



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

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:

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

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

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

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

59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46 (1) for the jail assessment surcharge and the amounts required by s. 973.0455 (2). The payments shall be made by the 15th day of the month following receipt thereof.

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

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

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

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

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

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

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

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

3. The sheriff, or his or her designee.

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

a. The county executive.

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

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

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

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

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

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

a. One or more private nonprofit organizations within the county 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.

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

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

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

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

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

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

1. The name and address of the entity.

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

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

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

5. The balance of any funds remaining.

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

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

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

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

SECTION 7. 973.0455 of the statutes is created to read:

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

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

SECTION 8. 973.05 (2m) (du) of the statutes is created to read:

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

SECTION 9129. Nonstatutory provisions; Local Government.

(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)