



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #297

Administrative Law Judge and SAFE Funding (Corrections -- Adult Community Corrections)

[LFB 2009-11 Budget Summary: Page 223, #5]

CURRENT LAW

The Department of Administration's Division of Hearings and Appeals conducts various types of proceedings, including revocation proceedings of offenders supervised by the Department of Corrections.

Under the Sex Offender Apprehension and Felony Enforcement (SAFE) Initiative, the Office of Justice Assistance (OJA) coordinates with local, state, and federal agencies to track down offenders who do not comply with the sex offender registry requirements.

GOVERNOR

Provide \$492,000 GPR annually for payments to the Department of Administration (DOA) for: (a) the Division of Hearings and Appeals for administrative law judge services (\$240,000 annually); and (b) limited-term employees assigned to OJA for the SAFE Initiative (\$252,000 annually).

DISCUSSION POINTS

1. The bill would provide \$240,000 GPR annually for administrative law judge services in DOA's Division of Hearings and Appeals. Under 2007 Act 20, program revenue funding and positions were created for the Division of Hearings and Appeals to hear cases for the Department of Corrections, with funding provided through assessments charged to Corrections. However, no corresponding funding was provided to Corrections for those assessments. Corrections indicates it has been paying the assessments through existing resources under the Division of Community Corrections.

2. If the additional funding for administrative law judge services were deleted from the bill, Corrections would need to continue to pay the assessments through its existing resources for

community corrections services. While providing additional monies would allow Corrections to utilize its existing resources for other community services, given the state's current fiscal crisis, the Committee may wish to delete the funding. [Alternative 3a]

3. Under the SAFE Initiative, OJA coordinates with local, state, and federal agencies to track down offenders who do not comply with the sex offender registry requirements. The bill would provide \$252,000 GPR annually for limited-term employees assigned to the Safe Initiative in OJA. Because the funding would be paid by Corrections to OJA to support OJA limited-term employees, the Committee may wish to provide the funding directly to OJA, rather than to Corrections. [Alternative 2] Alternatively, given the state's current fiscal crisis, the Committee may wish to delete the additional funding. As a result, the SAFE Initiative would continue to operate at its current level. [Alternative 3b]

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$492,000 GPR annually for payments to DOA for: (a) administrative law judge services in the Division of Hearing and Appeals; and (b) limited-term employees assigned to OJA for the SAFE Initiative.

2. Approve the Governor's recommendation with the following modification: provide the funding for limited-term employees assigned to OJA for the SAFE Initiative (\$252,000 GPR annually) to OJA, instead of the Department of Corrections.

3. Remove one or both of the following funding provisions from the bill:

a. \$240,000 GPR annually for administrative law judge services in the Division of Hearings and Appeals;

ALT 3a	Change to Bill Funding
GPR	-\$480,000

b. \$252,000 GPR annually for limited-term employees assigned to OJA for the SAFE Initiative.

ALT 3b	Change to Bill Funding
GPR	-\$504,000

4. Delete provision.

ALT 4	Change to Bill Funding
GPR	-\$984,000

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