

# State of Wisconsin



2017 Assembly Bill 112

Date of enactment: **April 16, 2018**  
Date of publication\*: **April 17, 2018**

## 2017 WISCONSIN ACT 351

AN ACT *to renumber* 165.95 (1) (a) and (b); *to amend* 20.455 (2) (em), 20.455 (2) (kn), 20.455 (2) (kr), 20.455 (2) (kv), 165.95 (1) (intro.), 165.95 (2), 165.95 (2r), 165.95 (3) (intro.), 165.95 (3) (a), 165.95 (3) (j), 165.95 (3) (k), 165.95 (4), 165.95 (5) (a), 165.95 (5) (b), 165.95 (5) (bg), 165.95 (6), 165.95 (7), 165.95 (7m), 165.95 (8) and 165.95 (9); and *to create* 165.95 (1) (ag) of the statutes; **relating to**: grants for treatment and diversion programs.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: Under this bill, grants that the Department of Justice provides to counties for programs that offer alternatives to prosecution and incarceration for persons who use alcohol or other drugs may also be provided to tribes for the same purpose.

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

20.455 (2) (em) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments.* The amounts in the schedule for making grants to counties and tribes under s. 165.95 (2).

**SECTION 2.** 20.455 (2) (kn) of the statutes is amended to read:

20.455 (2) (kn) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information fee.* The amounts in the schedule for administering and making grants to counties and tribes under s. 165.95 (2). All moneys transferred from the appropriation account under s. 20.505 (1) (id) 5. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.505 (1) (id).

**SECTION 3.** 20.455 (2) (kr) of the statutes is amended to read:

20.455 (2) (kr) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; grants.* All moneys transferred under [2015 Wisconsin Act 388](#), section 5 (1) for making grants to counties and tribes under s. 165.95 (2).

**SECTION 4.** 20.455 (2) (kv) of the statutes is amended to read:

20.455 (2) (kv) *Grants for substance abuse treatment programs for criminal offenders.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the purpose of making grants to counties and tribes under s. 165.95 (2).

**SECTION 5.** 165.95 (1) (intro.) of the statutes is amended to read:

165.95 (1) (intro.) In this section, "~~violent offender~~"; (bg) "Violent offender" means a person to whom one of the following applies:

**SECTION 6.** 165.95 (1) (a) and (b) of the statutes are renumbered 165.95 (1) (bg) 1. and 2.

**SECTION 7.** 165.95 (1) (ag) of the statutes is created to read:

165.95 (1) (ag) "Tribe" has the meaning given in s. 165.91 (1).

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 8.** 165.95 (2) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

165.95 (2) The department of justice shall make grants to counties and to tribes to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The department of justice shall make the grants from the appropriations under s. 20.455 (2) (em), (jd), (kn), and (kv). The department of justice shall collaborate with the departments of corrections and health and family services in establishing this grant program.

**SECTION 9.** 165.95 (2r) of the statutes is amended to read:

165.95 (2r) Any county or tribe that receives a grant under this section on or after January 1, 2012, shall provide matching funds that are equal to 25 percent of the amount of the grant.

**SECTION 10.** 165.95 (3) (intro.) of the statutes is amended to read:

165.95 (3) (intro.) A county or tribe shall be eligible for a grant under sub. (2) if all of the following apply:

**SECTION 11.** 165.95 (3) (a) of the statutes is amended to read:

165.95 (3) (a) The county's or tribe's program is designed to meet the needs of a person who abuses alcohol or other drugs and who may be or has been charged with or who has been convicted of a crime in that county related to the person's use or abuse of alcohol or other drugs.

**SECTION 12.** 165.95 (3) (j) of the statutes is amended to read:

165.95 (3) (j) The program is developed with input from, and implemented in collaboration with, one or more circuit court judges, the district attorney, the state public defender, local and, if applicable, tribal law enforcement officials, county agencies and, if applicable, tribal agencies responsible for providing social services, including services relating to alcohol and other drug addiction, child welfare, mental health, and the Wisconsin Works program, the departments of corrections, children and families, and health services, private social services agencies, and substance abuse treatment providers.

**SECTION 13.** 165.95 (3) (k) of the statutes is amended to read:

165.95 (3) (k) The county or tribe complies with other eligibility requirements established by the department of justice to promote the objectives listed in pars. (a) and (b).

**SECTION 14.** 165.95 (4) of the statutes is amended to read:

165.95 (4) In implementing a program that meets the requirements of sub. (3), a tribe or a county department

may contract with or award grants to a religious organization under s. 59.54 (27).

**SECTION 15.** 165.95 (5) (a) of the statutes is amended to read:

165.95 (5) (a) A county or tribe that receives a grant under this section shall create an oversight committee to advise the county or tribe in administering and evaluating its program. Each committee shall consist of a circuit court judge, the district attorney or his or her designee, the state public defender or his or her designee, a local law enforcement official, a representative of the county, a representative of the tribe, if applicable, a representative of each other county agency and, if applicable, tribal agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections and health and family services, a representative from private social services agencies, a representative of substance abuse treatment providers, and other members to be determined by the county or tribe.

**SECTION 16.** 165.95 (5) (b) of the statutes is amended to read:

165.95 (5) (b) A county or tribe that receives a grant under this section shall comply with state audits and shall submit an annual report to the department of justice and to the oversight committee created under par. (a) regarding the impact of the program on jail and prison populations and its progress in attaining the goals specified in sub. (3) (b) and (f).

**SECTION 17.** 165.95 (5) (bg) of the statutes is amended to read:

165.95 (5) (bg) A county or tribe that receives a grant under this section shall submit data requested by the department of justice to the department of justice each month. The department of justice may request any data regarding the project funded by the grant that is necessary to evaluate the project and prepare the reports under sub. (5p).

**SECTION 18.** 165.95 (6) of the statutes is amended to read:

165.95 (6) ~~Two or more counties~~ A county or tribe may, with one or more other counties or tribes, jointly apply for and receive a grant under this section. ~~If counties submit~~ Upon submitting a joint application, ~~they~~ each county or tribe shall include with ~~their~~ the application a written agreement specifying each tribe's and each county department's role in developing, administering, and evaluating the program. The oversight committee established under sub. (5) (a) shall consist of representatives from each county or tribe.

**SECTION 19.** 165.95 (7) of the statutes is amended to read:

165.95 (7) Grants provided under this section shall be provided on a calendar year basis beginning on Janu-

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ary 1, 2007. If the department of justice decides to make a grant to a county or tribe under this section, the department of justice shall notify the county or tribe of its decision and the amount of the grant no later than September 1 of the year preceding the year for which the grant will be made.

**SECTION 20.** 165.95 (7m) of the statutes is amended to read:

165.95 (7m) Beginning in fiscal year 2012–13, the department of justice shall, every 5 years, make grants under this section available to any county or tribe on a competitive basis. A county or tribe may apply for a grant under this subsection regardless of whether the county or

tribe has received a grant previously under this section.

**SECTION 21.** 165.95 (8) of the statutes is amended to read:

165.95 (8) The department of justice shall assist a county or tribe receiving a grant under this section in obtaining funding from other sources for its program.

**SECTION 22.** 165.95 (9) of the statutes is amended to read:

165.95 (9) The department of justice shall inform any county or tribe that is applying for a grant under this section whether the county or tribe meets the requirements established under sub. (3), regardless of whether the county or tribe receives a grant.

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