



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 906

**Assembly
Amendments 1 and 2**

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2017 ASSEMBLY BILL 906

Generally, Assembly Bill 906 concerns substance abuse prevention, prosecution, and treatment, and creates several grant programs related to those issues.

Nonnarcotic Drug Treatment in County Jails

Assembly Bill 906 creates a grant program administered by the Department of Health Services (DHS) to counties that meet all of the following criteria:

- The county has a county jail.
- The county has an established drug court, as defined in s. 165.955 (1), Stats.
- The county provides care coordination for inmates exiting county jail.
- The county has identified how it will use care coordination to ensure that all program participants are enrolled in medical assistance and will continue to receive treatment after an inmate leaves county jail custody.

A county may only use the grant funds to provide nonnarcotic, nonaddictive, injectable medically-assisted treatment to inmates of county jails who voluntarily receive the treatment within the five days immediately preceding release from county jail into the community.

The bill appropriates \$750,000 of general purpose revenue (GPR) in fiscal year 2017-18 and \$750,000 of GPR in fiscal year 2018-19 to DHS for this program. DHS must provide application procedures for awarding grants to counties in accordance with the department's request-for-proposal procedures.

Substance Abuse Prevention to At-Risk Youth

Assembly Bill 906 directs the Department of Children and Families (DCF) to distribute each fiscal year, beginning in fiscal year 2018-19, \$500,000 of federal money received under the Temporary Assistance for Needy Families (TANF) block grant to administer grants to provide evidence-based programs and practices for substance abuse prevention to at-risk youth and their families.

Eligible grant recipients include certain county departments, other than Milwaukee County, and nonprofit corporations or public agencies in Milwaukee County. DCF may not award a grant in a county where evidence-based programs and practices for substance abuse prevention were offered in the preceding fiscal year, unless those services were previously funded by a grant under this program.

Family Treatment Court Grant Program

Assembly Bill 906 appropriates \$250,000 of GPR to DCF in fiscal year 2018-19 to fund the family treatment courts created under 2017 Senate Bill 390. Under 2017 Senate Bill 390, DCF may make grants available to counties and Indian tribes to enable them to establish and operate evidence-based programs to develop intake and court procedures that screen, assess, and provide dispositional alternatives for parents whose children have come under the jurisdiction of the court pursuant to ch. 48, Stats., known as the Children's Code.

This provision takes effect on the same day as 2017 Senate Bill 390, if enacted. If 2017 Senate Bill 390 is not enacted into law in the 2017-18 Legislative Session, the provision creating an appropriation for the family treatment court grant program provided under Assembly Bill 906 is void.

Prosecutor Positions

Assembly Bill 906 increases an existing appropriation to the Department of Justice (DOJ) by \$300,000 of GPR to provide funding for two attorney project positions. The new project positions will assist the Division of Criminal Investigation (DCI) in the field offices of Wausau and Appleton and assist district attorneys in prosecuting drug-related offenses. The bill provides that the new project positions terminate five years from the effective date of the provision.

The bill creates a requirement that DOJ submit an annual report to the Joint Committee on Finance regarding the two project positions created under the bill. The report must describe the activities and assess the effectiveness of the attorneys in assisting DCI in the specified field and in assisting district attorneys in prosecuting drug-related offenses.

Law Enforcement Drug Trafficking Response Grants

Assembly Bill 906 creates an appropriation of \$1,000,000 of GPR in fiscal year 2018-19 to DOJ to establish a grant program for Wisconsin law enforcement agencies to fund law

enforcement response to drug trafficking. When applying for a grant, an agency must include a proposed plan of expenditure that does the following:

- Specifies a new program or purpose for which the funds will be used.
- Describes how expenses may be met when there are no remaining grant funds, if the proposed plan of expenditure will result in the agency incurring an ongoing expense that will continue after all grant funds are spent.

DOJ may provide grants of not more than \$50,000 per application and plan, and not more than \$100,000 per agency. A grant may be provided only to fund a new program or purpose within the agency, and not to supplement an existing program. Agencies may use the grant to fund extra training for law enforcement officers, the hiring of additional officers to investigate drug trafficking, or any other purpose directly related to drug trafficking response.

Victim Impact Panels

Assembly Bill 906 allows a court to order a person who pleads guilty or is found guilty of a violation of the Uniform Controlled Substances Act to attend a program, such as a victim impact panel, that demonstrates the adverse effects of substance abuse on an individual or an individual's family. The court may order the person to pay a reasonable fee, based on the person's ability to pay, to offset the costs of assembling and hosting the program, in addition to any forfeiture or penalty imposed by the court.

ASSEMBLY AMENDMENT 1

Generally, Assembly Amendment 1 adds certain provisions to the bill regarding juvenile treatment courts and the TANF block grant.

Juvenile Treatment Court Grant Program

Under the bill, DCF is appropriated funds to provide grants to counties to establish the family treatment courts created under 2017 Senate Bill 390.

Assembly Amendment 1 amends the bill to also allow DCF to make grants available to fund the juvenile treatment courts created under 2017 Senate Bill 390. Specifically, in addition to family treatment courts described above, 2017 Senate Bill 390 authorizes DCF to make grants available to counties and Indian tribes to establish and operate evidence-based programs to develop intake and court procedures that screen, assess, and provide dispositional alternatives for juveniles who come under the jurisdiction of the court pursuant to ch. 938, Stats., known as the Juvenile Justice Code.

This provision takes effect on the same day as 2017 Senate Bill 390, if enacted. If 2017 Senate Bill 390 is not enacted into law in the 2017-18 Legislative Session, the provision creating an appropriation for the juvenile treatment court grant program provided under Assembly Bill 906 is void.

TANF Block Grant

Under the bill, DCF must direct \$500,000 of federal money received under the TANF block grant to administer grants to provide evidence-based programs and practices for substance abuse prevention to at-risk youth and their families.

Assembly Amendment 1 increases the TANF block grant appropriation by \$500,000 in fiscal year 2018-19 to fund the grant program as provided under the bill.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 allows a federally recognized American Indian tribe or band to be an authorized recipient of the grants for nonnarcotic drug treatment in county jails and the grants to provide evidence-based programs and practices for substance abuse prevention to at-risk youth and their families, provided the eligibility requirements for each grant are met.

In addition, Assembly Amendment 2 adds tribal law enforcement agencies as an eligible recipient of the law enforcement drug trafficking response grant. Under the amendment, DOJ must establish policies and procedures for the distribution of grants to Wisconsin law enforcement agencies and tribal law enforcement agencies to fund law enforcement response to drug trafficking. A tribal law enforcement agency is subject to the same application requirements required of Wisconsin law enforcement agencies under the bill.

Finally, Assembly Amendment 2 expands the ways in which a person may swear to a complaint or affidavit that provides probable cause upon which a search warrant may be based. Under the amendment, the person requesting a warrant may swear to the complaint or affidavit before a judge or before a notarial officer authorized to take acknowledgments. The amendment also provides that a judge may place a person under oath via telephone, radio, or other means of electronic communication, without the requirement of face-to-face contact, to swear to the complaint or affidavit. The judge must indicate on the search warrant that the person so swore to the complaint or affidavit.

BILL HISTORY

On February 8, 2018, the Joint Committee on Finance offered Assembly Amendment 1. On February 8, 2018, the Joint Committee on Finance recommended adoption of the amendment on a vote of Ayes, 16; Noes, 0; and passage of Assembly Bill 906, as amended, on a vote of Ayes, 16; Noes, 0.

On February 20, 2018, Representative Nygren offered Assembly Amendment 2. That same day, the Assembly adopted Assembly Amendments 1 and 2 on voice votes and passed Assembly Bill 906, as amended, on a vote of Ayes, 95; Noes, 0.

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