2015 ASSEMBLY BILL 980

March 10, 2016 – Introduced by Representatives GOYKE, BARNES, BOWEN, BROSTOFF, KESSLER, BERCEAU, JOHNSON, SPREITZER, CONSIDINE and ZAMARRIPA, cosponsored by Senator L. TAYLOR. Referred to Committee on Judiciary.

1   AN ACT *to amend* 20.455 (2) (em); and *to create* 165.953 of the statutes;

2   **relating to:** creating a grant program for counties to use pretrial risk

3   assessment tools, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a grant program, administered by the department of justice (DOJ), in which grants are distributed to counties to incorporate into their pretrial criminal procedure an evidence–based pretrial risk assessment tool. Under the bill, in order to receive a grant, a county must identify an evidence–based pretrial risk assessment tool it will use to assess persons charged with crimes in order to calculate the persons' risk of flight or nonappearance and threat to community safety.

Counties that receive a grant must agree that prosecutors, judges, and court commissioners will consider the information generated by the risk assessment tool when setting cash bail amounts and terms of pretrial release. Additionally, counties that receive a grant must provide information to DOJ regarding the use of the risk assessment tool, including the number of persons screened and the amounts of cash bail set and conditions of pretrial release established in each case. DOJ must analyze the data submitted each year and prepare a progress report that evaluates the effectiveness of the program. Every five years, DOJ must submit a report summarizing the grant program and its effects to the legislature.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

2   20.455 **(2)** (em) *Alternatives to prosecution and incarceration for persons who*

3   *use alcohol or other drugs; presentencing assessments; pretrial release.* The amounts

4   in the schedule for making grants to counties under s. ss. 165.95 (2) and 165.953 (1).

5   SECTION 2. 165.953 of the statutes is created to read:

6   165.953 **(1)** From the appropriation under s. 20.455 (2) (em), the department

7   of justice shall distribute grants to counties on a competitive basis under which a

8   county that receives a grant utilizes an evidence–based pretrial risk assessment tool

9   in order to make recommendations regarding bail and conditions of pretrial release

10   for persons charged with crimes.

11   (**2**) In order to receive a grant under sub. (1), a county shall submit a plan for

12   the expenditure of the grant moneys distributed. A county is eligible for a grant if

13   all of the following apply:

14   (a) The county identifies an evidence–based pretrial risk assessment tool it

15   intends to incorporate into its criminal proceedings.

16   (b) The county's plan requires that each person arrested for a crime in that

17   county that is not a crime related to domestic violence be screened using the

18   assessment tool identified in par (a) in order to provide a prosecutor, a defense

19   attorney, and a judge or circuit court commissioner with information on the person's

20   risk of flight or nonappearance and the person's potential threat to public safety.

1   (c)   The county's plan requires prosecutors, judges, and circuit court

2   commissioners in the county to consider the information provided by the screening

3   under par. (b) when determining an appropriate amount of cash bail and appropriate

4   conditions of release.

5   **(3)** A county that receives a grant under this section shall provide information

6   to the department of justice regarding its use of the evidence–based pretrial risk

7   assessment tool, including the number of persons screened and the amounts of cash

8   bail set and conditions of pretrial release established in each case. The department

9   may request any data regarding a plan funded under this section that is necessary

10   to evaluate the program and prepare the reports under subs. (4) and (5).

11   **(4)** The department of justice shall, annually, analyze the data submitted

12   under sub. (3) for the previous year and prepare a progress report that evaluates the

13   effectiveness of the program. The department shall make the report available to the

14   public.

15   **(5)** The department of justice shall, every 5 years, prepare a comprehensive

16   report that analyzes the data submitted under sub. (3) for the previous 5 years, and

17   shall submit the report to the legislature under s. 13.172 (2).

18   **(END)**