

2017 Assembly Bill 906 (LRB -5264)

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

2018

01-31.	A.	Introduced by Representatives Nygren, Snyder, Duchow, Rodriguez, Novak, Petryk, Rohrkaste, Pronschinske, Zimmerman, Tusler, VanderMeer, Horlacher, Krug, Petersen, E. Brooks, Edming, Ballweg, Spiros, Tittl, Tranel, Knodl, Born, Skowronski, Jagler, Kitchens, Sanfelippo, Kolste, Billings, Genrich, Kulp and Mursau ; cosponsored by Senators Vukmir, Moulton, Marklein, Wanggaard, Feyen, Testin and Bewley	694
01-31.	A.	Read first time and referred to Joint Committee on Finance	694
02-01.	A.	Fiscal estimate received	
02-01.	A.	Fiscal estimate received	
02-01.	A.	LRB correction	700
02-07.	A.	Senator Carpenter added as a cosponsor	715
02-07.	A.	Public hearing held	
02-08.	A.	Fiscal estimate received	
02-08.	A.	Executive action taken	
02-09.	A.	Assembly Amendment 1 offered by Joint Committee on Finance (LRB a1963)	722
02-12.	A.	Report Assembly Amendment 1 adoption recommended by Joint Committee on Finance, Ayes 16, Noes 0	726
02-12.	A.	Report passage as amended recommended by Joint Committee on Finance, Ayes 16, Noes 0	726
02-12.	A.	Referred to committee on Rules	727
02-12.	A.	Senator L. Taylor added as a cosponsor	727
02-15.	A.	Made a special order of business at 2:11 PM on 2-20-2018 pursuant to Assembly Resolution 26	768
02-20.	A.	Read a second time	814
02-20.	A.	Assembly Amendment 1 adopted	814
02-20.	A.	Assembly Amendment 2 offered by Representative Nygren (LRB a2254)	814
02-20.	A.	Assembly Amendment 2 adopted	814
02-20.	A.	Ordered to a third reading	814
02-20.	A.	Rules suspended	814
02-20.	A.	Read a third time and passed , Ayes 95, Noes 0	814
02-20.	A.	Representatives Barca and Shankland added as coauthors	815
02-20.	A.	Ordered immediately messaged	815
02-21.	S.	Received from Assembly	784
03-12.	S.	Read first time and referred to committee on Senate Organization	823
03-12.	S.	Available for scheduling	
03-15.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 3, Noes 2	833
03-15.	S.	Placed on calendar 3-20-2018 pursuant to Senate Rule 18(1)	834
03-20.	S.	Read a second time	863
03-20.	S.	Ordered to a third reading	863
03-20.	S.	Rules suspended	863
03-20.	S.	Read a third time and concurred in , Ayes 32, Noes 0	863
03-20.	S.	Ordered immediately messaged	863
03-21.	A.	Received from Senate concurred in	892

9MB



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2017 ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

17-5264, 1

Amendments: None or Listed below.

AA 1

AA 2

Corrections: None or Listed by date below.

4/1/18

4/2/18 to AB 906 4/2/18 to AA 2

to
AB 906

Topic: Same as relating clause or other, indicated below.

4/3/18

Date

Enrolling Drafter



State of Wisconsin
2017-2018 LEGISLATURE

CORRECTIONS IN:

2017 ASSEMBLY BILL 906

Prepared by the Legislative Reference Bureau
(February 1, 2018)

1. Page 7, line 11: delete "position" and substitute "positions".

(END)



State of Wisconsin
2017-2018 LEGISLATURE

CORRECTIONS IN:

2017 ASSEMBLY BILL 906

Prepared by the Legislative Reference Bureau
(April 3, 2018)

In enrolling, the following corrections were made:

1. Page 4, line 17: delete "(Assembly Bill 481)," and substitute "(Senate Bill 390),".
2. Page 6, line 22: delete "Wisconsin Act (Assembly Bill 481)" and substitute "Senate Bill 390".
3. Page 7, line 17: delete that line and substitute "effect on the effective date of 2017 Senate Bill 390."

****NOTE: Senate Bill 390, which passed the legislature, is the companion bill to Assembly Bill 481, which failed to pass.

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5264/1
MLJ/EAW/CMH:all

2017 ASSEMBLY BILL 906

January 31, 2018 - Introduced by Representatives NYGREN, SNYDER, DUCHOW, RODRIGUEZ, NOVAK, PETRYK, ROHRKASTE, PRONSCHINSKE, ZIMMERMAN, TUSLER, VANDERMEER, HORLACHER, KRUG, PETERSEN, E. BROOKS, EDMING, BALLWEG, SPIROS, TITTL, TRANEL, KNODL, BORN, SKOWRONSKI, JAGLER, KITCHENS, SANFELIPPO, KOLSTE, BILLINGS, GENRICH, KULP and MURSAU, cosponsored by Senators VUKMIR, MOULTON, MARKLEIN, WANGGAARD, FEYEN, TESTIN and BEWLEY. Referred to Joint Committee on Finance.

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

Analysis by the Legislative Reference Bureau

This bill creates grant programs related to drug trafficking, evidence-based substance abuse prevention, juvenile and family treatment courts, and drug treatment for inmates of county jails. The bill creates two attorney positions in the Department of Justice to assist the division of criminal investigation in the field offices of Wausau and Appleton and to assist district attorneys in the prosecution of drug-related offenses. The bill also allows a court to order a person who is found guilty of a violation of the Uniform Controlled Substances Act to attend a victim impact panel or similar program as a part of his or her sentence.

This bill appropriates a total of \$2,750,000 of general purpose revenue (GPR) and allocates \$500,000 of federal block grant money in the 2017-19 biennium to the

ASSEMBLY BILL 906

grant programs that are established under the bill. The bill appropriates \$1,000,000 of GPR to DOJ for grants to Wisconsin law enforcement agencies to establish new programs related to drug trafficking response, \$1,500,000 of GPR for the Department of Health Services to award grants to counties to provide nonnarcotic drug treatment to inmates of county jails, and \$250,000 of GPR for the Department of Children and Families to award grants to counties or Indian tribes to establish and operate juvenile and family treatment courts. The bill allocates \$500,000 of federal money received under the Temporary Assistance for Needy Families block grant program to the Brighter Futures initiative through DCF to provide grants for new evidence-based substance abuse prevention programs.

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

2017-18 2018-19

3 **20.435 Health services, department of**

4 (5) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

5 (bd) Nonnarcotic drug treatment

	GPR	B	750,000	750,000
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7 **20.437 Children and families, department of**

8 (1) CHILDREN AND FAMILY SERVICES

9 (bf) Family ^{and juvenile} treatment court grants GPR A -0- 250,000

10 **20.455 Justice, department of**

11 (2) LAW ENFORCEMENT SERVICES

12 (cm) Law enforcement agency drug

trafficking response grants	GPR	B	-0-	1,000,000
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2.

ASSEMBLY BILL 906

1 SECTION 2. 20.435 (5) (bd) of the statutes is created to read:

2 20.435 (5) (bd) *Nonnarcotic drug treatment grants*. Biennially, the amounts in
3 the schedule to provide grants to counties under s. 46.47 (1). *AA 19*

4 SECTION 3. 20.437 (1) (bf) of the statutes is created to read:

5 20.437 (1) (bf) *Family and juvenile treatment court grants*. The amounts in the schedule for
6 family treatment court grants under s. 48.546 *and juvenile treatment court grants under s. 938.546* *AA 13*

7 SECTION 4. 20.455 (2) (cm) of the statutes is created to read:

8 20.455 (2) (cm) *Law enforcement agency drug trafficking response grants*.
9 Biennially, the amounts in the schedule to provide grants for Wisconsin law
10 enforcement agency drug trafficking response under s. 165.984.

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

12 **46.47 Grants for nonnarcotic drug treatment in county jails.** (1) From
13 the appropriation account under 20.435 (5) (bd), the department shall award grants
14 to provide nonnarcotic drug treatment as provided in sub. (2) to counties that meet *AA 1*

15 all of the following criteria: *or tribal*

16 (a) The county *or tribe* has a county/jail. *AA 2*

17 (b) The county *or tribe* has an established drug court, as defined in s. 165.955 (1). *AA 3*

18 (c) The county *or tribe* provides care coordination for inmates exiting county/jail. *AA 4* *or tribal* *AA 5*

19 (d) The county *or tribe* has identified how it will use care coordination to ensure that
20 all program participants are enrolled in Medical Assistance under subch. IV of ch.
21 49 and will continue to receive treatment after an inmate leaves county/jail custody. *or tribal* *AA 7*

22 (2) Grant funds awarded under sub. (1) may be used only to provide
23 nonnarcotic, non-addictive, injectable medically assisted treatment to inmates of
24 county/jails who voluntarily receive the treatment within the 5 days immediately
25 preceding release from county jail into the community. *AA 9*

ASSEMBLY BILL 906

SECTION 5

1 (3) The department shall provide application procedures for awarding grants
2 to counties ^{or tribes} under sub. (1) in accordance with the department's request-for-proposal
3 procedures.

AA 2
10.

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

5 48.545 (2) (c) 1. Beginning in fiscal year 2018-19, the department shall
6 distribute \$500,000 in grants in each fiscal year for programs to provide
7 evidence-based programs and practices for substance abuse prevention to at-risk
8 youth and their families.

9 2. Grants under this paragraph may be made to applying nonprofit
10 corporations or public agencies in a county with a population of 750,000 or more, or
11 county departments under s. 46.22, 46.23, 51.42, or 51.437 in counties other than a
12 county having a population of 750,000 or more.

AA 2
10m.

13 3. The department may not award a grant under this paragraph ^{to} in a county
14 where the services described under subd. 1. were offered in the preceding fiscal year
15 unless those services were previously funded by a grant under this paragraph.

or a tribe
that
offered

16 **SECTION 7.** 48.546 (2) of the statutes, as created by 2017 Wisconsin Act
17 (Assembly Bill 481), ^{Senate 390} is amended to read:

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

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

23 49.175 (1) (o) *Evidence-based substance abuse prevention grants.* For grants
24 awarded under s. 48.545 (2) (c), \$500,000 in fiscal year 2018-19.

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

ASSEMBLY BILL 906

1 165.25 (11) REPORT ON FIELD PROSECUTOR POSITIONS. The department of justice
 2 shall submit an annual report to the joint committee on finance regarding the field
 3 prosecutor attorney positions created under 2017 Wisconsin Act (this act), section
 4 13. The report shall describe the activities and assess the effectiveness of the
 5 attorneys in assisting the division of criminal investigation in the field offices of
 6 Wausau and Appleton and in assisting district attorneys in the prosecution of
 7 drug-related offenses.

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

9 ~~165.984 Law enforcement drug trafficking response grants.~~ (1) In this
 10 section, ^{91 (INSERT AA2 15)} "Wisconsin law enforcement agency" means a governmental unit of one or
 11 more persons employed full time by this state or a political subdivision of this state
 12 for the purpose of preventing and detecting crime and enforcing state laws or local
 13 ordinances, employees of which unit are authorized to make arrests for crimes while
 14 acting within the scope of their authority, and includes a task force administered by
 15 the department of justice that exists to respond to drug crimes.

16 (2) The department of justice shall establish policies and procedures for the
 17 distribution of grants from the appropriation under s. 20.455 (2) (cm) to Wisconsin
 18 law enforcement agencies ^{IND AA2 17.} to fund law enforcement response to drug trafficking.
 19 Notwithstanding s. 227.10 (1), the department need not promulgate the required
 20 policies and procedures as rules under ch. 227.

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

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ASSEMBLY BILL 906

SECTION 10

1 funds have been spent, the plan shall include a description of how that expense will
2 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 enforcement agency} of not more than
5 \$50,000 per application and plan and not more than \$100,000 per agency. A grant
6 may be provided only to fund a new program or purpose within the agency and may
7 not be provided to supplement an existing program.

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

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

14 **961.473 Victim impact panels.** If a person pleads guilty to or is found guilty
15 of a violation of this chapter, the court may order the person to attend a program, such
16 as a victim impact panel, that demonstrates the adverse effects of substance abuse
17 on an individual or an individual's family in addition to any forfeiture or penalty
18 imposed. The court may order the defendant to pay a reasonable fee, based on the
19 person's ability to pay, to offset the costs of assembling and holding the program
20 ordered under this section.

21 **SECTION 12. Nonstatutory provisions.**

22 (1) RECONCILIATION PROVISION. If 2017 Wisconsin Act ... (Assembly Bill 481) is
23 not enacted into law in the 2017 legislative session, then the treatment of sections
24 20.437 (1) (bf) ^{and 939.54(2)} of the statutes by this act is void.

25 **SECTION 13. Fiscal changes.**

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Senate Bill 390

AA2
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ASSEMBLY BILL 906

(1) FIELD PROSECUTOR POSITIONS; DRUG-RELATED OFFENSES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (1) (a) of the statutes, the dollar amount for fiscal year 2017-18 is increased by \$300,000 to increase the authorized positions for the department by 2.0 GPR attorney project positions to assist the division of criminal investigation in the field offices of Wausau and Appleton and to assist district attorneys in prosecuting drug-related offenses. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (1) (a) of the statutes, the dollar amount for fiscal year 2018-19 is increased by \$300,000 to provide funding for the positions authorized under this subsection. Notwithstanding section 230.27 (1) of the statutes, the project position⁽⁵⁾ authorized under this subsection shall terminate 5 years from the effective date of this subsection.

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

(1) The treatment of sections 20.437 (1) (bf) and 48.546 (2) of the statutes takes effect on the same day as 2017 Wisconsin Act ... (Assembly Bill 481) and 438.546 (2) AA 1 8.

(END)

Senate Bill 390

effective date of



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1963/1
EAW:kjf

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 906**

February 8, 2018 - Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 6: after "family" insert "and juvenile".

3 2. Page 2, line 9: after "family" insert "and juvenile".

4 3. Page 3, line 5: after "*Family*" insert "*and juvenile*".

5 4. Page 3, line 6: after "48.546" insert "and juvenile treatment court grants
6 under s. 938.546".

7 5. Page 6, line 12: after that line insert:

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

10 938.546 (2) The department of children and families may make the grants for
11 the programs specified in sub. (1) within the availability of funding under s. 20.437

12 (1) ~~(nL)~~ (bf). The department of children and families shall collaborate with the

10 >
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1 department of corrections, the department of health services, and the director of
2 state courts in establishing the grant program under this section.”

3 **6.** Page 6, line 24: delete “and 48.546 (2)” and substitute “, 48.546 (2), and
4 938.546 (2)”.

5 **7.** Page 7, line 13: after that line insert:

6 “(2m) EVIDENCE-BASED SUBSTANCE ABUSE PREVENTION GRANTS. In the schedule
7 under section 20.005 (3) of the statutes for the appropriation to the department of
8 children and families under section 20.437 (2) (md) of the statutes, the dollar amount
9 for fiscal year 2018-19 is increased by \$500,000 for evidence-based substance abuse
10 prevention grants awarded under section 48.545 (2) (c) of the statutes”.

11 **8.** Page 7, line 16: delete “and 48.546 (2)” and substitute “, 48.546 (2), and
12 938.546 (2)”.

13 (END)



State of Wisconsin
2017-2018 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 906**

Prepared by the Legislative Reference Bureau
(April 3, 2018)

In enrolling, the following corrections were made:

1. Page 1, line 2: before that line insert:

“1g. Page 3, line 3: delete “to counties”.”

****NOTE: Makes consistent with s. 46.47 (1).

2. Page 1, line 2: delete “1.” and substitute “1m.”.

3. Page 2, line 1: after that line insert:

“10m. Page 4, line 10: delete “more, or” and substitute “more,.”.”

4. Page 2, line 2: delete “or” and substitute “, or”.

5. Page 2, line 9: delete the material beginning with “.” and ending with
“(b)” on line 11.

6. Page 2, line 12: delete “(e).” and substitute “(e).

(b)”.

****NOTE: Rearranges definitions so they appear in alphabetical order.

(END)

LRBa2254/1ccc-1

AMN

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2254/1
MLJ:kjf&amn

ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 906

February 20, 2018 - Offered by Representative NYGREN.

1g. Page 3, line 3: delete "to counties",

ccc 1.

1 At the locations indicated, amend the bill as follows:

- 2 *ccc 2.* **1.** ^{*Im.*} Page 3, line 14: delete "counties that meet" and substitute "a county or
3 federally recognized American Indian tribe or band that meets". *INS
AA2
1.*
- 4 **2.** Page 3, line 16: delete "county has a county" and substitute "county or tribe
5 has a county or tribal".
- 6 **3.** Page 3, line 17: after "county" insert "or tribe".
- 7 **4.** Page 3, line 18: after "The county" insert "or tribe".
- 8 **5.** Page 3, line 18: after "exiting county" insert "or tribal".
- 9 **6.** Page 3, line 19: after "county" insert "or tribe".
- 10 **7.** Page 3, line 21: after "county" insert "or tribal".
- 11 **8.** Page 3, line 24: after "county" insert "or tribal".
- 12 **9.** Page 3, line 25: delete "county".

cc 3. 10m. Page 4, line 10. delete "more, or" and substitute "more,"

10. Page 4, line 2: after "counties" insert "or tribes".

11. Page 4, line 12: after "more" insert "or a federally recognized American Indian tribe or band".

*IN 1
AA2
11.*

12. Page 4, line 13: delete "in a county" and substitute "to a county or a tribe that offered".

✓ **13.** Page 4, line 14: delete "where".

✓ **14.** Page 4, line 14: delete "were offered".

15. Page 5, line 10: delete "section," and substitute "section:

*IN 1
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15.*

(a)?"

16. Page 5, line 15: after that line insert:

cc 4.

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

(e)?" (b)

17. Page 5, line 18: after "agencies" insert "and tribal law enforcement agencies".

*IN 3
AA2
17.*

18. Page 5, line 21: after "agency" insert "or tribal law enforcement agency".

✓ **19.** Page 5, line 23: delete "must" and substitute "shall".

✓ **20.** Page 6, line 4: after "agency" insert "or tribal law enforcement agency".

✓ **21.** Page 6, line 8: after "agency" insert "or tribal law enforcement agency".

22. Page 6, line 20: after that line insert:

*IN 1
AA2
20.*

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

968.12 (2) WARRANT UPON AFFIDAVIT. A search warrant may be based upon sworn complaint or affidavit, or testimony recorded by a phonographic reporter or under sub. (3) (d), showing probable cause therefor. The complaint, affidavit or

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1 testimony may be upon information and belief. The person requesting the warrant
2 may swear to the complaint or affidavit before a notarial officer authorized under s.
3 706.07 to take acknowledgments or before a judge, or a judge may place a person
4 under oath via telephone, radio, or other means of electronic communication, without
5 the requirement of face-to-face contact, to swear to the complaint or affidavit. The
6 judge shall indicate on the search warrant that the person so swore to the complaint
7 or affidavit”.

8 (END)