



2025 ASSEMBLY BILL 178

April 15, 2025 - Introduced by Representatives TITTL, BEHNKE, KREIBICH, MOORE OMOKUNDE, MURSAU, SORTWELL, WICHGERS, KAUFERT and KRUG, cosponsored by Senators JACQUE and WIRCH. Referred to Committee on Judiciary.

1 **AN ACT *to amend*** 20.455 (2) (em) (title), 20.455 (2) (kn) (title), 20.455 (2) (kv)
2 (title), 165.95 (title), 165.95 (2), 165.95 (3) (a), 165.95 (3) (d), 165.95 (3) (e),
3 165.95 (3) (g), 165.95 (3) (h), 165.95 (3) (j), 165.95 (5) (a), 302.43, 961.472 (5)
4 (b), 967.11 (1), 967.11 (2) and 973.155 (1m); ***to create*** 165.95 (1) (ae) of the
5 statutes; **relating to:** expanding the treatment alternatives and diversion
6 programs.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Justice, in collaboration with the Department of Corrections and the Department of Health Services, awards grants to counties and tribes that have established qualifying treatment alternatives and diversion (TAD) programs that offer alcohol or drug treatment services as alternatives to prosecution or incarceration in order to reduce recidivism, promote public safety, and reduce prison and jail populations.

Under this bill, a program funded by a TAD grant need not focus solely on alcohol and other drug treatment but may provide treatment programs for a person who has any mental illness.

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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. 20.455 (2) (em) (title) of the statutes is amended to read:

20.455 (2) (em) (title) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments.*

SECTION 2. 20.455 (2) (kn) (title) of the statutes is amended to read:

20.455 (2) (kn) (title) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information fee.*

SECTION 3. 20.455 (2) (kv) (title) of the statutes is amended to read:

20.455 (2) (kv) (title) *Grants for substance ~~abuse~~ use disorder or mental illness treatment programs for criminal offenders.*

SECTION 4. 165.95 (title) of the statutes is amended to read:

165.95 (title) **Alternatives to prosecution and incarceration; grant program.**

SECTION 5. 165.95 (1) (ae) of the statutes is created to read:

165.95 (1) (ae) “Mental illness” has the meaning given in s. 51.01 (13) (a).

SECTION 6. 165.95 (2) of the statutes is amended to read:

165.95 (2) The department of justice shall make grants to counties and to tribes to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who ~~abuse alcohol or other drugs~~ have a substance use disorder or mental

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1 illness. The department of justice shall make the grants from the appropriations
2 under s. 20.455 (2) (em), (jd), (kn), and (kv). The department of justice shall
3 collaborate with the department of corrections and the department of health
4 services in establishing this grant program.

5 **SECTION 7.** 165.95 (3) (a) of the statutes is amended to read:

6 165.95 (3) (a) The county's or tribe's program is designed to meet the needs of
7 a person who ~~abuses alcohol or other drugs~~ has a substance use disorder or mental
8 illness and who may be or has been charged with or who has been convicted of a
9 crime in that county related to the person's ~~use or abuse of alcohol or other drugs~~
10 substance use disorder or mental illness.

11 **SECTION 8.** 165.95 (3) (d) of the statutes is amended to read:

12 165.95 (3) (d) Services provided under the program are consistent with
13 evidence-based practices in substance ~~abuse~~ use disorder and mental health
14 treatment, as determined by the department of health services, and the program
15 provides intensive case management.

16 **SECTION 9.** 165.95 (3) (e) of the statutes is amended to read:

17 165.95 (3) (e) The program uses graduated sanctions and incentives to
18 promote successful substance ~~abuse~~ use disorder and mental health treatment.

19 **SECTION 10.** 165.95 (3) (g) of the statutes is amended to read:

20 165.95 (3) (g) The program is designed to integrate all mental health services
21 provided to program participants by state and local government agencies and other
22 organizations. The program shall require regular communication among a
23 participant's ~~substance abuse~~ treatment providers, other service providers, the

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1 case manager, and any person designated under the program to monitor the
2 person's compliance with his or her obligations under the program and any
3 probation, extended supervision, and parole agent assigned to the participant.

4 **SECTION 11.** 165.95 (3) (h) of the statutes is amended to read:

5 165.95 (3) (h) The program provides substance ~~abuse~~ use disorder and mental
6 health treatment services through providers that are certified by the department of
7 health services.

8 **SECTION 12.** 165.95 (3) (j) of the statutes is amended to read:

9 165.95 (3) (j) The program is developed with input from, and implemented in
10 collaboration with, one or more circuit court judges, the district attorney, the state
11 public defender, local and, if applicable, tribal law enforcement officials, county
12 agencies and, if applicable, tribal agencies responsible for providing social services,
13 including services relating to alcohol and other drug addiction, child welfare,
14 mental health, and the Wisconsin Works program, the departments of corrections,
15 children and families, and health services, private social services agencies, and
16 substance ~~abuse~~ use disorder and mental health treatment providers.

17 **SECTION 13.** 165.95 (5) (a) of the statutes is amended to read:

18 165.95 (5) (a) A county or tribe that receives a grant under this section shall
19 create an oversight committee to advise the county or tribe in administering and
20 evaluating its program. Each committee shall consist of a circuit court judge, the
21 district attorney or his or her designee, the state public defender or his or her
22 designee, a local law enforcement official, a representative of the county, a
23 representative of the tribe, if applicable, a representative of each other county

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1 agency and, if applicable, tribal agency responsible for providing social services,
2 including services relating to child welfare, mental health, and the Wisconsin
3 Works program, representatives of the department of corrections and department
4 of health services, a representative from private social services agencies, a
5 representative of substance ~~abuse~~ use disorder and mental health treatment
6 providers, and other members to be determined by the county or tribe.

7 **SECTION 14.** 302.43 of the statutes is amended to read:

8 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
9 in the amount of one-fourth of his or her term for good behavior if sentenced to at
10 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
11 for time served prior to sentencing under s. 973.155, including good time under s.
12 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects
13 or refuses to perform any duty lawfully required of him or her, may be deprived by
14 the sheriff of good time under this section, except that the sheriff shall not deprive
15 the inmate of more than 2 days good time for any one offense without the approval
16 of the court. An inmate who files an action or special proceeding, including a
17 petition for a common law writ of certiorari, to which s. 807.15 applies shall be
18 deprived of the number of days of good time specified in the court order prepared
19 under s. 807.15 (3). This section does not apply to a person who is confined in the
20 county jail in connection with his or her participation in a ~~substance-abuse~~
21 ~~treatment~~ program that meets the requirements of s. 165.95 (3), as determined by
22 the department of justice under s. 165.95 (9) and (10).

23 **SECTION 15.** 961.472 (5) (b) of the statutes is amended to read:

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961.472 (5) (b) The person is participating in a substance ~~abuse~~ use disorder treatment program that meets the requirements of s. 165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10).

SECTION 16. 967.11 (1) of the statutes is amended to read:

967.11 (1) In this section, “~~approved substance abuse treatment program~~” means a ~~substance abuse treatment~~ program that meets the requirements of s. 165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10).

SECTION 17. 967.11 (2) of the statutes is amended to read:

967.11 (2) If a county establishes an approved substance abuse treatment program and the approved program authorizes the use of surveillance and monitoring technology or day reporting programs, a court or a district attorney may require a person participating in ~~an~~ the approved ~~substance abuse treatment~~ program to submit to surveillance and monitoring technology or a day reporting program as a condition of participation.

SECTION 18. 973.155 (1m) of the statutes is amended to read:

973.155 (1m) A convicted offender shall be given credit toward the service of his or her sentence for all days spent in custody as part of a ~~substance abuse treatment~~ program that meets the requirements of s. 165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10), for any offense arising out of the course of conduct that led to the person's placement in that program.

(END)