



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3540/1
MLJ:cjs

2019 ASSEMBLY BILL 933

February 20, 2020 - Introduced by Representatives STUBBS, GOYKE, ALLEN, ANDERSON, BILLINGS, CABRERA, CONSIDINE, CROWLEY, EMERSON, HEBL, KOLSTE, SARGENT, SPREITZER, C. TAYLOR, VRUWINK and BROSTOFF, cosponsored by Senators JOHNSON, CARPENTER, RINGHAND, RISSER, SMITH and WIRCH. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to create* 20.455 (2) (eb) and 165.956 of the statutes; **relating to:**
2 creating a community restorative court grant program and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Justice to establish a grant program that provides grants to counties and tribes to establish community restorative courts that are based in principles of restorative justice and trauma-informed care for nonviolent criminal offenders ages 25 and under.

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:

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

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SECTION 1

2019-20

2020-21

1 **20.455 Justice, department of**

2 (2) LAW ENFORCEMENT SERVICES

3 (eb) Community restorative courts GPR A 500,000 500,000

4 **SECTION 2.** 20.455 (2) (eb) of the statutes is created to read:

5 20.455 (2) (eb) *Community restorative courts.* The amounts in the schedule to
6 provide grants to counties and tribes under s. 165.956 (2).

7 **SECTION 3.** 165.956 of the statutes is created to read:

8 **165.956 Community restorative court grant program. (1)** In this section,
9 “tribe” has the meaning given in s. 165.91 (1).

10 (2) From the appropriation under s. 20.455 (2) (eb), the department of justice
11 shall make grants to counties and tribes to enable them to establish and operate
12 community restorative courts that are based in principles of restorative justice and
13 trauma-informed care for criminal offenders who meet the criteria in sub. (3).

14 (3) A person who is subject to the jurisdiction of the court of criminal
15 jurisdiction and who has not attained the age of 26 years is eligible to participate in
16 a community restorative court established under sub. (2) if the prosecuting attorney
17 is willing to enter a precharge deferment agreement with the person, the crime
18 victim consents to the use of the community restorative court process, and the person
19 is accused of committing one of the following:

20 (a) A misdemeanor.

21 (b) A first offense felony violation that is not one of the following:

22 1. A felony violation of s. 940.01, 940.05, 940.21, 940.225 (1), (2), or (3), 940.235,
23 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e), or (2m), 940.43, 940.45, 941.20,

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1 941.21, 941.327, 943.02, 943.06, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5)
2 (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, 948.095, or
3 948.30 (2).

4 2. A felony violation of s. 940.02, 940.03, 940.06, 940.07, 940.08, 940.09 (1c),
5 940.10, 940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.20, 940.201 (2),
6 940.203 (2), 940.205 (2), 940.207 (2), 940.208, 940.23, 941.30, or 948.03 (3) or (5) (a)
7 4.

8 3. A felony if a penalty enhancer specified in s. 939.621 could be imposed.

9 4. The solicitation, conspiracy, or attempt, under s. 939.30, 939.31, or 939.32,
10 to commit a violation under subd. 1.

11 **(4)** (a) A county or tribe that receives a grant under this section shall comply
12 with state audits pertaining to its use of the grant and shall submit an annual report
13 to the department of justice regarding the costs, benefits, impact on jail and prison
14 populations, and impact on recidivism of the community restorative court for which
15 it receives the grant.

16 (b) A county or tribe that receives a grant under this section shall submit data
17 requested by the department of justice to the department of justice each month. The
18 department of justice may request any data regarding the community restorative
19 court funded by the grant that is necessary to evaluate the community restorative
20 court and prepare the reports under sub. (5).

21 **(5)** (a) The department of justice shall, annually, analyze the data submitted
22 under sub. (4) (b) and prepare a progress report that evaluates the effectiveness of
23 the grant program under this section. The department of justice shall make the
24 report available to the public.

ASSEMBLY BILL 933**SECTION 3**

1 (b) The department of justice shall, every 5 years, prepare a comprehensive
2 report that analyzes the data it receives under sub. (4) (b) and the annual reports it
3 produces under par. (a). The department of justice shall include in this
4 comprehensive report a cost-benefit analysis of the grant program under this section
5 and shall submit the report to the chief clerk of each house of the legislature for
6 distribution to the legislature under s. 13.172 (2).

7

(END)