

2015 DRAFTING REQUEST

Bill

Received: **1/22/2015** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Potts**
May Contact: Drafter: **phurley**
Subject: **Criminal Law - miscellaneous** Addl. Drafters:
Extra Copies:

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

Pre Topic:

DOA:.....Potts, BB0467 -

Topic:

Victim witness surcharge and crime prevention organizations

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 1/23/2015	kfollett 1/23/2015	rschluet 1/23/2015	_____			
/P1				_____	lparisi 1/23/2015		State S&L

FE Sent For:

<END>

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Bill

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/?	phurley	1/15/15 1/23	1/15/15	1/15/15			

FE Sent For:

<END>

Hurley, Peggy

From: Hanaman, Cathlene
Sent: Thursday, January 22, 2015 1:32 PM
To: Hurley, Peggy
Subject: FW: Statutory Language Drafting Request - BB0467
Attachments: 13-0129_3.pdf

From: andrew.potts@wisconsin.gov [mailto:andrew.potts@wisconsin.gov]
Sent: Thursday, January 22, 2015 1:30 PM
To: Hanaman, Cathlene
Cc: Frederick, Caitlin - DOA; Potts, Andrew R - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0467

Biennial Budget: 2015-17

Topic: Victim witness surcharge and crime prevention organizations

Tracking Code: BB0467

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:

Please redraft 2013 LRB-0129/3 as a budget provision. See attachment.

Attachments: True

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



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1387?

PI
EF...
GF

DOA:.....Potts, BB0467 – Victim witness surcharge and crime prevention organizations

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

in
1-23-15

Today of
1/23
tomorrow
1/24

Don't Gen

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

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Under current law, a person who is convicted of a crime is generally ordered to pay various surcharges that fund a variety of programs related to criminal justice.

The bill creates a surcharge of \$20 for each felony and misdemeanor for which a person is convicted. Under the bill, the clerk of court forwards the amounts collected under the surcharge to the county treasurer, who retains those funds in a crime prevention fund. Moneys from the fund are distributed as grants at the direction of a crime prevention funding board (CPFEB).

Under the bill, a CPFEB is created in every county whose treasurer receives funds from the surcharge. Each CPFEB consists of seven members, who serve for a term that is determined by the CPFEB: the presiding judge of the circuit court, or his or her designee; the district attorney, or his or her designee; the sheriff, or his or her designee; the county executive, county administrator, or county board chairperson, or his or her designee; the chief elected official of the city, village, or town with the largest population in the county, or his or her designee; a person chosen by a majority vote of the top law enforcement officials of the departments that are located in the county; and a person chosen by the county's public defender's office. Members of a CPFEB may be reimbursed for expenses but may not receive any other compensation.

A CPFEB may solicit grant applications from certain specified entities and may award grants to such entities. At least one-half of the funds must go to one or more

private, nonprofit organizations that has as its primary purpose preventing crime, providing a funding source for crime prevention programs, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. A CPFEB may direct that the rest of the funds be distributed to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes.

The bill requires that a CPFEB and any entity that receives a grant from a CPFEB must submit an annual report to certain specified entities detailing the amounts spent, the purposes for which the grants were spent, and contact information for the entity and the entity's leaders. The reports must be distributed to the clerk of court for the county that distributed the funds, the county board, and the governing bodies of the cities, villages, and towns in the county.

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

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

INSERT

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0184/P5
PJH:kjf&jld:jf

LFB:.....Onsager - Crime Prevention Funding Board

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 40

Insert

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At the locations indicated, amend the bill as follows:

1. Page 404, line 11: after that line insert:

SECTION 51~~am~~. 23.85 of the statutes is amended to read:

23.85 Statement to county board; payment to state. Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, costs, fees, and surcharges imposed under ch. 814 and received during the previous year. The county clerk shall deduct all expenses incurred by the county in recovering those forfeitures, costs, fees, and surcharges from the aggregate amount so received, and shall immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and surcharges to the county treasurer, who shall pay the proceeds to the state as

J

1 provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated
2 separately as provided in s. 302.46 and moneys collected from the crime prevention
3 funding board surcharge under s. 973.0455 (2) shall be treated separately as
4 provided in s. 973.0455 (2).

5 **2.** Page 622, line 18: after that line insert:

6 ~~SECTION 1238~~m. 59.25 (3) (gm) of the statutes is created to read:

7 59.25 (3) (gm) Deposit all moneys received under s. 973.0455 (2) into a crime
8 prevention fund and, on order of the crime board under s. 59.54 (28) (d), make grant
9 payments as the crime board directs.

10 **3.** Page 622, line 19: after that line insert:

11 ~~SECTION 1239~~m. 59.40 (2) (n) of the statutes is amended to read:

12 59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46
13 (1) for the jail assessment surcharge and the amounts required by s. 973.0455 (2).

14 The payments shall be made by the 15th day of the month following receipt thereof.

15 **4.** Page 623, line 13: after that line insert:

16 ~~SECTION 1243~~m. 59.54 (28) of the statutes is created to read:

17 59.54 (28) CRIME PREVENTION FUNDING BOARD. (a) In this subsection:

18 1. "Chief elected official" means the mayor of a city or, if the city is organized
19 under subch. I of ch. 64, the president of the council of that city, the village president
20 of a village, or the town board chairperson of a town.

21 2. "Crime board" means the crime prevention funding board that is created
22 under this subsection.

23 3. "Municipality" means a city, village, or town.

1 (b) There is created in each county, in which the treasurer receives moneys and
 2 deposits them as described in s. 59.25 (3) (gm), a crime board. The funds in such an
 3 account may be distributed upon the direction of the crime board under par. (d). The
 4 crime board shall meet, and its members may receive no compensation, other than
 5 reimbursement for actual and reasonable expenses incurred in the performance of
 6 their duties. Members shall serve for the terms that are determined by the crime
 7 board.

8 (c) A county crime board shall consist of the following members:

9 ~~1.~~ 1. The district attorney, or his or her designee.

10 ~~2.~~ 3. The sheriff, or his or her designee.

11 ~~3.~~ 4. One of the following county officials, or his or her designee:

12 a. The county executive.

13 b. If the county does not have a county executive, the county administrator.

14 c. The chairperson of the county board of supervisors, or his or her designee,
 15 if the county does not have a county executive or a county administrator.

16 ~~4.~~ 5. The chief elected official of the largest municipality in the county, as
 17 determined by population, or his or her designee.

18 ~~5.~~ 6. A person chosen by a majority vote of the sheriff and all of the chiefs of police
 19 departments that are located wholly or partly within the county.

20 ~~6.~~ 7. A person chosen by the county's public defender's office.

21 (d) 1. The crime board may solicit applications for grants in a format
 22 determined by the crime board, and may vote to direct the treasurer to distribute
 23 grants to applicants from moneys in the crime prevention fund under s. 59.25 (3)
 24 (gm). The crime board may direct the treasurer to distribute grants to any of the
 25 following entities, in amounts determined by the crime board:

1. The presiding judge
of the circuit court, or his or
her designee.

1 a. One or more private nonprofit organizations within the county that has as
2 its primary purpose preventing crime, providing a funding source for crime
3 prevention programs, encouraging the public to report crime, or assisting law
4 enforcement agencies in the apprehension of criminal offenders.

5 b. A law enforcement agency within the county that has a crime prevention
6 fund, if the contribution is credited to the crime prevention fund and is used for crime
7 prevention purposes.

8 2. Not less than 50 percent of the payments made under subd. 1. shall be made
9 to one or more organizations described in subd. 1. a.


10 (e) Annually, the crime board shall submit a report on its activities to the clerk
11 of court for the county that distributed the funds, to the county board, and to the
12 legislative bodies of each municipality that is located wholly or partly within the
13 county. The report shall contain at least all of the following information for the year
14 to which the report relates:

15 1. The name and address of each entity that received a grant, including contact
16 information for the leadership of the entity.

17 2. A full accounting of all funds disbursed by the treasurer at the direction of
18 the crime board, including the amount of the funds disbursed, the dates of disbursal,
19 and the purposes for which the grant was made.

20 (f) Annually, each recipient of a grant awarded under this subsection shall
21 submit a report on its activities to all of the entities specified in par. (e). The report
22 shall contain at least all of the following information for the year to which the report
23 relates:

24 1. The name and address of the entity.



1 2. The name and address, and title, of each member of the governing body of
2 the entity.

3 3. The purposes for which the grant money was spent.

4 4. A detailed accounting of all receipts and expenditures of the entity that relate
5 to the grant money.

6 5. The balance of funds remaining.".

7 **5.** Page 989, line 4: after that line insert:

8 ~~SECTION 2291m.~~ 814.75 (8r) of the statutes is created to read:

9 814.75 (8r) The crime prevention funding board surcharge under s. 973.0455?".

10 **6.** Page 989, line 6: after that line insert:

11 ~~SECTION 2293m.~~ 814.76 (5m) of the statutes is created to read:

12 814.76 (5m) The ^(4m) crime prevention funding board surcharge under s.
13 973.0455?".

14 **7.** Page 1006, line 12: after that line insert:

15 ~~SECTION 2352m.~~ 973.0455 of the statutes is created to read:

16 **973.0455 Crime prevention funding board surcharge.** (1) If a court
17 imposes a sentence or places a person on probation, the court shall impose a crime
18 prevention funding board surcharge. The surcharge is the total amount calculated
19 by adding up, for each misdemeanor or felony count on which a conviction occurred,
20 \$20.

21 (2) After the clerk determines the amount due, the clerk of court shall collect
22 and transmit the amount to the county treasurer under s. 59.40 (2) (n). The county
23 treasurer shall then distribute the moneys under s. 59.25 (3) (gm).".

24 **8.** Page 1007, line 14: after that line insert:

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~~SECTION 2358m.~~ 973.05 (2m) (jr) ^(du) of the statutes is created to read:

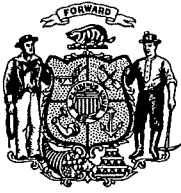
973.05 (2m) (jr) ^(du) To payment of the crime prevention funding board surcharge until paid in full."

9. Page 1023, line 5: after that line insert:

Section 9129:
Nonstatutory provisions,
Local Government.

"(1e) ⁽¹⁾ CRIME PREVENTION FUNDING BOARD. Upon the creation of a crime prevention funding board, the initial members of the board specified under section 59.54 (28) (c) of the statutes shall declare that they are serving on the board, or appoint their designees, not later than the first day of the 4th month beginning after a board is created."

(END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1387/P1
PJH:kjf:rs

DOA:.....Potts, BB0467 – Victim witness surcharge and crime prevention organizations

FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Under current law, a person who is convicted of a crime is generally ordered to pay various surcharges that fund a variety of programs related to criminal justice.

The bill creates a surcharge of \$20 for each felony and misdemeanor for which a person is convicted. Under the bill, the clerk of court forwards the amounts collected under the surcharge to the county treasurer, who retains those funds in a crime prevention fund. Moneys from the fund are distributed as grants at the direction of a crime prevention funding board (CPFEB).

Under the bill, a CPFEB is created in every county whose treasurer receives funds from the surcharge. Each CPFEB consists of seven members, who serve for a term that is determined by the CPFEB: the presiding judge of the circuit court, or his or her designee; the district attorney, or his or her designee; the sheriff, or his or her designee; the county executive, county administrator, or county board chairperson, or his or her designee; the chief elected official of the city, village, or town with the largest population in the county, or his or her designee; a person chosen by a majority vote of the top law enforcement officials of the departments that are located in the county; and a person chosen by the county's public defender's office. Members of a CPFEB may be reimbursed for expenses but may not receive any other compensation.

A CPFEB may solicit grant applications from certain specified entities and may award grants to such entities. At least one-half of the funds must go to one or more

private, nonprofit organizations that has as its primary purpose preventing crime, providing a funding source for crime prevention programs, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. A CPFB may direct that the rest of the funds be distributed to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes.

The bill requires that a CPFB and any entity that receives a grant from a CPFB must submit an annual report to certain specified entities detailing the amounts spent, the purposes for which the grants were spent, and contact information for the entity and the entity's leaders. The reports must be distributed to the clerk of court for the county that distributed the funds, the county board, and the governing bodies of the cities, villages, and towns in the county.

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

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

1 **SECTION 1.** 23.85 of the statutes is amended to read:

2 **23.85 Statement to county board; payment to state.** Every county
3 treasurer shall, on the first day of the annual meeting of the county board of
4 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and
5 surcharges imposed under ch. 814 and received during the previous year. The county
6 clerk shall deduct all expenses incurred by the county in recovering those forfeitures,
7 costs, fees, and surcharges from the aggregate amount so received, and shall
8 immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and
9 surcharges to the county treasurer, who shall pay the proceeds to the state as
10 provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated
11 separately as provided in s. 302.46 and moneys collected from the crime prevention
12 funding board surcharge under s. 973.0455 (2) shall be treated separately as
13 provided in s. 973.0455 (2).

14 **SECTION 2.** 59.25 (3) (gm) of the statutes is created to read:

1 59.25 (3) (gm) Deposit all moneys received under s. 973.0455 (2) into a crime
2 prevention fund and, on order of the crime board under s. 59.54 (28) (d), make grant
3 payments as the crime board directs.

4 **SECTION 3.** 59.40 (2) (n) of the statutes is amended to read:

5 59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46
6 (1) for the jail assessment surcharge and the amounts required by s. 973.0455 (2).

7 The payments shall be made by the 15th day of the month following receipt thereof.

8 **SECTION 4.** 59.54 (28) of the statutes is created to read:

9 59.54 (28) CRIME PREVENTION FUNDING BOARD. (a) In this subsection:

10 1. “Chief elected official” means the mayor of a city or, if the city is organized
11 under subch. I of ch. 64, the president of the council of that city, the village president
12 of a village, or the town board chairperson of a town.

13 2. “Crime board” means the crime prevention funding board that is created
14 under this subsection.

15 3. “Municipality” means a city, village, or town.

16 (b) There is created in each county, in which the treasurer receives moneys and
17 deposits them as described in s. 59.25 (3) (gm), a crime board. The funds in such an
18 account may be distributed upon the direction of the crime board under par. (d). The
19 crime board shall meet, and its members may receive no compensation, other than
20 reimbursement for actual and reasonable expenses incurred in the performance of
21 their duties. Members shall serve for the terms that are determined by the crime
22 board.

23 (c) A county crime board shall consist of the following members:

24 1. The presiding judge of the circuit court, or his or her designee

25 2. The district attorney, or his or her designee.

- 1 3. The sheriff, or his or her designee.
- 2 4. One of the following county officials, or his or her designee:
 - 3 a. The county executive.
 - 4 b. If the county does not have a county executive, the county administrator.
 - 5 c. The chairperson of the county board of supervisors, or his or her designee,
6 if the county does not have a county executive or a county administrator.
- 7 5. The chief elected official of the largest municipality in the county, as
8 determined by population, or his or her designee.
- 9 6. A person chosen by a majority vote of the sheriff and all of the chiefs of police
10 departments that are located wholly or partly within the county.
- 11 7. A person chosen by the county's public defender's office.
- 12 (d) 1. The crime board may solicit applications for grants in a format
13 determined by the crime board, and may vote to direct the treasurer to distribute
14 grants to applicants from moneys in the crime prevention fund under s. 59.25 (3)
15 (gm). The crime board may direct the treasurer to distribute grants to any of the
16 following entities, in amounts determined by the crime board:
 - 17 a. One or more private nonprofit organizations within the county that has as
18 its primary purpose preventing crime, providing a funding source for crime
19 prevention programs, encouraging the public to report crime, or assisting law
20 enforcement agencies in the apprehension of criminal offenders.
 - 21 b. A law enforcement agency within the county that has a crime prevention
22 fund, if the contribution is credited to the crime prevention fund and is used for crime
23 prevention purposes.
- 24 2. Not less than 50 percent of the payments made under subd. 1. shall be made
25 to one or more organizations described in subd. 1. a.

1 (e) Annually, the crime board shall submit a report on its activities to the clerk
2 of court for the county that distributed the funds, to the county board, and to the
3 legislative bodies of each municipality that is located wholly or partly within the
4 county. The report shall contain at least all of the following information for the year
5 to which the report relates:

6 1. The name and address of each entity that received a grant, including contact
7 information for the leadership of the entity.

8 2. A full accounting of all funds disbursed by the treasurer at the direction of
9 the crime board, including the amount of the funds disbursed, the dates of disbursement,
10 and the purposes for which the grant was made.

11 (f) Annually, each recipient of a grant awarded under this subsection shall
12 submit a report on its activities to all of the entities specified in par. (e). The report
13 shall contain at least all of the following information for the year to which the report
14 relates:

15 1. The name and address of the entity.

16 2. The name and address, and title, of each member of the governing body of
17 the entity.

18 3. The purposes for which the grant money was spent.

19 4. A detailed accounting of all receipts and expenditures of the entity that relate
20 to the grant money.

21 5. The balance of any funds remaining.

22 **SECTION 5.** 814.75 (8r) of the statutes is created to read:

23 814.75 (8r) The crime prevention funding board surcharge under s. 973.0455.

24 **SECTION 6.** 814.76 (4m) of the statutes is created to read:

25 814.76 (4m) The crime prevention funding board surcharge under s. 973.0455.

