually report to the legislature under s. 13.172 (2)
10 concerning the department's efforts to improve and increase the efficiency of
11 integration of justice information systems.

12 **SECTION 2.** 20.410 (1) (kd) of the statutes is amended to read:

13 20.410 (1) (kd) *Victim notification.* The amounts in the schedule for victim
14 notification services. All moneys transferred from the appropriation account under
15 s. ~~20.505~~ 20.455 (1) (id) 6. shall be credited to this appropriation account.

16 **SECTION 3.** 20.455 (2) (i) 12. of the statutes is amended to read:

17 20.455 (2) (i) 12. The amount transferred to s. ~~20.505~~ 20.455 (1) (kq) shall be
18 the amount in the schedule under s. ~~20.505~~ 20.455 (1) (kq).

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

20 20.455 (2) (kb) *Law enforcement officer supplement grants.* The amounts in the
21 schedule to provide grants for uniformed law enforcement officers under s. 165.986.
22 All moneys transferred from the appropriation account under s. ~~20.505~~ sub. (1) (id)
23 3. shall be credited to this appropriation account.

24 **SECTION 5.** 20.455 (2) (ki) of the statutes is amended to read:

1 20.455 (2) (ki) *Interoperable communications system.* The amounts in the
2 schedule to operate a statewide public safety interoperable communication system.
3 All moneys transferred from the appropriation account under s. ~~20.505~~ sub. (1) (id)
4 2. shall be credited to this appropriation account.

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

6 20.455 (2) (kn) *Alternatives to prosecution and incarceration for persons who*
7 *use alcohol or other drugs; justice information fee.* The amounts in the schedule for
8 administering and making grants to counties under s. 165.95 (2). All moneys
9 transferred from the appropriation account under s. ~~20.505~~ sub. (1) (id) 5. shall be
10 credited to this appropriation account.

11 **SECTION 7.** 20.455 (2) (ko) of the statutes is amended to read:

12 20.455 (2) (ko) *Wisconsin justice information sharing program.* The amounts
13 in the schedule for the development and operation of a justice information system.
14 All moneys transferred from the appropriation account under s. ~~20.505~~ sub. (1) (id)
15 5d. shall be credited to this appropriation account.

16 **SECTION 8.** 20.455 (5) (ke) of the statutes is amended to read:

17 20.455 (5) (ke) *Child advocacy centers.* The amounts in the schedule for grants
18 to child advocacy centers under s. 165.96. All moneys transferred from the
19 appropriation account under s. ~~20.505~~ sub. (1) (id) 4. shall be credited to this
20 appropriation account.

21 **SECTION 9.** 20.505 (1) (id) (intro.) of the statutes is renumbered 20.455 (1) (id)
22 (intro.).

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

23 **SECTION 10.** 20.505 (1) (id) 1. of the statutes is renumbered 20.455 (1) (id) 1.

1 **SECTION 11.** 20.505 (1) (id) 2. of the statutes is renumbered 20.455 (1) (id) 2. and
2 amended to read:

3 20.455 (1) (id) 2. The amount transferred to s. ~~20.455 sub. (2) (ki)~~ shall be the
4 amount in the schedule under s. ~~20.455 sub. (2) (ki)~~.

5 **SECTION 12.** 20.505 (1) (id) 3. of the statutes is renumbered 20.455 (1) (id) 3. and
6 amended to read:

7 20.455 (1) (id) 3. The amount transferred to s. ~~20.455 sub. (2) (kb)~~ shall be the
8 amount in the schedule under s. ~~20.455 sub. (2) (kb)~~.

9 **SECTION 13.** 20.505 (1) (id) 4. of the statutes is renumbered 20.455 (1) (id) 4.
10 and amended to read:

11 20.455 (1) (id) 4. The amount transferred to s. ~~20.455 sub. (5) (ke)~~ shall be the
12 amount in the schedule under s. ~~20.455 sub. (5) (ke)~~.

13 **SECTION 14.** 20.505 (1) (id) 5. of the statutes is renumbered 20.455 (1) (id) 5.
14 and amended to read:

15 20.455 (1) (id) 5. The amount transferred to s. ~~20.455 sub. (2) (kn)~~ shall be the
16 amount in the schedule under s. ~~20.455 sub. (2) (kn)~~.

17 **SECTION 15.** 20.505 (1) (id) 5d. of the statutes is renumbered 20.455 (1) (id) 5d.
18 and amended to read:

19 20.455 (1) (id) 5d. The amount transferred to s. ~~20.455 sub. (2) (ko)~~ shall be the
20 amount in the schedule under s. ~~20.455 sub. (2) (ko)~~.

21 **SECTION 16.** 20.505 (1) (id) 6. of the statutes is renumbered 20.455 (1) (id) 6.

22 **SECTION 17.** 20.505 (1) (id) 8. of the statutes is renumbered 20.455 (1) (id) 8.

23 **SECTION 18.** 20.505 (1) (kh) of the statutes is renumbered 20.455 (1) (kh) and
24 amended to read:

1 ~~20.455 (1) (kh) *Justice information systems.* The amounts in the schedule for~~
2 ~~the development and operation of automated justice information systems under s.~~
3 ~~16.971 (9) 165.823. All moneys transferred from the appropriation account under~~
4 ~~par. (id) 1. shall be credited to this appropriation account.~~

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

5 ~~**SECTION 19.** 20.505 (1) (kp) of the statutes is renumbered 20.455 (1) (kp) and~~
6 ~~amended to read:~~

7 ~~20.455 (1) (kp) *Interagency assistance; justice information systems.* The~~
8 ~~amounts in the schedule for the development and operation of automated justice~~
9 ~~information systems under s. 16.971 (9) 165.823. All moneys transferred from the~~
10 ~~appropriation account under s. 20.455 (2) (m) shall be credited to this appropriation~~
11 ~~account.~~

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

12 ~~**SECTION 20.** 20.505 (1) (kq) of the statutes is renumbered 20.455 (1) (kq) and~~
13 ~~amended to read:~~

14 ~~20.455 (1) (kq) *Justice information systems development, operation and*~~
15 ~~*maintenance.* The amounts in the schedule for the purpose of developing, operating~~
16 ~~and maintaining automated justice information systems under s. 16.971 (9) 165.823.~~
17 ~~All moneys transferred from the appropriation account under s. 20.455 sub. (2) (i) 12.~~
18 ~~shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the~~
19 ~~unencumbered balance on June 30 of each year shall be transferred to the~~
20 ~~appropriation account under s. 20.455 sub. (2) (i).~~

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

21 ~~**SECTION 21.** 20.625 (1) (k) of the statutes is amended to read:~~

1 20.625 (1) (k) *Court interpreters.* The amounts in the schedule to pay
 2 interpreter fees reimbursed under s. 758.19 (8) and 2009 Wisconsin Act 28, section
 3 9109 (1). All moneys transferred from the appropriation account under s. 20.505
 4 20.455 (1) (id) 8. shall be credited to this appropriation account.

5 **SECTION 22.** 59.25 (3) (pm) of the statutes is created to read:

6 59.25 (3) (pm) Pay to the attorney general on his or her order the state
 7 percentage of fees received from the clerk of the circuit court under s. 59.40 (2) (m)
 8 and, if any such moneys remain in his or her hands when he or she is required to pay
 9 the state percentage of fees, pay such moneys therewith to the attorney general.

10 **SECTION 23.** 814.86 (2) of the statutes is amended to read:

11 814.86 (2) The clerk shall pay the moneys collected under subs. (1) and (1m)
 12 to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those
 13 moneys to the ~~secretary of administration~~ attorney general under s. 59.25 (3) (p)
 14 (pm).

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

16 **(1) TRANSFER OF AUTOMATED JUSTICE INFORMATION SYSTEMS.**

17 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
 18 liabilities of the department of administration that are primarily related to the
 19 automated justice information systems under section 16.971 (9), 2013 stats., as
 20 determined by the secretary of administration, become the assets and liabilities of
 21 the department of justice.

22 (b) *Employee transfers.* On the effective date of this paragraph, all positions,
 23 and the incumbent employees holding those positions, in the department of
 24 administration with duties that are primarily related to the automated justice

Insert 6.14 ✓

1 department of administration with respect to the pending matter are considered as
2 having been submitted to or taken by the department of justice.

3 (g) *Rules and orders.* All rules promulgated for the department of
4 administration that are primarily related to the automated justice information
5 systems under section 16.971 (9), 2013 stats., as determined by the secretary of
6 administration, that are in effect on the effective date of this paragraph remain in
7 effect until their specified expiration dates or until amended or repealed by the
8 department of justice.

9 ~~#~~ (2) TRANSFER OF STATE PROSECUTORS OFFICE.

10 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
11 liabilities of the department of administration that are primarily related to the state
12 prosecutors office, as determined by the secretary of administration, become the
13 assets and liabilities of the department of justice.

14 (b) *Employee transfers.* On the effective date of this paragraph, all positions,
15 and the incumbent employees holding those positions, in the department of
16 administration with duties that are primarily related to the state prosecutors office,
17 as determined by the secretary of administration, are transferred to the department
18 of justice.

19 (c) *Employee status.* Employees transferred under paragraph (b) [✓] have all the
20 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
21 statutes in the department of justice that they enjoyed in the department of
22 administration immediately before the transfer. Notwithstanding section 230.28 (4)
23 of the statutes, no employee so transferred who has attained permanent status in
24 class is required to serve a probationary period.

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sub

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1179/?ins

.....

1 INSERT 6.14:

2 SECTION 1. 978.11^X of the statutes is amended to read:

3 **978.11 Budget.** The department of ~~administration~~ justice[✓] shall prepare the
4 budget of the prosecution system and submit it in accordance with s. 16.42.

History: 1989 a. 31; 1991 a. 39.



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-1179/P1
PJH;jld:jm

DOA:.....Ley, BB0417 – Transfer of the Office of State Prosecutor

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

JUSTICE

This bill transfers, from DOA to DOJ, the state prosecutor office, which provides administrative and legal support to district attorneys statewide.

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.** 978.11 of the statutes is amended to read:

3 **978.11 Budget.** The department of ~~administration~~ justice shall prepare the
4 budget of the prosecution system and submit it in accordance with s. 16.42.

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

6 (1) **TRANSFER OF STATE PROSECUTORS OFFICE.**

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of administration that are primarily related to the state
3 prosecutors office, as determined by the secretary of administration, become the
4 assets and liabilities of the department of justice.

5 (b) *Employee transfers.* On the effective date of this paragraph, all positions,
6 and the incumbent employees holding those positions, in the department of
7 administration with duties that are primarily related to the state prosecutors office,
8 as determined by the secretary of administration, are transferred to the department
9 of justice.

10 (c) *Employee status.* Employees transferred under paragraph (b) have all the
11 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
12 statutes in the department of justice that they enjoyed in the department of
13 administration immediately before the transfer. Notwithstanding section 230.28 (4)
14 of the statutes, no employee so transferred who has attained permanent status in
15 class is required to serve a probationary period.

16 (d) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the department of administration
18 that is primarily related to the state prosecutors office, as determined by the
19 secretary of administration, is transferred to the department of justice.

20 (e) *Contracts.* All contracts entered into by the department of administration
21 that are primarily related to the state prosecutors office, as determined by the
22 secretary of administration, in effect on the effective date of this paragraph, remain
23 in effect and are transferred to the department of justice. The department of justice
24 shall carry out any such contractual obligations unless modified or rescinded by the
25 department of justice to the extent allowed under the contract.

