



2013 ASSEMBLY BILL 74

March 14, 2013 - Introduced by Representatives JACQUE, GENRICH, BERNIER, DANOU, KAHL, KLEEFISCH, KRUG, A. OTT, SPIROS, SWEARINGEN, TRANEL and WEININGER, cosponsored by Senators COWLES, HANSEN and SCHULTZ. Referred to Committee on Judiciary.

1 **AN ACT to renumber and amend** 973.045 (2); **to amend** 23.85, 59.40 (2) (n),
2 973.045 (1) (a) and 973.045 (1) (b); and **to create** 59.25 (3) (gm), 59.54 (28),
3 973.045 (1r) (a) 4., 973.045 (2) (b) and 973.045 (3) (d) of the statutes; **relating**
4 **to:** increasing the crime victim and witness assistance surcharge, dedicating
5 funds for crime prevention organizations, and creating local crime prevention
6 funding boards.

Analysis by the Legislative Reference Bureau

Under current law, if a person commits a crime, the court that sentences the person or places the person on probation must impose a surcharge in addition to any other sentence imposed upon the person. Currently, if the person is convicted of a misdemeanor, he or she must pay \$67; if the person is convicted of a felony, he or she must pay \$92. The surcharge is divided three ways: part A (\$40 for each misdemeanor surcharge and \$65 for each felony surcharge); part B (\$20 for each misdemeanor and felony surcharge); and part C (\$7 for each misdemeanor and felony surcharge).

Currently, the clerk of courts collects the surcharge amounts and forwards them to the county treasurer, who in turn forwards them to the Department of Administration to help fund programs for victims and witnesses of crime. Funds from parts A and C are used to reimburse victims and witnesses and reimburse counties for victim and witness programs. Funds from part B are used to fund

ASSEMBLY BILL 74

services for victims of sexual assault. Current law requires a person who is assessed this surcharge to pay part A in full before he or she pays part B, and both parts A and B before he or she pays part C.

This bill increases the surcharge by \$20 for a misdemeanor and for a felony. The bill creates a part D, which is funded by \$20 for each misdemeanor or felony and which a person who is assessed the surcharge may pay only after he or she pays parts A, B, and C in full. Under the bill, the clerk of court forwards the amounts collected under part D to the county treasurer along with the other parts of the surcharge, but the treasurer retains those funds in a crime prevention fund.

Under the bill, a county treasurer deposits the funds he or she receives from part D of the surcharge into 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 a part D surcharge. Each CPFEB consists of seven members: 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. Members serve for a term that is determined by the CPFEB.

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:

ASSEMBLY BILL 74

1 **23.85 Statement to county board; payment to state.** Every county
2 treasurer shall, on the first day of the annual meeting of the county board of
3 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and
4 surcharges imposed under ch. 814 and received during the previous year. The county
5 clerk shall deduct all expenses incurred by the county in recovering those forfeitures,
6 costs, fees, and surcharges from the aggregate amount so received, and shall
7 immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and
8 surcharges to the county treasurer, who shall pay the proceeds to the state as
9 provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated
10 separately as provided in s. 302.46 and part D of the crime victim witness assistance
11 surcharge shall be treated separately as provided in s. 973.045 (2) (b).

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

13 59.25 (3) (gm) Deposit all moneys received under s. 973.045 (2) (b) into a crime
14 prevention fund and, on order of the crime board under s. 59.54 (28) (d), make grant
15 payments as the crime board directs.

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

17 59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46
18 (1) for the jail assessment surcharge and the amounts required by s. 973.045 (2) (b).
19 The payments shall be made by the 15th day of the month following receipt thereof.

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

21 59.54 (28) CRIME PREVENTION FUNDING BOARD. (a) In this subsection:

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

ASSEMBLY BILL 74

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

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

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

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

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

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

14 3. The sheriff, or his or her designee.

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

16 a. The county executive.

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

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

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

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

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

ASSEMBLY BILL 74

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

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

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

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

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

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

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

ASSEMBLY BILL 74**SECTION 4**

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

5 1. The name and address of the entity.

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

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

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

11 5. The balance of any funds remaining.

12 **SECTION 5.** 973.045 (1) (a) of the statutes is amended to read:

13 973.045 (1) (a) For each misdemeanor offense or count, ~~\$67~~ \$87.

14 **SECTION 6.** 973.045 (1) (b) of the statutes is amended to read:

15 973.045 (1) (b) For each felony offense or count, ~~\$92~~ \$112.

16 **SECTION 7.** 973.045 (1r) (a) 4. of the statutes is created to read:

17 973.045 (1r) (a) 4. Part D equals \$20 for each misdemeanor offense or count and
18 \$20 for each felony offense or count.

19 **SECTION 8.** 973.045 (2) of the statutes is renumbered 973.045 (2) (a) and
20 amended to read:

21 973.045 (2) (a) After the clerk determines the amount due, the clerk of court
22 shall collect and transmit the ~~amount~~ amounts collected under parts A, B, and C to
23 the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make
24 payment to the secretary of administration under s. 59.25 (3) (f) 2.

25 **SECTION 9.** 973.045 (2) (b) of the statutes is created to read:

