



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1920/1
CMH:wlj

2017 ASSEMBLY BILL 112

March 2, 2017 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Corrections.

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

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: Under this bill, grants that the Department of Justice provides to counties for programs that offer alternatives to prosecution and incarceration for persons who use alcohol or other drugs may also be provided to tribes for the same purpose.

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

ASSEMBLY BILL 112**SECTION 1**

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 is amended to read:

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

12 **SECTION 3.** 20.455 (2) (kr) of the statutes is amended to read:

13 20.455 (2) (kr) *Alternatives to prosecution and incarceration for persons who*
14 *use alcohol or other drugs; grants.* All moneys transferred under 2015 Wisconsin Act
15 388, section 5 (1) for making grants to counties and tribes under s. 165.95 (2).

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

17 20.455 (2) (kv) *Grants for substance abuse treatment programs for criminal*
18 *offenders.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the purpose
19 of making grants to counties and tribes under s. 165.95 (2).

20 **SECTION 5.** 165.95 (1) (intro.) of the statutes is amended to read:

21 165.95 (1) (intro.) In this section, ~~“violent offender”;~~

22 (bg) “Violent offender” means a person to whom one of the following applies:

23 **SECTION 6.** 165.95 (1) (a) and (b) of the statutes are renumbered 165.95 (1) (bg)

24 1. and 2.

25 **SECTION 7.** 165.95 (1) (ag) of the statutes is created to read:

ASSEMBLY BILL 112

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

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

3 165.95 (2) The department of justice shall make grants to counties and to tribes
4 to enable them to establish and operate programs, including suspended and deferred
5 prosecution programs and programs based on principles of restorative justice, that
6 provide alternatives to prosecution and incarceration for criminal offenders who
7 abuse alcohol or other drugs. The department of justice shall make the grants from
8 the appropriations under s. 20.455 (2) (em), (kn), and (kv). The department of justice
9 shall collaborate with the departments of corrections and health and family services
10 in establishing this grant program.

11 **SECTION 9.** 165.95 (2r) of the statutes is amended to read:

12 165.95 (2r) Any county or tribe that receives a grant under this section on or
13 after January 1, 2012, shall provide matching funds that are equal to 25 percent of
14 the amount of the grant.

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

16 165.95 (3) (intro.) A county or tribe shall be eligible for a grant under sub. (2)
17 if all of the following apply:

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

19 165.95 (3) (a) The county’s or tribe’s program is designed to meet the needs of
20 a person who abuses alcohol or other drugs and who may be or has been charged with
21 or who has been convicted of a crime in that county related to the person’s use or
22 abuse of alcohol or other drugs.

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

24 165.95 (3) (j) The program is developed with input from, and implemented in
25 collaboration with, one or more circuit court judges, the district attorney, the state

ASSEMBLY BILL 112**SECTION 12**

1 public defender, local and, if applicable, tribal law enforcement officials, county
2 agencies and, if applicable, tribal agencies responsible for providing social services,
3 including services relating to alcohol and other drug addiction, child welfare, mental
4 health, and the Wisconsin Works program, the departments of corrections, children
5 and families, and health services, private social services agencies, and substance
6 abuse treatment providers.

7 **SECTION 13.** 165.95 (3) (k) of the statutes is amended to read:

8 165.95 (3) (k) The county or tribe complies with other eligibility requirements
9 established by the department of justice to promote the objectives listed in pars. (a)
10 and (b).

11 **SECTION 14.** 165.95 (4) of the statutes is amended to read:

12 165.95 (4) In implementing a program that meets the requirements of sub. (3),
13 a tribe or a county department may contract with or award grants to a religious
14 organization under s. 59.54 (27).

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

16 165.95 (5) (a) A county or tribe that receives a grant under this section shall
17 create an oversight committee to advise the county or tribe in administering and
18 evaluating its program. Each committee shall consist of a circuit court judge, the
19 district attorney or his or her designee, the state public defender or his or her
20 designee, a local law enforcement official, a representative of the county, a
21 representative of the tribe, if applicable, a representative of each other county agency
22 and, if applicable, tribal agency responsible for providing social services, including
23 services relating to child welfare, mental health, and the Wisconsin Works program,
24 representatives of the departments of corrections and health and family services, a
25 representative from private social services agencies, a representative of substance

ASSEMBLY BILL 112

1 abuse treatment providers, and other members to be determined by the county or
2 tribe.

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

4 165.95 (5) (b) A county or tribe that receives a grant under this section shall
5 comply with state audits and shall submit an annual report to the department of
6 justice and to the oversight committee created under par. (a) regarding the impact
7 of the program on jail and prison populations and its progress in attaining the goals
8 specified in sub. (3) (b) and (f).

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

10 165.95 (5) (bg) A county or tribe that receives a grant under this section shall
11 submit data requested by the department of justice to the department of justice each
12 month. The department of justice may request any data regarding the project funded
13 by the grant that is necessary to evaluate the project and prepare the reports under
14 sub. (5p).

15 **SECTION 18.** 165.95 (6) of the statutes is amended to read:

16 165.95 (6) ~~Two or more counties~~ A county or tribe may, with one or more other
17 counties or tribes, jointly apply for and receive a grant under this section. ~~If counties~~
18 ~~submit~~ Upon submitting a joint application, ~~they~~ each county or tribe shall include
19 with ~~their~~ the application a written agreement specifying each tribe's and each
20 county department's role in developing, administering, and evaluating the program.
21 The oversight committee established under sub. (5) (a) shall consist of
22 representatives from each county or tribe.

23 **SECTION 19.** 165.95 (7) of the statutes is amended to read:

24 165.95 (7) Grants provided under this section shall be provided on a calendar
25 year basis beginning on January 1, 2007. If the department of justice decides to make

ASSEMBLY BILL 112**SECTION 19**

1 a grant to a county or tribe under this section, the department of justice shall notify
2 the county or tribe of its decision and the amount of the grant no later than
3 September 1 of the year preceding the year for which the grant will be made.

4 **SECTION 20.** 165.95 (7m) of the statutes is amended to read:

5 165.95 (7m) Beginning in fiscal year 2012-13, the department of justice shall,
6 every 5 years, make grants under this section available to any county or tribe on a
7 competitive basis. A county or tribe may apply for a grant under this subsection
8 regardless of whether the county or tribe has received a grant previously under this
9 section.

10 **SECTION 21.** 165.95 (8) of the statutes is amended to read:

11 165.95 (8) The department of justice shall assist a county or tribe receiving a
12 grant under this section in obtaining funding from other sources for its program.

13 **SECTION 22.** 165.95 (9) of the statutes is amended to read:

14 165.95 (9) The department of justice shall inform any county or tribe that is
15 applying for a grant under this section whether the county or tribe meets the
16 requirements established under sub. (3), regardless of whether the county or tribe
17 receives a grant.

18 (END)