



Legislative Fiscal Bureau

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TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 940/Senate Bill 877: Funding for Victim Services

Assembly Bill 940, related to funding for victim services, was introduced on January 12, 2024, and referred to the Assembly Committee on Criminal Justice and Public Safety. On February 14, 2024, that Committee recommend the bill for passage as amended by AA 1 on a vote of 15 to 0. On February 22, 2024, the Assembly adopted and passed Assembly Substitute Amendment 1 on a vote of 97 to 0 and immediately messaged the bill, as amended, to the Senate.

A companion bill, Senate Bill 877, was introduced on January 5, 2024, and referred to the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families. On February 29, 2024, that Committee recommended Senate Substitute Amendment 1 to SB 877 for passage on a vote of 5 to 0. Senate Substitute Amendment 1 to SB 877 is identical to Assembly Substitute Amendment 1 to AB 940.

BACKGROUND

Sexual Assault Victim Services. Under 1993 Act 16, a sexual assault victim services grant program (SAVS) was created, beginning January 1, 1995. Grants are provided by the Department of Justice (DOJ) to eligible nonprofit corporations or public agencies to provide (or subcontract to provide) all the following services for sexual assault victims: (a) advocacy and counseling services; (b) 24-hour crisis telephone services; (c) educational programs on professional intervention and community prevention; and (d) services for persons living in rural areas, men, children, elderly or physically disabled persons, minority groups or other groups of victims that have special needs within the service area of the nonprofit corporation or public agency.

An eligible organization may not receive more than 70% of its operating budget from grants provided under this program and may not contract, subcontract or enter into agreements with other organizations or individuals to provide all of the required services. When DOJ reviews grant applications, it must consider local needs for sexual assault victim services, the coordination of the

applicant's services with other victim resources, the needs of rural and urban communities, and the needs of existing and proposed programs and services. In 2023, 45 agencies were awarded grants totaling \$2,226,800 GPR.

Domestic Abuse Grants. The Department of Children and Families (DCF) currently contracts with local agencies in every county to provide services to people experiencing domestic abuse and their children. Base funding for these programs consists of \$12,434,600 GPR, federal Family Violence Prevention and Services Act funding of \$2,178,400 in federal fiscal year 2022, and \$600,000 PR from a court surcharge imposed for offenses related to domestic abuse. Current law requires that DCF use these funds to provide advocacy and counseling for victims, 24-hour phone support, community education, and/or shelter facilities or private home shelter care. Shelter providers must provide all four of those services, as well as emergency transport to the shelter, food, referral and follow-up services, and arrangements for education for school-age children.

In addition to contracting with local agencies to provide those services, current law requires DCF, from the same GPR and PR fund sources, to provide all of the following annually: (a) \$995,000 in grants for domestic abuse services for children; (b) \$563,500 to the Refugee Family Strengthening Project for domestic abuse services for the refugee population; (c) training and technical assistance related to the judicial system and providing pro bono legal services, expending at least \$69,700 per year; (d) \$20,700 for an organization to coordinate and provide information on housing, job training, and transitional living programs; (e) grants to enhance support services, such as by providing case management, children's programming, employment assistance, and training and activities promoting self-sufficiency; (f) grants for domestic abuse services for members of underserved communities, including members of racial minority groups and people with mental illness or developmental disabilities; and (g) a grant to the Wisconsin Coalition Against Domestic Violence to assist domestic abuse victims in accessing legal services. All grants awarded under the current program require grantees to provide matching funds of \$1 for every \$4 received.

Child Advocacy Centers. Child advocacy centers (CAC) are intended to provide comprehensive services for child victims and their families by coordinating services from law enforcement and criminal justice agencies, child protective services, victim advocacy agencies, and health care providers. Grants awarded under the program typically fund multi-disciplinary teams of law enforcement, nurses and victim advocates to record victim interviews and collect evidence in child sexual assault and child abuse cases.

Section 165.96 of the statutes directs DOJ to provide 15 annual grants of \$17,000 to child advocacy centers in 15 counties for education, training, medical advice, and quality assurance activities. The statutes specifically identify the grant recipients in 12 of the 15 counties, while in Brown, Racine and Walworth Counties the statutes do not specify which child advocacy center will receive the grant funding. Funding for child advocacy center grants is provided from justice information system surcharge revenue. The \$21.50 justice information system surcharge is generally charged when a court imposes fee or forfeiture on an individual. In 2023-24, \$255,000 PR is budgeted for child advocacy centers.

Victims of Crime Act. Federal funds from the Victims of Crime Act (VOCA) grant are

generated from a number of sources, including penalties from federal deferred prosecution and non-prosecution agreements, criminal fines collected from defendants convicted of federal offenses, penalty assessments on federal felony or misdemeanor convictions, and the proceeds of forfeited federal appearance bonds and bail bonds.

The VOCA grant is formulaic and awarded on a federal fiscal year (FFY) basis (October 1 to September 30). In federal fiscal year 2022, Wisconsin's share of the VOCA grant was \$27,659,262, comprised of \$2,424,000 for victim compensation and \$25,235,262 for victim assistance.

Due to declining funding available for these grants, on July 22, 2021, the federal VOCA Fix to Sustain the Crime Victims Fund Act of 2021 was signed. Among other changes, the Act required monetary penalties from federal deferred prosecution and non-prosecution agreements to go into the Crime Victims Fund to assist in replenishing the fund. It is unclear when this adjustments will result in higher awards to states.

In order to moderate the volatility of the VOCA award, DOJ's Office of Crime Victim Services (OCVS) spreads each yearly award over three years. Despite this practice, OCVS had to reduce awards by 15% for FFY 2022-23 and another 15% in FFY 2023-24. To replace reduced VOCA funding, OCVS was provided with \$20 million in American Rescue Plan Act (ARPA) funding from August 1, 2021 through October 1, 2024 (approximately \$5 million in 2023-24 and \$15 million in 2024-25).

The ARPA funding is currently being used to maintain total award levels at \$43.9 million in FFY 2023 and 2024. However, after ARPA funding ends, grantees will realize the reductions.

BILL SUMMARY - SUBSTITUTE AMENDMENT 1

Both the Assembly and Senate Substitute Amendment 1 would create a new biennial GPR appropriation in DOJ funded at \$10,000,000 GPR in 2023-24. Non-statutory provisions would direct DOJ to allocate funding as follows: (a) \$6.4 million over the biennium to supplement sexual assault victim services grants; (b) \$2.4 million to supplement domestic abuse (DA) grants; and (c) \$1.2 million to supplement child advocacy center grants. The newly created appropriation would sunset on June 30, 2025.

FISCAL EFFECT

Assembly Substitute Amendment 1 to AB 940 and Senate Substitute Amendment 1 to SB 877, would create a new biennial GPR appropriation in DOJ funded at \$10,000,000 GPR in 2023-24. Funding provided under the bills is intended reflect the amounts agencies also receiving SAVS, DA, or CAC grants would be reduced by when the reduction in VOCA funding is realized. The appropriation would be repealed on June 30, 2025.

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