



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 923

**Assembly Substitute
Amendment 1**

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Under **current law**, the Department of Health and Family Services (DHFS) funds and oversees the Treatment Alternative Program. Through this program, DHFS is required to make grants to enable grantees (who may be county, tribal, or nonprofit agencies) to provide assessments of and treatment for alcohol and other drug abuse, as an alternative to incarceration, to a person who: (1) is involved with the criminal justice system, either as a defendant or as a party to a diversion agreement; or (2) is currently or has previously been determined drug dependent. **Current law** requires DHFS to distribute the grants so that the program serves people in a variety of geographic locations. Current law also imposes certain requirements regarding: (1) communication between grantees and actors in the criminal justice system; (2) early identification of eligible participants; (3) assessment, referral, treatment, and monitoring procedures; and (4) data collection for program management and evaluation.

Assembly Bill 923 establishes a new program, administered by the Office of Justice Assistance (OJA) in collaboration with DHFS and the Department of Corrections, that provides grants to county departments which currently provide substance abuse treatment services. Under the program, grants are provided to enable county departments to establish programs that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. In order for a county department (or a group of county departments applying jointly) to be eligible for a grant, its (or their) program must: (1) meet the needs of people who abuse alcohol or other drugs and who may be or have been charged with or who have been convicted of a crime related to the use or abuse of alcohol or other drugs; (2) be designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants' families by meeting the comprehensive needs of participants (including needs relating to mental health, employment, stable housing, and family reunification); (3) establish eligibility criteria for participants (which must exclude persons charged with or convicted of a violent offense); (4) be consistent with the best practices in substance abuse and mental health treatment and provide intensive case management through DHFS-certified providers; (5) use graduated sanctions and incentives; (6) integrate all mental health services provided to participants by state and local government agencies and other organizations; (7) require participants to pay a reasonable amount for their treatment, based on their income and available assets;

and (8) be developed with input from a variety of specified individuals and agencies. The bill also specifies that a program that meets these requirements (regardless of whether it receives a grant) may entail participants being required to submit to electronic monitoring or participating in a day reporting program as a condition of participation.

Under the bill, a county department for a county with a population of 500,000 or more (currently only Milwaukee County) must apply for a grant, and OJA must award it a grant if its program meets the requirements established under the bill. In selecting other grantees, OJA must give priority to counties that have the largest number of residents in state prisons for crimes or violations of extended supervision, parole, or probation relating to the abuse of alcohol or other drugs.

A county department that receives a grant under the bill must create an oversight committee to advise the county department in administering and evaluating its program. It must also comply with state audits and submit an annual report to OJA regarding the impact of the program on jail and prison populations.

ASSEMBLY SUBSTITUTE AMENDMENT 1

The substitute amendment is the same as the bill except that the substitute amendment makes the following changes in the bill:

- In the original bill, Milwaukee County is **required to apply** for a grant and, if the county's program meets the program requirements, the OJA would be required to award a grant to Milwaukee County. However, the substitute amendment provides that Milwaukee County **may apply** for a grant and, if the county's program meets the program requirements, OJA would be required to award a grant to Milwaukee County.
- In the original bill, OJA is required to give priority to counties that have the largest number of residents in state prison as a result of crimes or violations of extended supervision, parole, or probation relating to the abuse of alcohol or drugs. The substitute amendment removes this provision.
- The substitute amendment requires OJA, by August 1, 2004, to solicit proposals from counties for grants for the 2005 calendar year. Counties would be required to submit proposals to OJA by November 1, 2004. If the submitted proposals meet the program eligibility requirements, OJA, Department of Corrections, and DHFS would collaborate in determining whether implementation of the proposals could result in a reduction of their expenditures and whether there is any federal or state funding available to implement the proposal. Based on the determinations of OJA, the Department of Corrections, and DHFS, OJA would submit a proposal to the Joint Committee on Finance under s. 13.101, Stats., for the purpose of funding the grant program. The proposal would include a description of the determinations made by OJA, the Department of Corrections, and DHFS on any potential expenditures reductions and whether any federal or state funding is available.
- The substitute amendment makes technical corrections to appropriately cross-reference the annual general purpose revenue appropriation created under OJA and to correctly reference the grant program.

LEGISLATIVE HISTORY

On March 10, 2004, the Assembly Committee on Corrections and the Courts recommended adoption of Assembly Substitute Amendment 1 by a vote of Ayes, 9; Noes, 0. The Assembly Committee on Corrections and the Courts recommended passage of the bill, as amended, by a vote of Ayes, 9; Noes, 0.

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