

JUSTICE

Budget Summary						FTE Position Summary				
Fund	2022-23 Adjusted Base	Governor		2023-25 Change Over Base Year Doubled		2022-23	Governor		2024-25 Over 2022-23	
		2023-24	2024-25	Amount	%		2023-24	2024-25	Number	%
GPR	\$79,016,100	\$113,908,900	\$128,219,400	\$84,096,100	53.2%	405.58	447.08	453.28	47.70	11.8%
FED	23,629,800	25,650,100	24,723,400	3,113,900	6.6	81.43	64.43	51.23	- 30.20	- 37.1
PR	55,603,500	58,340,600	57,986,700	5,120,300	4.6	258.08	258.08	258.08	0.00	0.0
SEG	470,100	415,400	415,400	- 109,400	- 11.6	2.75	2.75	2.75	0.00	0.0
TOTAL	\$158,719,500	\$198,315,000	\$211,344,900	\$92,220,900	29.1%	747.84	772.34	765.34	17.50	2.3%

Budget Change Items

Departmentwide

1. STANDARD BUDGET ADJUSTMENTS

Governor: Adjustments to the base totaling -\$497,200 GPR, \$2,389,000 FED, -\$348,100 PR, -\$54,700 SEG, -0.5 GPR and -12.0 FED positions in 2023-24; and -\$498,300 GPR, \$1,494,600 FED, -\$348,100 PR, -\$54,700 SEG, -0.5 GPR positions, and -25.0 FED positions in 2024-25. Adjustments are for: (a) turnover reduction (-\$911,000 GPR and -\$159,500 PR annually); (b) removal of non-continuing elements from the base (-\$138,900 GPR, -\$455,000 FED, and -1.0 GPR, and -12.0 FED positions in 2023-24; and -\$140,000 GPR, -\$1,349,400 FED, and -1.0 GPR and -25.0 FED positions in 2024-25); (c) full funding of continuing position salaries and fringe benefits (-\$118,300 GPR, \$2,799,500 FED, -\$394,900 PR, and -\$67,500 SEG annually); (d) overtime (\$710,700 GPR, \$532,700 PR, and \$11,000 SEG annually); (e) night and weekend differential pay (\$9,600 GPR and \$2,100 PR annually); (f) full funding of ongoing s. 13.10 items (\$27,800 GPR and 0.5 GPR positions annually); and (g) full funding of lease and directed moves costs (-\$77,100 GPR, \$44,500 FED, -\$328,500 PR, and \$1,800 SEG annually).

	Funding	Positions
GPR	- \$995,500	- 0.50
FED	3,883,600	- 25.00
PR	- 696,200	0.00
SEG	<u>- 109,400</u>	<u>0.00</u>
Total	\$2,082,500	- 25.50

2. STANDARD BUDGET ADJUSTMENTS -- TECHNICAL TRANSFERS WITHIN THE SAME APPROPRIATION

Governor: Transfer funding and positions annually within appropriations in DOJ between

different subprograms, as identified in the table below, in order to align budgeted funding and position authorization with assigned programmatic duties.

<u>Fund Source/Program/ Appropriation</u>	<u>Subprogram</u>	<u>Funding</u>	<u>Positions</u>
GPR			
<i>Legal services</i>			
General program operations	Legal services	-\$33,500	-0.45
	Computing services	0	-0.50
	Crime laboratories	-24,800	-1.00
	Crime information bureau	0	-3.84
	Training and standards bureau	0	-1.00
	Criminal investigation	440,100	-0.55
	Administrative services	66,600	1.20
	Narcotics Enforcement	-197,400	0.00
	Internet Crimes Against Children Task Force	-367,900	-1.60
	DNA Analysis Resources	24,700	0.00
	Office of Victim Services	55,700	1.00
	Criminal Justice Programs	36,500	3.94
	Office of School Safety	0	2.80
<i>Administrative services</i>			
General program operations	Legal services	-\$451,700	-3.60
	Computing services	0	0.50
	Training and standards bureau	-83,900	0.00
	Criminal investigation	-49,300	0.00
	Administrative services	584,900	3.10
<i>Victims and witnesses</i>			
General program operations	Administrative services	\$0	0.20
	Office of Victim Services	0	-0.20
Total		\$0	0.00
PR			
<i>Law enforcement services</i>			
Criminal history searches; fingerprint identification	Crime laboratories	\$0	1.00
	Crime information bureau	0	-0.66
	Criminal Justice Programs	0	-0.34
Handgun purchaser record check; checks for licenses or certifications to carry concealed weapons	Crime information bureau	\$0	0.50
	Training and standards bureau	41,900	0.50
	Administrative services	-41,900	-1.00
Law enforcement training fund, state operations	Crime information bureau	\$700	4.00
	Training and standards bureau	335,000	2.40
	Criminal investigation	-88,300	-1.00
	Administrative services	-247,400	-0.50
	Criminal Justice Programs	0	-2.10
	Office of School Safety	0	-2.80
Interagency and intra- agency assistance	Training and standards bureau	\$24,800	0.20
	Administrative services	-24,800	0.00
	Criminal Justice Programs	0	-0.20

<u>Fund Source/Program/ Appropriation</u>	<u>Subprogram</u>	<u>Funding</u>	<u>Positions</u>
Drug law enforcement, crime laboratories, and genetic evidence activities	Legal services	\$0	-0.25
	Crime laboratories	-500,000	0.00
	Criminal investigation	-39,900	0.00
	Narcotics Enforcement	539,900	0.25
Drug enforcement intelligence operations	Criminal investigation	-\$184,000	5.50
	Narcotics Enforcement	184,000	-5.50
Wisconsin justice information sharing program	Administrative services	-\$101,100	0.00
	Internet Crimes Against Children Task Force	-79,100	0.00
	Criminal Justice Programs	180,200	0.00
County-tribal programs, state operations	Administrative services	\$0	-0.60
	Criminal Justice Programs	<u>0</u>	<u>0.60</u>
Total		\$0	0.00

FED

Law enforcement services

Federal aid, state operations	Crime laboratories	\$2,700	0.00
	Crime information bureau	-2,700	0.00
	Training and standards bureau	-72,500	-0.10
	Criminal investigation	-47,800	0.00
	Administrative services	-73,000	0.00
	Narcotics Enforcement	47,800	0.00
	Office of Victim Services	1,900	0.00
	Criminal Justice Programs	143,600	0.10

Victims and witnesses

Federal aid; state operations relating to crime victim services	Internet Crimes Against Children Task Force	-\$3,700	0.00
	Office of Victim Services	-8,500	0.00
	Criminal Justice Programs	<u>12,200</u>	<u>0.00</u>
Total		\$0	0.00

3. PROGRAM REVENUE REESTIMATES

PR	\$5,606,800
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Governor: Provide \$2,803,400 annually to reflect current revenue projections and estimated program needs for the following program revenue appropriations:

a. -\$300,000 annually for the terminal charges annual appropriation. Expenditures are estimated to reflect revenue available for the TIME (transaction information for the management of enforcement) system. Base funding for the appropriation is \$2,695,200.

b. -\$7,500 annually for the grants for substance abuse treatment programs for criminal offenders continuing appropriation. Expenditures are estimated to address an estimated \$1,491,400 deficit in the appropriation at the end of 2022-23. Base funding for the appropriation is \$7,500.

c. \$15,000 annually for the legal services delinquent obligation collection annual

appropriation. Expenditures are estimated to reflect estimated expenditures in the 2023-25 biennium. Base funding for the appropriation is \$10,000.

d. \$45,900 annually for the crime laboratory equipment and supplies annual appropriation. Expenditures are estimated to reflect an increased transfer from the DNA surcharge. Base funding for the appropriation is \$854,100.

e. \$75,000 annually for the law enforcement training fund, local assistance annual appropriation. Estimated expenditures are associated with payments for new recruit, recertification and specialized training to local law enforcement agencies, technical colleges, and jail or secure detention agencies. Base funding for the appropriation is \$4,425,000.

f. \$80,000 annually for the legal services environment litigation project continuing appropriation. Expenditures are estimated to reflect an updated memorandum of understanding with the Department of Natural Resources. Base funding for the appropriation is \$617,600.

g. \$100,000 annually for the law enforcement services gifts, and grants annual appropriation. Expenditures are estimated to reflect anticipated revenue. Base funding for the appropriation is \$0.

h. \$320,000 annually for the handgun purchaser record check; checks for licenses or certifications to carry concealed weapons continuing appropriation. Expenditures are estimated to reflect anticipated revenue. Base funding for the appropriation is \$2,948,800.

i. \$350,000 annually for the law enforcement training fund, state operations annual appropriation. Expenditures are estimated to maintain expenditure authority for law enforcement trainings, due to reductions taken in the position realignment item. Base funding for the appropriation is \$3,482,400.

j. \$525,000 annually for the administrative services gifts, grants, and proceeds annual appropriation. Expenditures are estimated to support trainings, conferences and other administrative services and supplies that collect proceeds and non-federal grant revenues. Base funding for the appropriation is \$0.

k. \$600,000 annually for the legal services interagency and intra-agency assistance continuing appropriation. Expenditures are estimated to reflect an updated memoranda of understanding with other state agencies. Base funding for the appropriation is \$2,041,300.

l. \$1,000,000 annually for the legal services restitution continuing appropriation. Expenditures are estimated to reflect anticipated revenues. Base funding for the appropriation is \$0.

4. POSITION REALIGNMENT

Governor: Provide \$360,300 FED and -\$360,300 PR annually to reflect the duties and funding sources of existing positions as identified below.

	Funding	Positions
FED	\$720,600	0.00
PR	<u>- 720,600</u>	0.00
Total	\$0	0.00

<u>Appropriation Title</u>	<u>Fund</u>	<u>Positions</u>	<u>Funding</u>
Law enforcement services			
<i>Crime information bureau</i>			
Transaction information management of enforcement system	PR	5.00	\$443,700
Terminal charges	PR	-1.00	-123,500
Law enforcement training fund, state	PR	-4.00	-320,200
Handgun purchaser record check; checks for licenses or certifications to carry concealed weapons	PR	-1.00	-147,300
Criminal history searches; fingerprint identification	PR	1.00	147,300
<i>Training and standards bureau</i>			
Transaction information management of enforcement system	PR	4.00	363,600
Law enforcement training fund, state	PR	-4.00	-363,600
<i>Narcotics Enforcement</i>			
Drug law enforcement, crime laboratories, and genetic evidence activities	PR	0.50	72,700
Federal aid, state operations	FED	-0.50	-72,700
<i>Criminal Justice Programs</i>			
Federal aid, state operations	FED	-2.50	-207,500
Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information fee	PR	1.55	134,100
WI justice information sharing program	PR	0.90	68,500
Law enforcement programs and youth diversion – administration	PR	0.05	4,900
Victims and witnesses			
<i>Office of Victim Services</i>			
Interagency and intra-agency assistance; reimbursement to counties	PR	-3.00	-640,500
Federal aid; victim assistance	FED	<u>3.00</u>	<u>640,500</u>
All Funds Total		0.00	\$0
	FED	0.00	\$360,300
	PR	0.00	-\$360,300

5. AGENCY SUPPLIES AND SERVICES FUNDING INCREASE

GPR	\$825,600
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Governor: Provide \$412,800 annually to increase agency supplies and services funding. According to the Administration, the amounts represent a 5% increase to supplies and services funding for certain annual GPR state operations appropriations. The proposed increases would be provided to appropriations that meet the following criteria: (a) in 2021-22, the agency expended 95% or more of the amount budgeted for supplies and services; and (b) for the 2023-25 biennium, no other additional supplies and services funding is being proposed for a similar purpose. Annual funding in DOJ would be allocated as follows:

<u>Program</u>	<u>Subprogram</u>	<u>Amount</u>
<i>Division of legal services</i>	Legal services	\$37,400
<i>Law enforcement services</i>	Crime laboratories	159,800
	Crime information bureau	5,000
	Criminal investigation	78,600
	Administrative services	3,600
	Narcotics Enforcement	12,800
	Internet Crimes Against Children Task Force	38,000
	Criminal Justice Programs	3,600
<i>Administrative services</i>	Computing services	65,000
	Administrative services	2,300
<i>Victims and witnesses</i>	Office of Victim Services	6,700
Total		\$412,800

6. EQUITY OFFICER POSITION

	Funding	Positions
GPR	\$166,400	1.00

Governor: Provide \$72,900 in 2023-24 and \$93,500 in 2024-25 and 1.0 position annually to create an agency equity officer position. The agency equity officer would be responsible for collaborating with the chief equity officer in the Department of Administration and with other agency equity officers to identify opportunities to advance equity in government operations. [See "Administration -- General Agency Provisions."]

7. TRIBAL LIAISON POSITION

	Funding	Positions
GPR	\$144,300	1.00

Governor: Provide \$61,800 in 2023-24 and \$82,500 in 2024-25 and 1.0 position annually to create an agency tribal liaison position. The agency tribal liaison would be responsible for working with Native American tribes and bands on behalf of the agency, as well as coordinating with the Director of Native American Affairs in the Department of Administration. [See "Administration -- General Agency Provisions."]

Law Enforcement Services

1. LAW ENFORCEMENT RECRUITMENT, RETENTION AND WELLNESS GRANT PROGRAM

GPR	\$10,000,000
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Governor: Provide \$5,000,000 annually to provide grants to law enforcement agencies and tribal law enforcement agencies to fund programs that recruit and retain law enforcement officers and that promote officer wellness. Create a continuing appropriation for the grant program.

[Bill Sections: 462 and 2369]

2. COMMUNITY POLICING AND COMMUNITY PROSECUTION GRANT PROGRAM

GPR	\$10,000,000
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Governor: Provide \$5,000,000 annually to cities, villages, and towns; counties, including district attorney offices; and federally-recognized American Indian tribes or bands in Wisconsin to fund community policing and community prosecution programs. Create a continuing appropriation for the grant program.

[Bill Sections: 461 and 2368]

3. OFFICE OF MISSING AND MURDERED INDIGENOUS WOMEN

	Funding	Positions
GPR	\$7,408,700	3.00

Governor: Provide \$3,675,200 in 2023-24 and \$3,733,500 in 2024-25 and 3.0 positions related to creating an Office of Missing and Murdered Indigenous Women within DOJ. Funding would be allocated as follows: (a) \$3,000,000 annually for grants to tribes and organizations affiliated with tribes relating to missing and murdered indigenous women; (b) \$175,200 in 2023-24 and \$233,500 in 2024-25 for staff costs; and (c) \$500,000 annually for supplies and services. The Office would be required do the following: (a) provide services to crime victims and witnesses who are members of a tribe; (b) provide trauma-informed health and wellness support for crime victims, their families, and other persons who are members of a tribe; and (c) offer or contract with another entity to offer training relating to missing and murdered indigenous women. Specify that training may include search and rescue, enhanced response, and coordination tactics between federal, state and tribal jurisdictions, and other topics related to missing and murdered indigenous women. Create an annual appropriation for the Office.

Of the newly-created positions, specify that the Director of the Office would be an unclassified position appointed by the Attorney General. Place the Director in executive salary group 3 (current annual salary range of \$79,414 to \$131,040).

[Bill Sections: 71, 475, 561, 2367, and 2522]

4. LAW ENFORCEMENT AND CRIMINAL INVESTIGATION SUPPORT

	Funding	Positions
GPR	\$1,735,000	10.00
PR	<u>500,000</u>	<u>0.00</u>
Total	\$2,235,000	10.00

Governor: Provide \$773,500 GPR and \$250,000 PR in 2023-24 and \$961,500 GPR and \$250,000 PR in 2024-25 and 10.0 GPR positions annually to provide criminal investigative support and technical assistance for local law enforcement agencies, including; increased identification of cybercrimes and trafficking targeting children; opiate and child abuse death prevention; forensic genetic genealogy case review and evidence identification; crimes against the elderly; and assistance to local and federal law enforcement regarding violent crimes in southeast Wisconsin. Program revenue funding (\$250,000 PR annually) is provided for additional supplies and services for Internet crimes against children (ICAC) task forces. Funding would be provided as follows: (a) \$550,500 GPR in 2023-24 and \$682,400 GPR in 2024-25 and 7.0 GPR positions annually for criminal investigations; and (b)

\$223,000 GPR in 2023-24 and \$279,100 GPR in 2024-25 and \$250,000 PR 3.0 GPR positions annually for the ICAC task force. Program revenue funding for ICAC is provided for local assistance.

5. SCHOOL SAFETY OPERATIONS

	Funding	Positions
GPR	\$996,100	7.20
FED	<u>- 7,300</u>	<u>- 0.20</u>
Total	\$988,800	7.00

Governor: Provide \$387,800 GPR and 6.0 GPR positions in 2023-24 and \$608,300 GPR, -\$7,300 FED and 7.2 GPR, and -0.2 FED positions in 2024-25 related to the Office of School Safety (OSS). The table below shows the funding associated with the OSS after the removal of non-continuing elements and other standard budget adjustments, the Governor's recommendation, and the resulting total of funding and positions associated with OSS.

	2023-24				2024-25			
	GPR		FED		GPR		FED	
	Funding	Positions	Funding	Positions	Funding	Positions	Funding	Positions
Base and Standard								
Budget Adjustments	\$566,500	3.80	\$306,600	1.20	\$566,500	3.80	\$42,400	0.20
Governor's Recommendations	<u>387,800</u>	<u>6.00</u>	<u>0</u>	<u>0.00</u>	<u>608,300</u>	<u>7.20</u>	<u>-7,300</u>	<u>-0.20</u>
Total	\$954,300	9.80	\$306,600	1.20	\$1,174,800	11.00	\$35,100	0.00
Total (All Funds)			\$1,260,900	11.00			\$1,209,900	11.00

6. VIOLENT CRIME PROSECUTORS

	Funding	Positions
GPR	\$428,600	3.00

Governor: Provide \$185,800 in 2023-24 and \$242,800 in 2024-25 and 3.0 positions to provide prosecutorial assistance to county district attorneys related to violent crimes cases.

7. PROGRAM ADMINISTRATION SUPPORT

	Funding	Positions
GPR	\$323,600	2.00

Governor: Provide \$143,600 in 2023-24 and \$180,000 in 2024-25 and 2.0 positions annually related to administration of: (a) the Office of Victim Services (\$79,300 in 2023-24 and \$97,500 in 2024-25 and 1.0 position annually); and (b) criminal investigation (\$64,300 in 2023-24 and \$82,500 in 2024-25 and 1.0 position annually).

8. REGIONAL DRUG PROSECUTORS

	Funding	Positions
GPR	\$272,700	2.00

Governor: Provide \$116,900 in 2023-24 and \$155,800 in 2024-25 and 2.0 positions for assistant attorneys general to serve as regional drug prosecutors based at the Division of Criminal Investigation's field offices in Wausau and Appleton and assist district attorneys with prosecuting drug-related offenses. The positions would continue the work of project field drug prosecutor positions that were created in 2017

Wisconsin Act 261. [Note that at a 13.10 meeting on February 15, 2023, the Joint Committee on Finance approved creation of 2.0 field prosecutor positions.]

9. REGIONAL DRUG PROSECUTORS REPORT

Governor: Repeal a requirement that DOJ report to the Joint Committee on Finance related to the project field drug prosecutors. The report, created under 2017 Act 261, is to "describe the activities and assess the effectiveness of the attorneys in assisting the division of criminal investigation in the field offices of Wausau and Appleton and in assisting district attorneys in the prosecution of drug-related offenses."

[Bill Section: 2332]

10. CONTINUATION OF SEXUAL ASSAULT RESOURCE PROSECUTOR

	Funding	Positions
GPR	\$136,400	1.00

Governor: Provide \$58,400 in 2023-24 and \$78,000 in 2024-25 and 1.0 position for an assistant attorney general to continue providing training and resources for prosecutors on sexual assault cases. This position would continue the responsibilities of a project position created under 2019 Act 9 that ends in July, 2023.

11. BEAT PATROL PROGRAMS UNENCUMBERED BALANCES

PR	\$190,800
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Governor: Provide \$190,800 in increased expenditure authority in 2023-24 for beat patrol overtime grants. This is an annual appropriation for police overtime grants with an unencumbered revenue balance. Current base funding is \$0. The appropriation was originally funded with a one-time transfer specified in 2017 Act 59. [Note that under current law, the appropriation is to be used for police overtime grants, rather than the beat patrol program.]

12. TRIBAL LAW ENFORCEMENT ASSISTANCE

PR	\$1,390,000
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Governor: Provide \$695,000 annually related to grants to tribes for law enforcement operations. Program revenue funding is from the Indian gaming receipts appropriation. Base funding for the appropriation is \$695,000.

13. CONTINUATION OF ELDER ABUSE HOTLINE AND ELDER JUSTICE PROGRAM

GPR	\$250,000
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Governor: Provide \$250,000 in 2024-25 to support the operation of the elder abuse reporting hotline and grants to organizations to promote protection of elders. Create a continuing appropriation to provide support for both the hotline and grants. The Department indicates that three federal implementation grants were used to establish a state-wide taskforce on elder abuse,

to provide a hotline for centralized reporting of crimes targeting the elderly, and for public outreach efforts. The federal grants end September 30, 2023.

[Bill Sections: 466 and 2344]

14. HATE CRIME HOTLINE

Governor: Require DOJ to provide a publicly accessible Internet-based reporting system and a telephone hotline for the reporting of hate crimes. The Department would be required to ensure that the reporting system and hotline do the following:

- a. Relay a report of a hate crime to the appropriate employee of the department or law enforcement officer for investigation.
- b. Direct individuals to appropriate local support services.
- c. Maintain confidentiality for any personally identifiable information that an individual provides through the reporting system or hotline, except as needed for investigative, legal, or crime victims service purposes.
- d. Are staffed by individuals who are trained to be knowledgeable about applicable federal, state, and local hate crime laws and law enforcement and support services.

Require DOJ to collaborate with community organizations to provide a public education campaign to raise awareness of hate crimes and to promote the reporting of hate crimes using the reporting system and hotline. Require the Department to collect data on hate crime reporting.

The bill defines "hate crime" using current law [s. 939.645(1)]: a criminal act intentionally committed against an individual or property in whole or in part because of the actor's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of that person or the owner or occupant of that property, whether or not the actor's belief or perception was correct.

[Bill Section: 2337]

15. UNIVERSAL BACKGROUND CHECK

Governor: Prohibit any person from transferring any firearm, including the frame or receiver of a firearm, unless the transfer occurs through a federally-licensed firearms dealer and involves a background check of the prospective transferee starting seven months after publication. This would expand DOJ's responsibility to include all firearms, rather than handguns and most transfers, rather than purchases.

Under the bill, the following are excepted from that prohibition: (a) a transfer to a firearms dealer or to a law enforcement or armed services agency; (b) a transfer of a firearm classified as antique; (c) a transfer that is by gift, bequest, or inheritance to a family member over 18 years of age; or (d) a transfer for the purpose of hunting or target shooting for no longer than 14 days in

exchange for a nominal fee. A person who is convicted of violating the prohibition is guilty of a misdemeanor and must be fined not less than \$500 nor more than \$10,000, may be imprisoned for not more than nine months, and may not possess a firearm for a period of two years.

Current law provides that a federally-licensed firearms dealer may not transfer a handgun after a sale until the dealer has performed a background check on the prospective transferee to determine if he or she is prohibited from possessing a firearm under state or federal law. In Wisconsin, the Firearms Unit within DOJ's Crime Information Bureau processes background checks on purchasers of handguns. The FBI continues to be responsible for background checks on purchasers of long guns in Wisconsin. States which process background checks are also authorized to extend their background checks beyond the requirements under federal law. Wisconsin handgun background checks include a review of databases not routinely searched by the FBI as a part of a federal background search such as CCAP and the DOJ database of juveniles found adjudicated delinquent for an offense that would have been a felony if committed by an adult.

[Bill Sections: 468, 2371, 2372, 2374 thru 2396, 2399, 3246, 3254, 3256, 3298, 3299, 3301, 3360, 3361, 3378, 9327(2), and 9427(1)]

16. CITIZENSHIP REQUIREMENT FOR POLICE OFFICERS

Governor: Allow the sheriff of a county or the appointing authority of a local law enforcement agency to elect to authorize the appointment of noncitizens who are in receipt of valid employment authorization from the federal Department of Homeland Security as deputy sheriffs or police officers. Further, prevent the Law Enforcement Standards Board from preventing a noncitizen from participating in a law enforcement preparatory training program.

Under current law, no person may be appointed as a deputy sheriff of any county or police officer of any city, village, or town unless that person is a citizen of the United States.

[Bill Sections: 1191, 1192, and 2340]

17. RENAME SHOT SPOTTER GRANT PROGRAM

Governor: Modify the current Shot Spotter Program appropriation to reference a Gunfire Detection Program in Milwaukee, rather than the Shot Spotter Program in Milwaukee.

[Bill Section: 463]

Legal Services

1. SALARY ADJUSTMENT AND PAY PROGRESSION

GPR	\$2,621,300
FED	151,000
PR	<u>617,300</u>
Total	\$3,389,600

Governor: Provide \$1,173,800 GPR, \$88,000 FED, and \$274,100 PR in 2023-24; and \$1,447,500 GPR, \$63,000 FED, and \$343,200 PR in 2024-25 to support a salary increase and the pay progression plan for assistant attorneys general (AAGs).

a. *Minimum Salary.* Provide \$1,173,800 GPR, \$88,000 FED, and \$274,100 PR in 2023-24; and \$1,173,800 GPR, \$50,700 FED, and \$274,100 PR in 2024-25 to increase the starting salary of all AAGs to \$35 an hour and provide an hourly increase of \$7.76 (\$16,140 annually) to all AAGs in 2023-24.

b. *Non-Statutory Provision.* Create non-statutory language specifying that, notwithstanding statutory provisions that establish maximum annual salary increases in connection with pay progression, salary increases in 2023-24 and 2024-25 may be more than 10% annually.

c. *Pay Progression.* Provide \$273,700 GPR, \$12,300 FED, and \$69,100 PR in 2024-25 to support a salary increase and the pay progression plan. The AAG pay progression plan is merit-based and consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest annual salary (\$56,659 as of January 3, 2023) and the highest annual salary (\$136,781 as of January 3, 2023). The value of one hourly salary step equals \$4,722 annually. In 2024-25, funding requested is equal to one step.

[Bill Section: 9101(4)(c)]

2. TOBACCO SETTLEMENT AGREEMENT LEGAL EXPENSES

GPR	\$500,000
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Governor: Provide \$250,000 annually in a new, continuing appropriation in DOJ for legal expenses related to participation in arbitration on the state's behalf arising from payments under the Master Tobacco Settlement Agreement. Specify that, no later than September 1, DOJ submit an annual report to the Legislature and the Governor on the Department's legal expenses for arbitration or other alternative dispute resolution processes related to payments under the agreement.

[Bill Sections: 459 and 2327]

3. OPEN RECORDS LOCATION COST THRESHOLD

GPR	\$2,000
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Governor: Modify the cost threshold for first charging a fee for locating a public record to be \$100 or more in costs, rather than \$50 or more, before an authority may impose a fee to cover

the actual, necessary, and direct cost of locating the record. Provide \$1,000 annually to allow the Office of Open Government to update documents and training materials related to the increased threshold. Under current law, an authority may impose a fee on a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

[Bill Sections: 251 and 9351(2)]

4. SETTLEMENT REVENUES AND APPROPRIATION

Governor: Remove the provision created in 2017 Act 369 which requires DOJ to deposit all settlement funds into the general fund. Instead, specify that before the Attorney General may expend settlement funds deposited to the administrative services gifts, grants and proceeds appropriation that are not committed by the terms of a settlement, he or she is required to submit a proposed plan for the expenditure of the funds to the Joint Committee on Finance. If the Co-chairs of the Committee do not notify the Attorney General within 14 working days after the submittal that the Committee has scheduled a meeting for the purpose of reviewing the proposed plan, the Attorney General may expend the funds to implement the proposed plan. If, within 14 working days, the Co-chairs notify the Attorney General that a meeting has been scheduled, the attorney general may expend the funds only to implement the plan as approved by the Committee. The provision under the bill is identical to one enacted in 2017 Act 59 (the 2017-19 biennial budget) which was subsequently replaced by the Act 369 provision (current law).

Convert DOJ's gifts and grant appropriation from an annual to continuing appropriation. As a continuing appropriation, DOJ would be authorized to expend any available cash balance credited to the appropriation regardless of appropriated levels authorized by the Legislature.

[Bill Sections: 467, 473, and 2325]

5. SETTLEMENT POWERS OF THE ATTORNEY GENERAL

Governor: Repeal the provision of 2017 Act 369 which requires the Attorney General when compromising or discontinuing a civil action which DOJ is prosecuting to either receive the approval of a legislative intervenor or, if there is no intervenor, the Joint Finance Committee (JFC) and, if the plan concedes the unconstitutionality or other invalidity of statute, the Joint Committee on Legislative Organization (JCLO).

Repeal the provision of Act 369 which requires DOJ, in defending actions for injunctive relief or an action involving a proposed consent decree, to obtain approval of any legislative intervenor or, if there is no intervenor, JFC, and, if the plan concedes the unconstitutionality or other invalidity of statute, JCLO.

Repeal the provision requiring settlement approval of the Joint Committee on Finance related to the opioid settlement (In re: National Prescription Opiate Litigation, Case number MDL 2804). This provision was created under 2021 Act 57.

Under the bill, settlement powers would be reestablished as before Act 369. The Attorney

General would be allowed to compromise or discontinue actions prosecuted by DOJ: (a) when directed by the officer, department, board, or commission that directed the prosecution; or (b) with the approval of the Governor when the action is prosecuted by DOJ on the initiative of the Attorney General or at the request of any individual.

Under the bill, when DOJ is representing the defense, the Attorney General may compromise and settle the action as the Attorney General determines to be in the best interest of the state.

[Bill Sections: 2324, 2326, and 2331]

Treatment Alternatives and Diversions

1. TREATMENT AND DIVERSION PROGRAMS EXPANSION | | | |-----|--------------| | GPR | \$12,500,000 | |-----|--------------|

Governor: Provide \$12,500,000 in 2024-25 to expand the Treatment Alternatives and Diversion (TAD) program. The TAD program provides grants to counties to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, which provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. Under current law, six appropriations provide support for TAD grants (two GPR appropriations and four PR appropriations). Total funding for the program is \$9,235,900 (\$8,150,000 GPR and \$1,085,900 PR). Under the bill, as a result of this item and others summarized below, total TAD funding would be \$9,594,700 in 2023-24 (\$9,150,000 GPR and \$444,700 PR) and \$21,862,500 in 2024-25 (\$21,650,000 GPR and \$212,500 PR).

Modify the TAD grant program as follows:

a. Remove the specification that TAD grants be used for on alcohol and other drug treatment. Instead, allow grants to be used on programs that operate within the continuum from arrest to discharge from supervision and provides an alternative to prosecution, revocation, or incarceration through the use of pre-charge and post-charge diversion programs or treatment courts and community-based corrections. In connection with the broadening of the grant purposes, remove specific references to "mental health services" (for example, programs would be designed to "integrate all services" rather than "integrate all mental health services.") Specify that programs employ evidence-based practices targeted to the population served by the program.

b. Specify that programs be designed not only to promote, but also facilitate the implementation of effective criminal justice policies and practices that maximize justice. Further, specify that programs not only promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, and reduce recidivism, but also victim safety. Delete the requirement that TAD grants improve the welfare of participants' families by meeting the

comprehensive needs of participants.

c. Specify that, if the program is administered by a tribe, the criminal justice oversight committee must consist of a representative of the judiciary, a representative of criminal prosecution and criminal defense, a social services provider, a behavioral health treatment provider, a law enforcement officer, a representative of corrections, and other members that the oversight committee determines are appropriate to the program.

d. Change the match requirement from 25 percent to 10 percent.

e. Allow, instead of require, an eligible program to charge participants a fee for their treatment.

f. Eliminate specific statutory requirements pertaining to exposure of genitals during drug testing.

g. Specify that if a person is participating in any evidence-based substance use disorder treatment program as determined by DOJ, regardless of its status relating to the TAD program, the court does not need to order a substance use assessment.

h. Beginning in 2026-27, change the competitive grant process from a five-year cycle to a four-year cycle. The modification is intended to better align the grant cycle and program reporting and evaluation timelines with the biennial budget.

i. Specify that modifications to TAD would first apply to grants awarded on or after the effective date of the bill.

j. Provide that the appropriation that was formerly limited to providing a TAD grant to a county that had not received one as of September 23, 2017, may be used to provide a TAD grant to a county that is not a recipient of a TAD grant on the effective date of the bill.

[Bill Sections: 465, 469, 470, 472, 2345 thru 2366, 2702, 3342, 3358, 3359, 3376, and 9327(1)]

2. TREATMENT AND DIVERSION PROGRAMS

PR	\$106,200
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APPROPRIATION CONSOLIDATION

Governor: Repeal two TAD appropriations: the GPR appropriation for "Alternatives to incarceration grant program" (base funding \$500,000); and the continuing PR appropriation "Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; grants" (base funding \$0, with a revenue balance of \$106,200). Transfer balances in these appropriations to other TAD appropriations: the GPR appropriation to the main TAD appropriation (\$500,000 GPR annually); and the PR revenue balance to the PR "Alternatives to prosecution and incarceration grant program" (identified above in j.). Provide \$106,200 PR in 2023-24 in increased expenditure authority.

[Bill Sections: 464, 471, and 9227(1)]

3. TREATMENT AND DIVERSION PROGRAMS FUNDING ADJUSTMENT

GPR	\$2,000,000
PR	<u>-2,000,000</u>
Total	\$0

Governor: Provide \$1,000,000 GPR and -\$1,000,000 PR annually to substitute GPR for penalty surcharge revenue as PR funding source for the TAD program. [Note: At the June 10, 2021, executive session regarding the 2021-23 biennial budget, the Joint Committee on Finance approved the conversion of \$1,000,000 PR annually in justice information system fee-funded TAD grants to \$1,000,000 GPR annually. This item was inadvertently excluded from the Committee's substitute amendment. As a result, the approved funding conversion was not included in the Act 58.]

4. TREATMENT AND DIVERSION PROGRAMS ADMINISTRATION

	Funding	Positions
GPR	\$530,300	3.00

Governor: Provide \$238,000 in 2023-24 and \$292,300 in 2024-25 and 3.0 positions to provide program development and technical assistance services and administer grants issued to local agencies for criminal justice diversion and treatment programs, including the provision of additional online resources and data.

5. TREATMENT AND DIVERSION UNENCUMBERED BALANCE

PR	\$126,000
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Governor: Provide \$126,000 in increased expenditure authority in 2023-24 for the TAD program. This is an annual appropriation for TAD grants with an unencumbered revenue balance. Current base funding is \$0. The appropriation was originally funded with a one-time transfer specified in 2017 Act 59.

Forensic Science

1. CRIME LABORATORY DNA TESTING

	Funding	Positions
GPR	\$547,000	4.00

Governor: Provide \$237,300 in 2023-24 and \$309,700 in 2024-25 and 4.0 positions annually to address workload issues for forensic DNA testing performed by the State Crime Laboratories resulting from new technologies, including probabilistic genotyping and forensic investigative genetic genealogy. Funding would support: (a) personnel costs \$217,300 in 2023-24 and \$289,700 in 2024-25 and (b) supplies and services, \$20,000 annually.

2. CRIME LABORATORY TOXICOLOGY TESTING

	Funding	Positions
GPR	\$154,800	4.00

Governor: Provide \$154,800 in 2024-25 and 4.0 positions to address the demand for forensic toxicology testing performed by the state crime laboratories.

3. FORENSIC SCIENCE CRIME SCENE RESPONSE

	Funding	Positions
GPR	\$48,700	1.00

Governor: Provide \$48,700 in 2024-25 and 1.0 positions related to crime scene response services requested by local law enforcement agencies.

Victim and Witness Services

1. COUNTY VICTIM WITNESS PROGRAM FUNDING

GPR	\$11,728,900
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Governor: Provide \$5,724,700 in 2023-24 and \$6,004,200 in 2024-25 to increase the reimbursement provided to county victim witness offices to an estimated 90 percent of county costs (the current statutory maximum). The reimbursement rate in fiscal year 2021-22 was 49% of costs. Base funding for the program totals \$6,457,900 (\$839,000 GPR, \$4,870,000 PR from the crime victim witness surcharge and the delinquency crime victim witness surcharge, and \$748,900 PR from the penalty surcharge.

2. SEXUAL ASSAULT VICTIM SERVICES GRANTS

GPR	\$10,000,000
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Governor: Provide \$5,000,000 annually to increase grants to providers of services to victims of sexual assault. Of this amount, specify that \$343,000 annually be provided to the Wisconsin Coalition Against Sexual Assault and that the Coalition may also apply for additional grants under the program. Base funding for grants is \$2,236,600.

[Bill Sections: 2341 and 2342]

3. CRIME VICTIM SERVICES GRANTS

GPR	\$10,000,000
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Governor: Provide \$5,000,000 annually to provide grants to organizations that support victims of crime in a newly-created continuing appropriation.

[Bill Sections: 474 and 2343]

4. VICTIMS OF CRIME ACT FUNDING MODIFICATIONS

	Funding	Positions
GPR	\$1,634,000	5.00
FED	<u>-1,634,000</u>	<u>-5.00</u>
Total	\$0	0.00

Governor: Provide \$817,000 GPR, -\$817,000 FED and 5.0 GPR, and -5.0 FED positions annually to provide state funding and positions for crime victim services. The costs of state services to victims of crime which are currently funded from the federal Victims of Crime Act (VOCA) grant would, instead, be supported by the state. The Department indicates that state funding is intended to address a reduction in federal funding. Federal VOCA grant awards decreased from \$39.6 million in federal fiscal year (FFY) 2019 to \$25.2 million in FFY 2022.

5. CRIME VICTIM COMPENSATION STAFFING

	Funding	Positions
GPR	\$137,200	1.00

Governor: Provide \$59,500 in 2023-24 and \$77,700 in 2024-25 and 1.0 position to add a staff position to the Crime Victim Compensation Program. The position is intended to assist with the processing of crime victim claims.