



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873  
Email: [fiscal.bureau@legis.wisconsin.gov](mailto:fiscal.bureau@legis.wisconsin.gov) • Website: <http://legis.wisconsin.gov/lfb>

---

June, 2021

Joint Committee on Finance

Paper #398

### County Victim Witness Reimbursement Appropriation (Justice)

[LFB 2021-23 Budget Summary: Page 370, #7]

---

#### CURRENT LAW

Under current law, counties are eligible to receive reimbursement from the state for not more than 90% of the costs incurred in providing victim and witness services. To be eligible for reimbursement, a county must provide all of the following services to victims and witnesses:

- Court appearance notification services, including cancellation of appearances;
- Victim compensation and social services referrals, including witness fee collection, case-by-case referrals and public information;
- Escort and other transportation services related to the investigation or prosecution of the case, if necessary or advisable;
- Case progress notification services which may be combined with court appearance notification services;
- Assistance in providing the court with information pertaining to the economic, physical and psychological effect of the crime upon the victim of a felony;
- Employer intercession services;
- Expedited return of property services;
- Protection services;
- Family support services, including child and other dependent care services; and

- Waiting facilities.

In addition to these victim and witness services, counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:

- Explanation, in language understood by the child, of all legal proceedings in which the child will be involved;
- Advice to the judge, when appropriate and as a friend of the court, regarding the child's ability to understand the proceedings and questions;
- Advice to the district attorney concerning the ability of a child witness to cooperate with the prosecution and the potential effects of the proceedings on the child; and
- Information about and referrals to appropriate social services programs to assist the child and child's family in coping with the emotional impact of the crime and the subsequent proceedings in which the child is involved.

**Reimbursable County Costs.** Under administrative rule Jus 12.02(15), the following categories of county costs are reimbursable under the program:

1. Salaries and benefits;
2. Overtime and night differentials;
3. Travel expenses;
4. Space rental;
5. Staff development, including registration fees, travel to and from training and conferences, meals, lodging, membership dues, subscriptions, and library materials;
6. Public information, including the printing of brochures and similar projects;
7. Local and long distance telephone costs;
8. Maintenance, repair and replacement of equipment;
9. Office supplies;
10. Equipment or non-expendable personal property having a useful life of more than one year and acquisition cost of more than \$500; and
11. Contractual services.

**Program Administration and Funding.** If a county wishes to be reimbursed, the county

board must annually submit a program plan to the Department of Justice (DOJ) for approval. The plan must describe the level of services to victims and witnesses that the county plans to provide; the personnel or agencies responsible for programs and services; proposed staffing for the program; proposed education, training and experience requirements for program staff; and the county's budget for implementing the program. The plan must also provide that the district attorney, local law enforcement agencies, and the courts will make all non-confidential reports and files available to program staff, as required to carry out their responsibilities.

To receive reimbursement, a county board must file a reimbursement claim with DOJ. The Department, in turn, determines the level of services for which a county may be reimbursed based on a county's level of staffing for the program. The approved level of staffing is determined by the caseload, number of prosecutors, and justified need.

## DISCUSSION POINTS

1. The actual percentage of county costs that is reimbursed varies each year depending upon the availability of state funds, the costs of the counties' approved programs, and the number of counties operating approved programs. In 2019-20, counties reported aggregate costs of \$12,915,700 (all funds) under the program. Table 1 summarizes, for the last 10 fiscal years, the reported annual county costs for approved programs of participating counties, the annual state reimbursements, and the percentage of county costs actually reimbursed. Attachment 1 summarizes the amounts reimbursed to each county during this same 10-year period.

**TABLE 1**

### State Reimbursement to Counties

Fiscal Year	Reported County Costs	Amount of State Reimbursement	Percentage of Counties' Cost Reimbursed
2010-11	\$11,094,600	\$6,724,700	61%
2011-12	10,885,100	4,712,500	43
2012-13	10,906,700	5,125,700	47
2013-14	11,375,600	6,328,400	56
2014-15	11,302,500	6,209,900	55
2015-16	11,716,800	6,361,600	54
2016-17	11,996,600	6,348,300	53
2017-18	12,369,400	6,082,600	49
2018-19	12,626,500	6,119,600	48
2019-20	12,915,700	5,849,200	45

2. Prior to 2013 Wisconsin Act 20, reimbursement payments to the counties for victim and witness services were funded from both general purpose revenue and program revenue sources. Under 2013 Act 20, \$1,267,200 GPR in base funding was eliminated and reimbursements to counties was entirely funded from the following program revenue sources: (a) the crime victim and witness

assistance surcharge; (b) the delinquency victim and witness surcharge; and (c) the penalty surcharge.

3. In 2019-20, \$5,849,200 program revenue (PR) was provided to the counties as reimbursement for victim and witness services; comprised of: (a) \$5,100,300 from the crime victim witness surcharge and delinquency crime victim witness surcharge; and (b) \$748,900 from the penalty surcharge. The Department estimates that in 2020-21, it will expend \$5,771,900 on reimbursement payments to counties for victim and witness services, comprised of: (a) \$5,023,000 from the crime victim witness surcharge and delinquency crime victim witness surcharge; and (b) \$748,900 from the penalty surcharge revenue.

4. The crime victim and witness surcharge is assessed against any person who is convicted of a misdemeanor or felony violation of state law, and may not be waived, reduced, or forgiven for any reason. The surcharge totals \$67 for each misdemeanor count on which a conviction occurs and \$92 for each felony count on which a conviction occurs. The crime victim and witness surcharge is also imposed on civil offenses if: (a) a person is charged with one or more crimes in a complaint; and (b) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes. The amount of the surcharge applied to the civil offense is based on whether the original underlying charge was a felony charge (in which case a \$92 surcharge would be assessed), or a misdemeanor charge (in which case a \$67 surcharge would be assessed). The delinquency crime victim witness surcharge is imposed on any juvenile adjudged delinquent. The surcharge is \$20.

5. Table 2 details the amounts of crime victim and witness surcharge revenues collected during each of the last 10 fiscal years. Included in the amounts listed Table 2 is revenue generated from the delinquency crime victim and witness surcharge.

**TABLE 2**

**Crime Victim and Witness Surcharge Revenues Collected**

<u>Fiscal Year</u>	<u>Amount*</u>
2010-11	\$5,411,600
2011-12	5,669,700
2012-13	5,460,400
2013-14	5,793,800
2014-15	5,669,300
2015-16	5,456,200
2016-17	4,371,400
2017-18**	6,553,000
2018-19	5,658,200
2019-20	5,015,300

\*Amounts include revenue from both the crime victim and witness surcharge and the delinquency crime victim and witness surcharge.

\*\*Note that \$1,097,600 of the revenue in 2017-18 was collected by the Department of Corrections in 2016-17.

6. Assembly Bill 68/Senate Bill 111, would provide \$4,000,000 GPR annually in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime. In addition, the bill would reduce PR funding for county victim witness reimbursement provided from the penalty surcharge by \$748,900 PR annually and instead provide \$748,900 GPR annually. Base funding of \$748,900 is currently provided by program revenue from the crime and delinquency victim witness surcharges and the penalty surcharge.

7. The administration indicates that the \$4,000,000 annually was intended to bring the total amount available to counties for reimbursement up to 75% of reported expenses based on 2019-20 data.

8. Under the bill, total funding for county victim services would increase to \$9,748,900 in 2021-22 (\$4,748,900 GPR and \$5,000,000 PR funded from the county victim services assessment) and \$9,618,900 in 2022-23 (\$4,748,900 GPR and \$4,870,000 PR funded from the county victim services assessment).

### County Victim and Witness Services and the Penalty Surcharge

9. Under current law, when a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance, a penalty surcharge is imposed totaling 26% of the fine or forfeiture. Revenue from the penalty surcharge is deposited in the Department of Justice's (DOJ) penalty surcharge; receipts appropriation (henceforth called the penalty surcharge fund). Penalty surcharge revenue received by the fund is transferred to state agencies to support various programs related to the criminal justice system. In 2020-21, the fund was statutorily required to support the amounts identified in Table 3 below.

**TABLE 3**  
**Penalty Surcharge Fund Obligations, 2020-21**

<u>Obligation</u>		<u>Amount Appropriated in 2020-21</u>
Justice	Law enforcement training fund; local assistance	\$4,364,800
	Law enforcement training fund; state operations	3,267,900
	Drug enforcement intelligence operations	2,199,100
	Reimbursement for county victim-witness services	748,900
	Drug crimes enforcement; local grants	717,900
	Transaction information management of enforcement (TIME) system	730,300
	Youth diversion grant program	672,400
	Law enforcement programs and youth diversion - administration	140,400
Public Instruction	Aid for alcohol and other drug abuse programs	1,284,700
	Alcohol and other drug abuse programs	618,900
Corrections	Correctional officer training	2,612,500
	Victim services and programs	318,600
Circuit Courts	Court interpreters	232,700
Public Defender	Conferences and training	<u>194,400</u>
	<b>Total</b>	<b>\$18,103,500</b>

10. In recent years the penalty surcharge fund has operated in deficit. In 2019-20, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$17,565,100. The Department of Justice estimates that the penalty surcharge fund will close the 2020-21 state fiscal year with a cumulative deficit of \$20,668,600. Even with the other modifications to the penalty surcharge proposed by the budget bill, the administration estimates that the appropriation will end the 2021-23 biennium with a deficit of \$25,582,400. The table below identifies the condition of the fund from 2016-17 through 2020-21.

**TABLE 4**

**Penalty Surcharge Fund Condition, 2011-12 thru 2020-21**

	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>
Opening Balance	-\$3,701,100	-\$5,601,300	-\$7,971,900	-\$10,631,400	-\$12,607,100	-\$17,565,100
Revenues	15,135,100	14,572,600	14,448,100	15,583,300	13,568,900	15,000,000
Obligations	17,035,300	16,943,200	17,107,600	17,559,000	18,526,900	18,103,500
Ending Balance	-5,601,300	-7,971,900	-10,631,400	-12,607,100	-17,565,100	-20,668,600

11. In order to continue to support the county victim and witness services programs and begin to address the deficit in the penalty surcharge appropriation, the Committee could provide GPR for the program. [Alternative A1] This alternative would result in \$748,900 GPR and -\$748,900 PR annually for county victim and witness service programs to replace penalty surcharge funding with GPR and create an annual GPR appropriation to provide funding for the program.

12. While lessening the potential overdraft of the penalty assessment, shifting the county victim and witness services program to GPR will not eliminate the appropriation overdraft. As such, any amount of GPR provided for the program will begin to reduce the use of penalty assessment revenues. To this end, a lesser amount of GPR could be provided. For example, to help address the deficit by decreasing demand on the appropriation, the Committee could provide half the amount of GPR, and maintain half the PR funding for the program. [Alternative A2] This alternative would reduce the program's reliance on the penalty surcharge and result in \$374,500 GPR and -\$374,500 PR annually for the program.

13. As constituted prior to 2013 Act 20, the reimbursement to counties for victim and witness services contained a GPR funding component. In order to increase the amount that counties are reimbursed for their victim and witness programs and provide anew GPR support, the Committee could provide additional GPR for the program. [Alternative B1] This alternative would result in \$4,000,000 GPR annually in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime.

14. Given that state support for county victim services has recently been below 50% of reimbursable costs, additional GPR amount to support county victim and witness services programs could be of assistance. For example, if the Committee wished to increase reimbursement to 60%, \$2,000,500 GPR in 2021-22 and \$2,130,500 GPR in 2022-23 could be provided. [Alternative B2] This alternative would provide more GPR funding than had last been provided to the program.

Reimbursement at this percentage would approximate that highest level in the last 10 years (61% in 2010-11).

15. Reimbursing counties at 50% of reimbursable costs would require \$709,000 GPR in 2021-22 and \$839,000 GPR in 2022-23. [Alternative B3]

16. On the other hand, Committee may not wish to take no action. [Alternative B4]. As a result, the grant program would remain funded from crime victim witness surcharge and penalty surcharge revenues.

**ALTERNATIVES**

**A. Replace Penalty Surcharge Funding**

1. Provide \$748,900 GPR annually in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime. In addition reduce PR funding for county victim witness reimbursement provided from the penalty surcharge by \$748,900 PR annually.

ALT A1	Change to Base
GPR	\$1,497,800
PR	<u>- 1,497,800</u>
Total	\$0

2. Provide \$374,500 GPR annually in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime. In addition reduce PR funding for county victim witness reimbursement provided from the penalty surcharge by \$374,500 PR annually.

ALT A2	Change to Base
GPR	\$749,000
PR	<u>- 749,000</u>
Total	\$0

3. Take no action.

**B. Additional GPR Funding**

1. Provide \$4,000,000 GPR annually in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime. [Reimbursement would be provided at an estimated 75% of reimbursable costs.]

ALT B1	Change to Base
GPR	\$8,000,000

2. Provide \$2,000,500 GPR in 2021-22 and \$2,130,500 GPR in 2022-23 in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime. [Reimbursement would be provided at an estimated 60% of reimbursable costs.]

<b>ALT B2</b>	<b>Change to Base</b>
GPR	\$4,131,000

3. Provide \$709,000 GPR in 2021-22 and \$839,000 GPR in 2022-23 in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime. [Reimbursement would be provided at an estimated 50% of reimbursable costs.]

<b>ALT B3</b>	<b>Change to Base</b>
GPR	\$1,548,000

4. Take no action.

Prepared by: Sarah Wynn  
Attachment



## ATTACHMENT

### Reimbursement to Counties Administering Victim and Witness Services Programs

<u>County</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>
Adams	\$41,500	\$29,300	\$31,000	\$31,400	\$26,200	\$26,100	\$25,500	\$19,900	\$26,800	\$32,900
Ashland	34,500	25,300	27,700	32,800	33,200	33,200	32,900	31,400	31,800	29,900
Barron	51,300	37,700	41,400	50,800	50,200	50,600	44,400	41,100	39,800	42,700
Bayfield	25,300	15,800	19,800	22,000	21,900	21,300	22,000	21,200	24,600	21,300
Brown	167,200	111,000	116,200	130,400	128,100	128,300	129,800	128,000	131,600	151,100
Buffalo	31,100	22,300	24,000	28,800	27,800	27,900	26,100	25,700	19,700	21,400
Burnett	32,800	28,000	30,900	37,300	36,000	37,100	36,500	41,300	23,300	29,500
Calumet	57,400	35,900	36,900	48,000	55,000	55,100	56,100	56,000	57,200	53,800
Chippewa	81,200	58,800	40,800	80,700	75,800	85,000	89,900	80,400	80,500	71,700
Clark	39,000	28,300	27,800	33,000	29,500	34,600	33,100	50,100	31,400	24,000
Columbia	87,800	58,600	66,200	77,800	79,500	82,300	80,500	72,700	74,500	70,400
Crawford	31,600	21,900	23,100	27,500	9,600	31,200	31,800	30,500	30,200	28,100
Dane	615,900	466,400	537,800	653,900	658,200	671,700	679,600	650,100	668,300	638,200
Dodge	81,000	56,400	65,900	73,900	81,400	83,600	79,700	74,200	72,000	67,600
Door	42,500	30,700	35,000	41,800	40,400	40,300	41,100	39,200	41,100	40,600
Douglas	78,700	51,200	72,300	64,300	59,900	63,900	63,600	62,200	60,800	57,300
Dunn	55,900	38,300	43,700	53,800	61,800	59,300	59,600	55,800	54,200	53,500
Eau Claire	100,700	72,400	69,800	103,200	100,900	93,400	99,800	92,800	90,000	86,100
Florence	16,900	12,200	14,700	17,300	17,000	16,200	17,200	15,800	15,400	13,000
Fond du Lac	65,700	61,100	67,800	83,400	81,800	66,500	63,200	60,200	50,100	51,500
Forest	18,600	14,900	15,200	17,800	17,700	12,700	11,600	14,500	15,500	14,400
Grant	36,300	27,000	31,600	39,600	37,900	17,700	32,800	30,900	31,200	29,100
Green	30,800	21,400	22,900	27,200	29,200	36,300	27,400	30,100	28,400	27,100
Green Lake	44,500	27,300	27,700	33,700	33,400	33,300	32,300	38,300	39,100	36,700
Iowa	33,400	23,700	25,500	31,200	31,100	32,000	33,700	30,800	31,100	30,000
Iron	41,000	29,800	33,500	41,500	36,800	43,400	42,000	38,200	37,100	35,300
Jackson	35,600	25,200	26,000	35,500	35,600	37,400	37,400	34,100	34,300	31,400
Jefferson	65,300	44,600	48,600	58,200	50,200	43,900	41,900	39,400	41,400	38,600
Juneau	34,200	22,900	26,200	32,200	32,000	32,700	33,700	31,200	31,800	29,900
Kenosha	276,800	207,800	245,900	281,000	249,900	253,400	250,300	242,400	238,100	229,200
Kewaunee	29,900	21,500	23,000	27,400	26,900	27,700	29,200	26,800	27,400	26,200
La Crosse	119,500	89,300	87,800	107,800	102,200	98,300	105,800	93,000	90,500	82,800
Lafayette	11,900	7,700	12,200	16,600	16,000	16,000	15,600	15,400	21,800	19,800
Langlade	13,700	9,500	11,000	13,400	12,800	15,000	14,200	13,700	14,200	11,700
Lincoln	37,000	24,600	28,600	34,900	35,200	36,200	35,900	33,300	34,000	32,200
Manitowoc	32,400	31,300	30,700	33,700	35,700	37,100	35,400	35,100	24,500	25,300
Marathon	113,500	65,400	62,300	81,900	100,300	107,000	100,700	97,100	84,700	87,000
Marinette	31,800	23,400	26,200	30,900	31,300	31,300	35,600	30,700	31,600	30,500
Marquette	34,500	25,100	26,800	33,100	33,400	36,000	36,800	36,100	37,300	35,800
Menominee*	---	---	---	---	---	---	---	---	---	---
Milwaukee	1,575,200	1,053,000	1,116,400	1,476,800	1,455,700	1,502,100	1,487,700	1,410,900	1,424,100	1,284,600
Monroe	60,100	26,500	30,500	43,400	23,100	35,000	40,900	38,000	38,300	22,800
Oconto	35,800	25,100	27,100	32,900	34,000	33,400	34,700	31,700	32,300	33,600
Oneida	18,700	13,900	14,600	16,400	14,900	15,300	15,100	14,000	14,800	13,900
Outagamie	132,200	95,300	95,800	118,200	120,500	121,300	115,200	112,800	118,800	113,300

**ATTACHMENT (continued)**

**Reimbursement to Counties Administering Victim and Witness Services Programs**

<u>County</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>
Ozaukee	\$65,100	\$46,900	\$50,200	\$59,400	\$59,700	\$61,500	\$62,700	\$59,300	\$ 62,200	\$ 59,900
Pepin	16,500	11,700	13,300	15,700	15,500	14,900	13,400	11,000	9,300	4,200
Pierce	35,000	23,500	31,000	41,300	36,000	49,700	43,100	42,600	34,800	32,000
Polk	49,600	47,900	55,100	69,100	65,900	65,300	71,900	70,400	70,600	69,900
Portage	54,700	38,500	42,800	55,800	42,200	50,400	56,300	54,900	56,500	47,100
Price	15,200	10,900	12,300	16,300	16,200	16,500	16,100	16,600	17,000	15,800
Racine	260,700	162,400	168,900	207,200	195,700	191,800	196,300	204,200	211,300	201,900
Richland	40,500	27,500	28,400	35,100	35,300	30,200	25,100	23,000	22,500	20,900
Rock	250,400	174,200	185,000	200,700	210,200	223,000	195,900	194,900	199,500	214,300
Rusk	17,300	11,900	17,100	23,000	21,300	23,300	22,700	19,600	21,100	18,900
St. Croix	142,500	110,700	123,400	150,400	144,500	147,400	140,100	128,600	145,600	128,200
Sauk	40,700	24,700	31,600	50,800	57,300	58,400	58,400	57,600	104,500	55,900
Sawyer	---	---	---	---	---	---	12,500	25,200	46,700	30,800
Shawano	67,500	35,200	53,300	64,200	64,800	69,000	61,800	55,600	46,400	71,800
Sheboygan	172,000	128,900	134,000	160,300	162,700	165,200	163,500	156,900	108,700	203,900
Taylor	24,900	20,500	24,500	29,000	26,800	29,400	28,500	23,800	22,400	21,100
Trempealeau	47,100	32,200	35,900	38,800	35,200	35,800	37,100	29,400	36,900	35,800
Vernon	34,500	23,700	25,600	31,400	28,400	32,200	30,300	26,200	29,400	29,300
Vilas	43,000	30,600	31,200	40,000	39,600	40,200	39,100	37,600	36,100	33,500
Walworth	105,200	67,800	62,500	74,100	66,000	70,900	68,700	66,800	71,500	70,500
Washburn	40,900	26,400	29,300	35,800	35,600	37,300	39,700	36,000	37,600	34,800
Washington	77,800	53,700	60,400	81,200	86,800	80,800	81,900	79,600	77,100	74,600
Waukesha	274,400	204,000	229,600	257,900	259,300	273,500	265,600	244,600	250,300	217,100
Waupaca	54,200	40,300	41,500	49,800	50,300	50,300	59,100	51,300	51,500	48,600
Waushara	21,600	15,200	16,700	20,000	20,500	20,700	28,600	36,200	37,000	36,600
Winnebago	98,000	69,900	74,600	91,200	91,600	87,100	92,600	86,700	96,900	101,700
Wood	<u>74,700</u>	<u>55,500</u>	<u>58,600</u>	<u>72,400</u>	<u>72,500</u>	<u>75,200</u>	<u>74,100</u>	<u>76,800</u>	<u>70,300</u>	<u>64,000</u>
<b>Total</b>	<b>\$6,724,700</b>	<b>\$4,712,500</b>	<b>\$5,125,700</b>	<b>\$6,328,300</b>	<b>\$6,209,900</b>	<b>\$6,362,100</b>	<b>\$6,343,400</b>	<b>\$6,082,500</b>	<b>\$6,119,300</b>	<b>\$5,849,200</b>

\* Menominee County receives indirect support through payments to Shawano County.