



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-5025/1
PJH:jld

2015 BILL

1 **AN ACT** *to renumber and amend* 165.95 (1); *to amend* 20.455 (2) (em), 20.455
2 (2) (kn), 20.455 (2) (kr), 20.455 (2) (kv), 165.95 (2), 165.95 (2r), 165.95 (3) (intro.),
3 165.95 (3) (a), 165.95 (3) (j), 165.95 (3) (k), 165.95 (4), 165.95 (5) (a), 165.95 (5)
4 (b), 165.95 (5) (bg), 165.95 (6), 165.95 (7), 165.95 (7m), 165.95 (8) and 165.95 (9);
5 and **to create** 165.95 (1) (a) of the statutes; **relating to:** grants for treatment
6 and diversion programs.

Analysis by the Legislative Reference Bureau

This bill specifies that grants given to counties by the Department of Justice for programs that offer alternatives to prosecution and incarceration for persons who use alcohol or other drugs may also be given to tribes for the same purpose, and with the same requirements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 20.455 (2) (em) of the statutes is amended to read:

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1 20.455 (2) (em) *Alternatives to prosecution and incarceration for persons who*
2 *use alcohol or other drugs; presentencing assessments.* The amounts in the schedule
3 for making grants to counties and tribes under s. 165.95 (2).

4 **SECTION 2.** 20.455 (2) (kn) of the statutes, as affected by 2015 Wisconsin Act
5 55, is amended to read:

6 20.455 (2) (kn) *Alternatives to prosecution and incarceration for persons who*
7 *use alcohol or other drugs; justice information fee.* The amounts in the schedule for
8 administering and making grants to counties and tribes under s. 165.95 (2). All
9 moneys transferred from the appropriation account under s. 20.505 (1) (id) 5. shall
10 be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
11 unencumbered balance on June 30 of each year shall be transferred to the
12 appropriation account under s. 20.505 (1) (id).

13 **SECTION 3.** 20.455 (2) (kr) of the statutes, as created by 2015 Wisconsin Act 388,
14 is amended to read:

15 20.455 (2) (kr) *Alternatives to prosecution and incarceration for persons who*
16 *use alcohol or other drugs; grants.* All moneys transferred under 2015 Wisconsin Act
17 388, section 5 (1) for making grants to counties and tribes under s. 165.95 (2).

18 **SECTION 4.** 20.455 (2) (kv) of the statutes is amended to read:

19 20.455 (2) (kv) *Grants for substance abuse treatment programs for criminal*
20 *offenders.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the purpose
21 of making grants to counties and tribes under s. 165.95 (2).

22 **SECTION 5.** 165.95 (1) of the statutes is renumbered 165.95 (1) (intro.) and
23 amended to read:

24 165.95 (1) (intro.) In this section, ~~“violent offender”~~:

25 **(b)** “Violent offender” means a person to whom one of the following applies:

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1 **SECTION 6.** 165.95 (1) (a) of the statutes is created to read:

2 165.95 (1) (a) “Tribe” has the meaning given in s. 165.91.

3 **SECTION 7.** 165.95 (2) of the statutes is amended to read:

4 165.95 (2) The department of justice shall make grants to counties and to tribes
5 to enable them to establish and operate programs, including suspended and deferred
6 prosecution programs and programs based on principles of restorative justice, that
7 provide alternatives to prosecution and incarceration for criminal offenders who
8 abuse alcohol or other drugs. The department of justice shall make the grants from
9 the appropriations under s. 20.455 (2) (em), (kn), and (kv). The department of justice
10 shall collaborate with the departments of corrections and health and family services
11 in establishing this grant program.

12 **SECTION 8.** 165.95 (2r) of the statutes is amended to read:

13 165.95 (2r) Any county or tribe that receives a grant under this section on or
14 after January 1, 2012, shall provide matching funds that are equal to 25 percent of
15 the amount of the grant.

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

17 165.95 (3) (intro.) A county or tribe shall be eligible for a grant under sub. (2)
18 if all of the following apply:

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

20 165.95 (3) (a) The county’s or tribe’s program is designed to meet the needs of
21 a person who abuses alcohol or other drugs and who may be or has been charged with
22 or who has been convicted of a crime in that county related to the person’s use or
23 abuse of alcohol or other drugs.

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

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1 165.95 (3) (j) The program is developed with input from, and implemented in
2 collaboration with, one or more circuit court judges, the district attorney, the state
3 public defender, local and, if applicable, tribal law enforcement officials, county
4 agencies and, if applicable, tribal agencies responsible for providing social services,
5 including services relating to alcohol and other drug addiction, child welfare, mental
6 health, and the Wisconsin Works program, the departments of corrections, children
7 and families, and health services, private social services agencies, and substance
8 abuse treatment providers.

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

10 165.95 (3) (k) The county or tribe complies with other eligibility requirements
11 established by the department of justice to promote the objectives listed in pars. (a)
12 and (b).

13 **SECTION 13.** 165.95 (4) of the statutes is amended to read:

14 165.95 (4) In implementing a program that meets the requirements of sub. (3),
15 a tribe or a county department may contract with or award grants to a religious
16 organization under s. 59.54 (27).

17 **SECTION 14.** 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 agency
24 and, if applicable, tribal agency responsible for providing social services, including
25 services relating to child welfare, mental health, and the Wisconsin Works program,

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1 representatives of the departments of corrections and health and family services, a
2 representative from private social services agencies, a representative of substance
3 abuse treatment providers, and other members to be determined by the county or
4 tribe.

5 **SECTION 15.** 165.95 (5) (b) of the statutes is amended to read:

6 165.95 (5) (b) A county or tribe that receives a grant under this section shall
7 comply with state audits and shall submit an annual report to the department of
8 justice and to the oversight committee created under par. (a) regarding the impact
9 of the program on jail and prison populations and its progress in attaining the goals
10 specified in sub. (3) (b) and (f).

11 **SECTION 16.** 165.95 (5) (bg) of the statutes is amended to read:

12 165.95 (5) (bg) A county or tribe that receives a grant under this section shall
13 submit data requested by the department of justice to the department of justice each
14 month. The department of justice may request any data regarding the project funded
15 by the grant that is necessary to evaluate the project and prepare the reports under
16 sub. (5p).

17 **SECTION 17.** 165.95 (6) of the statutes is amended to read:

18 165.95 (6) ~~Two or more counties~~ A county or tribe may, with one or more other
19 counties or tribes, jointly apply for and receive a grant under this section. ~~If counties~~
20 ~~submit~~ Upon submitting a joint application, ~~they~~ each county or tribe shall include
21 with ~~their~~ the application a written agreement specifying each tribe's and each
22 county department's role in developing, administering, and evaluating the program.
23 The oversight committee established under sub. (5) (a) shall consist of
24 representatives from each county or tribe.

25 **SECTION 18.** 165.95 (7) of the statutes is amended to read:

