



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0547/P9
EAW:kjf&emw

DOA:.....Bork, BB0145 - Youth justice allocations

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Youth aids; allocations

Under current law, DCF is required to allocate to counties community youth and family aids (“youth aids”) funding. Youth aids funding comes from various state and federal moneys and is used to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. This bill updates the allocation of youth aids funding that is available to counties for the 2021-23 fiscal biennium.

Under current law, some of the youth aids funding is allocated to reimburse counties that are purchasing community supervision services from DOC for juveniles, and some of the funding is allocated for alcohol and other drug abuse treatment programs. This bill eliminates these earmarks and instead provides that DCF may use youth aids funding to reimburse counties for the costs associated with the care and maintenance of juveniles who are adjudged delinquent and who are placed in certain secured juvenile facilities under the supervision of a county or the state.

Youth aids; administration

Current law allocates some youth aids for the purchase of juvenile correctional services, emergencies, provision of community supervision services for juveniles,

and for alcohol and other drug abuse treatment programs. Also under current law, DCF may award funding to counties for early intervention services for first offenders under the Community Intervention Program (CIP).

This bill replaces CIP with the Youth Justice System Improvements Program. Under the bill, DCF may use funding for the Youth Justice System Improvements Program to support diversion programs, to address emergencies related to youth aids, or to fund other activities required of DCF under youth aids.

Under current law, youth aids funding is allocated to counties on a calendar year basis. Youth aids funds that are not spent in the calendar year can be carried forward three ways: 1) DCF may carry forward 5 percent of a county's allocation for that county for use in the subsequent calendar year; 2) DCF may carry forward \$500,000 or 10 percent of its unspent youth aids funds, whichever is larger, for use in the subsequent two calendar years; and 3) DCF may carry forward any unspent emergency funds for use in the subsequent two calendar years.

This bill changes the way that unspent youth aids are reallocated. Under the bill, DCF may still carry forward 5 percent of a county's allocation for that county to use in the next calendar year. However, instead of carrying forward \$500,000 or 10 percent of its unspent youth aids funds, whichever is larger, for use in the next two calendar years, under this bill, DCF may transfer 10 percent of unspent youth aids funds to the Youth Justice System Improvements Program.

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. 20.437 (1) (cj) of the statutes is amended to read:

20.437 (1) (cj) *Community youth and family aids.* The amounts in the schedule for the improvement and provision of community-based juvenile delinquency-related services under s. 48.526 and juvenile correctional services under s. 301.26 and for reimbursement to counties having a population of less than 750,000 for the cost of court attached intake services as provided in s. 938.06 (4). Disbursements may be made from this appropriation account under s. 49.32 (2). Refunds received relating to payments made under s. 49.32 (2) shall be returned to this appropriation account. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of children and families may transfer moneys under this paragraph

between fiscal years. Except for moneys authorized to be carried forward under s. 48.526 (3) (dm) or for transfer under s. 48.526 (3) (e), all moneys from this paragraph allocated under s. 48.526 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.

SECTION 2. 20.437 (1) (cm) of the statutes is amended to read:

20.437 (1) (cm) ~~Community intervention~~ Youth justice system improvements program. The amounts in the schedule for the ~~community intervention youth justice system improvements~~ program under s. 48.528.

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

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

20.437 (1) (cn) *Youth justice system improvements program; state operations*. The amounts in the schedule for program operations relating to the youth justice system improvements program under s. 48.528.

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

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

20.437 (1) (kp) *Youth aids funding for the youth justice system improvements program*. All moneys transferred from the appropriation account under s. 20.437 (1) (cj), as provided under s. 48.526 (3) (e), for the youth justice system improvements program under s. 48.528.

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

SECTION 5. 48.526 (3) (e) of the statutes is amended to read:

48.526 (3) (e) The department may carry forward \$500,000 ~~or~~ transfer to the appropriation account under s. 20.437 (1) (kp) 10 percent of its funds allocated under

this subsection and not ~~encumbered~~ expended or carried forward under par. (dm) by counties by December 31, ~~whichever is greater, to the next 2 calendar years.~~ The department may ~~transfer moneys from or within s. 20.437 (1) (cj) to accomplish this purpose.~~ The department may allocate these transferred moneys to counties with persistently high rates of juvenile arrests for serious offenses during the next 2 calendar years to improve community-based juvenile delinquency-related services, as defined in s. 46.011 (1c). ~~The allocation does not affect a county's base allocation.~~

SECTION 6. 48.526 (3) (em) of the statutes is repealed.

SECTION 7. 48.526 (7) (intro.) of the statutes is amended to read:

48.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of the appropriations under s. 20.437 (1) (cj) and (o), the department shall allocate funds for community youth and family aids for the period beginning on July 1, 2019 2021, and ending on June 30, ~~2021~~ 2023, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

SECTION 8. 48.526 (7) (a) of the statutes is amended to read:

48.526 (7) (a) For community youth and family aids under this section, amounts not to exceed \$45,383,600 \$48,396,000 for the last 6 months of 2019 2021, \$90,767,200 \$100,893,000 for 2020 2022, and \$45,383,600 \$52,497,100 for the first 6 months of ~~2021~~ 2023.

SECTION 9. 48.526 (7) (b) (intro.) of the statutes is amended to read:

48.526 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall allocate \$2,000,000 for the last 6 months of 2019 2021, \$4,000,000 for ~~2020~~ 2022, and \$2,000,000 for the first 6 months of ~~2021~~ 2023 to counties based on each of the following factors weighted equally:

SECTION 10. 48.526 (7) (bm) of the statutes is amended to read:

48.526 (7) (bm) Of the amounts specified in par. (a), the department shall allocate \$6,250,000 for the last 6 months of ~~2019~~ 2021, \$12,500,000 for ~~2020~~ 2022, and \$6,250,000 for the first 6 months of ~~2021~~ 2023 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility or a secured residential care center for children and youth during the most recent 3-year period for which that information is available.

SECTION 11. 48.526 (7) (c) of the statutes is amended to read:

48.526 (7) (c) Of the amounts specified in par. (a), the department shall allocate \$1,053,200 for the last 6 months of ~~2019~~ 2021, \$2,106,500 for ~~2020~~ 2022, and \$1,053,300 for the first 6 months of ~~2021~~ 2023 to counties based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that no county may receive an allocation under this paragraph that is less than 93 percent nor more than 115 percent of the amount that the county would have received under this paragraph if the allocation had been distributed only on the basis of the factor specified in par. (b) 3.

SECTION 12. 48.526 (7) (d) of the statutes is created to read:

48.526 (7) (d) Of the amounts specified in par. (a), the department shall allocate an amount not to exceed \$2,663,800 for the last 6 months of 2021, \$9,428,600 for 2022, and \$6,764,900 for the first 6 months of 2023 for costs incurred by a county for the care and maintenance of a juvenile placed under the supervision of a county department or the department of corrections in a juvenile detention facility under s. 938.22 (2) (d) 1., a juvenile correctional facility, or a secured residential care center for children and youth.

SECTION 13. 48.526 (7) (e) of the statutes is repealed.

SECTION 14. 48.526 (7) (h) of the statutes is repealed.

***NOTE: This is reconciled s. 48.526 (7) (h). This SECTION has been affected by drafts with the following LRB numbers: -0547/p7 and -0556/p3.

SECTION 15. 48.526 (8) of the statutes is repealed.

SECTION 16. 48.528 of the statutes is repealed and recreated to read:

48.528 Youth justice system improvements program. From the appropriations under s. 20.437 (1) (cm), (cn), and (kp), in each fiscal year the department may expend funds for the following purposes:

(1) To fund programs that enhance diversion, prevention, or early intervention to reduce the number of justice-involved youth or promote successful outcomes for all youth. To determine eligibility for a payment under this subsection, the department shall require a county or other provider to submit a plan for the expenditure of the payment.

(2) To address emergencies related to community youth and family aids under s. 48.526.

(3) To fund activities required of the department under s. 48.526 (1).

(END)