



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5264/1  
CMH:amn

## 2017 ASSEMBLY BILL 906

1     **AN ACT** *to amend* 48.546 (2), 938.546 (2) and 968.12 (2); and *to create* 20.435  
2           (5) (bd), 20.437 (1) (bf), 20.455 (2) (cm), 46.47, 48.545 (2) (c), 49.175 (1) (o), 165.25  
3           (11), 165.984 and 961.473 of the statutes; **relating to:** creating a law  
4           enforcement agency drug trafficking response grant program; positions to  
5           assist in prosecuting drug-related offenses; evidence-based programs for  
6           substance abuse prevention services for at-risk youth; victim impact panels;  
7           funding for family and juvenile treatment courts; grants for county jails to  
8           provide nonnarcotic treatment before offender reentry; and making  
9           appropriations.

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*Analysis by the Legislative Reference Bureau*

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

10           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
11           the following amounts for the purposes indicated:

**ASSEMBLY BILL 906****SECTION 1****2017-18****2018-19****1 20.435 Health services, department of**

2 (5) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

3 (bd) Nonnarcotic drug treatment

4 grants GPR B 750,000 750,000

**5 20.437 Children and families, department of**

6 (1) CHILDREN AND FAMILY SERVICES

7 (bf) Family and juvenile treatment

8 court grants GPR A -0- 250,000

**9 20.455 Justice, department of**

10 (2) LAW ENFORCEMENT SERVICES

11 (cm) Law enforcement agency drug

12 trafficking response grants GPR B -0- 1,000,000

13 **SECTION 2.** 20.435 (5) (bd) of the statutes is created to read:14 20.435 (5) (bd) *Nonnarcotic drug treatment grants.* Biennially, the amounts in  
15 the schedule to provide grants under s. 46.47 (1).16 **SECTION 3.** 20.437 (1) (bf) of the statutes is created to read:17 20.437 (1) (bf) *Family and juvenile treatment court grants.* The amounts in the  
18 schedule for family treatment court grants under s. 48.546 and juvenile treatment  
19 court grants under s. 938.546.20 **SECTION 4.** 20.455 (2) (cm) of the statutes is created to read:

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1           20.455 (2) (cm) *Law enforcement agency drug trafficking response grants.*  
2           Biennially, the amounts in the schedule to provide grants for Wisconsin law  
3           enforcement agency drug trafficking response under s. 165.984.

4           **SECTION 5.** 46.47 of the statutes is created to read:

5           **46.47 Grants for nonnarcotic drug treatment in county jails.** (1) From  
6           the appropriation account under 20.435 (5) (bd), the department shall award grants  
7           to provide nonnarcotic drug treatment as provided in sub. (2) to a county or federally  
8           recognized American Indian tribe or band that meets all of the following criteria:

9           (a) The county or tribe has a county or tribal jail.

10           (b) The county or tribe has an established drug court, as defined in s. 165.955  
11           (1).

12           (c) The county or tribe provides care coordination for inmates exiting county  
13           or tribal jail.

14           (d) The county or tribe has identified how it will use care coordination to ensure  
15           that all program participants are enrolled in Medical Assistance under subch. IV of  
16           ch. 49 and will continue to receive treatment after an inmate leaves county or tribal  
17           jail custody.

18           **(2)** Grant funds awarded under sub. (1) may be used only to provide  
19           nonnarcotic, non-addictive, injectable medically assisted treatment to inmates of  
20           county or tribal jails who voluntarily receive the treatment within the 5 days  
21           immediately preceding release from jail into the community.

22           **(3)** The department shall provide application procedures for awarding grants  
23           to counties or tribes under sub. (1) in accordance with the department's  
24           request-for-proposal procedures.

25           **SECTION 6.** 48.545 (2) (c) of the statutes is created to read:

**ASSEMBLY BILL 906****SECTION 6**

1           48.545 (2) (c) 1. Beginning in fiscal year 2018-19, the department shall  
2 distribute \$500,000 in grants in each fiscal year for programs to provide  
3 evidence-based programs and practices for substance abuse prevention to at-risk  
4 youth and their families.

5           2. Grants under this paragraph may be made to applying nonprofit  
6 corporations or public agencies in a county with a population of 750,000 or more,  
7 county departments under s. 46.22, 46.23, 51.42, or 51.437 in counties other than a  
8 county having a population of 750,000 or more, or a federally recognized American  
9 Indian tribe or band.

10           3. The department may not award a grant under this paragraph to a county or  
11 a tribe that offered the services described under subd. 1. in the preceding fiscal year  
12 unless those services were previously funded by a grant under this paragraph.

13           **SECTION 7.** 48.546 (2) of the statutes, as created by 2017 Wisconsin Act ...  
14 (Senate Bill 390), is amended to read:

15           48.546 (2) The department may make the grants for the programs specified in  
16 sub. (1) within the availability of funding under s. 20.437 (1) ~~(nL)~~ (bf). The  
17 department shall collaborate with the department of health services and the director  
18 of state courts in establishing the grant program under this section.

19           **SECTION 8.** 49.175 (1) (o) of the statutes is created to read:

20           49.175 (1) (o) *Evidence-based substance abuse prevention grants.* For grants  
21 awarded under s. 48.545 (2) (c), \$500,000 in fiscal year 2018-19.

22           **SECTION 9.** 165.25 (11) of the statutes is created to read:

23           165.25 (11) **REPORT ON FIELD PROSECUTOR POSITIONS.** The department of justice  
24 shall submit an annual report to the joint committee on finance regarding the field  
25 prosecutor attorney positions created under 2017 Wisconsin Act ... (this act), section

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1 13. The report shall describe the activities and assess the effectiveness of the  
2 attorneys in assisting the division of criminal investigation in the field offices of  
3 Wausau and Appleton and in assisting district attorneys in the prosecution of  
4 drug-related offenses.

5 **SECTION 10.** 165.984 of the statutes is created to read:

6 **165.984 Law enforcement drug trafficking response grants. (1)** In this  
7 section:

8 (a) "Tribal law enforcement agency" has the meaning given in s. 165.83 (1) (e).

9 (b) "Wisconsin law enforcement agency" means a governmental unit of one or  
10 more persons employed full time by this state or a political subdivision of this state  
11 for the purpose of preventing and detecting crime and enforcing state laws or local  
12 ordinances, employees of which unit are authorized to make arrests for crimes while  
13 acting within the scope of their authority, and includes a task force administered by  
14 the department of justice that exists to respond to drug crimes.

15 **(2)** The department of justice shall establish policies and procedures for the  
16 distribution of grants from the appropriation under s. 20.455 (2) (cm) to Wisconsin  
17 law enforcement agencies and tribal law enforcement agencies to fund law  
18 enforcement response to drug trafficking. Notwithstanding s. 227.10 (1), the  
19 department need not promulgate the required policies and procedures as rules under  
20 ch. 227.

21 **(3)** A Wisconsin law enforcement agency or tribal law enforcement agency may  
22 apply to the department of justice for a grant under this section and shall include a  
23 proposed plan of expenditure of the grant money. The proposed plan of expenditure  
24 shall specify a new program or purpose for which the funds will be used. If the  
25 proposed plan of expenditure will result in the agency incurring an ongoing expense

**ASSEMBLY BILL 906****SECTION 10**

1 that will continue after all grant funds have been spent, the plan shall include a  
2 description of how that expense will be met when there are no remaining grant funds.

3 (4) The department of justice shall review each application and plan and may  
4 provide grants to an eligible Wisconsin law enforcement agency or tribal law  
5 enforcement agency of not more than \$50,000 per application and plan and not more  
6 than \$100,000 per agency. A grant may be provided only to fund a new program or  
7 purpose within the agency and may not be provided to supplement an existing  
8 program.

9 (5) A Wisconsin law enforcement agency or tribal law enforcement agency  
10 receiving a grant under this section may use the grant to fund extra training for law  
11 enforcement officers, the hiring of additional officers to investigate drug trafficking,  
12 or any other purpose that is directly related to drug trafficking response and that is  
13 not an existing program within the agency at the time the grant is received.

14 **SECTION 10m.** 938.546 (2) of the statutes, as created by 2017 Wisconsin Act ...  
15 (Senate Bill 390), is amended to read:

16 938.546 (2) The department of children and families may make the grants for  
17 the programs specified in sub. (1) within the availability of funding under s. 20.437  
18 (1) ~~(nL)~~ (bf). The department of children and families shall collaborate with the  
19 department of corrections, the department of health services, and the director of  
20 state courts in establishing the grant program under this section.

21 **SECTION 11.** 961.473 of the statutes is created to read:

22 **961.473 Victim impact panels.** If a person pleads guilty to or is found guilty  
23 of a violation of this chapter, the court may order the person to attend a program, such  
24 as a victim impact panel, that demonstrates the adverse effects of substance abuse  
25 on an individual or an individual's family in addition to any forfeiture or penalty

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1 imposed. The court may order the defendant to pay a reasonable fee, based on the  
2 person's ability to pay, to offset the costs of assembling and holding the program  
3 ordered under this section.

4 **SECTION 11m.** 968.12 (2) of the statutes is amended to read:

5 968.12 (2) WARRANT UPON AFFIDAVIT. A search warrant may be based upon  
6 sworn complaint or affidavit, or testimony recorded by a phonographic reporter or  
7 under sub. (3) (d), showing probable cause therefor. The complaint, affidavit or  
8 testimony may be upon information and belief. The person requesting the warrant  
9 may swear to the complaint or affidavit before a notarial officer authorized under s.  
10 706.07 to take acknowledgments or before a judge, or a judge may place a person  
11 under oath via telephone, radio, or other means of electronic communication, without  
12 the requirement of face-to-face contact, to swear to the complaint or affidavit. The  
13 judge shall indicate on the search warrant that the person so swore to the complaint  
14 or affidavit.

15 **SECTION 12. Nonstatutory provisions.**

16 (1) RECONCILIATION PROVISION. If 2017 Senate Bill 390 is not enacted into law  
17 in the 2017 legislative session, then the treatment of sections 20.437 (1) (bf), 48.546  
18 (2), and 938.546 (2) of the statutes by this act is void.

19 **SECTION 13. Fiscal changes.**

20 (1) FIELD PROSECUTOR POSITIONS; DRUG-RELATED OFFENSES. In the schedule under  
21 section 20.005 (3) of the statutes for the appropriation to the department of justice  
22 under section 20.455 (1) (a) of the statutes, the dollar amount for fiscal year 2017-18  
23 is increased by \$300,000 to increase the authorized positions for the department by  
24 2.0 GPR attorney project positions to assist the division of criminal investigation in  
25 the field offices of Wausau and Appleton and to assist district attorneys in

**ASSEMBLY BILL 906****SECTION 13**

1 prosecuting drug-related offenses. In the schedule under section 20.005 (3) of the  
2 statutes for the appropriation to the department of justice under section 20.455 (1)  
3 (a) of the statutes, the dollar amount for fiscal year 2018-19 is increased by \$300,000  
4 to provide funding for the positions authorized under this subsection.  
5 Notwithstanding section 230.27 (1) of the statutes, the project positions authorized  
6 under this subsection shall terminate 5 years from the effective date of this  
7 subsection.

8 (2m) EVIDENCE-BASED SUBSTANCE ABUSE PREVENTION GRANTS. In the schedule  
9 under section 20.005 (3) of the statutes for the appropriation to the department of  
10 children and families under section 20.437 (2) (md) of the statutes, the dollar amount  
11 for fiscal year 2018-19 is increased by \$500,000 for evidence-based substance abuse  
12 prevention grants awarded under section 48.545 (2) (c) of the statutes.

13 **SECTION 14. Effective dates.** This act takes effect on the day after publication,  
14 except as follows:

15 (1) The treatment of sections 20.437 (1) (bf), 48.546 (2), and 938.546 (2) of the  
16 statutes takes effect on the effective date of 2017 Senate Bill 390.

17 (END)