



2005 SENATE BILL 298

August 24, 2005 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT to amend** 165.90 (4) (intro.) and 165.90 (4) (b); and **to create** 165.90 (3m)
2 (d), 165.90 (4g) and 165.90 (4r) of the statutes; **relating to:** cooperative
3 county-tribal law enforcement programs.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTE provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was developed by the special committee on state-tribal relations. It makes a number of changes to the cooperative county-tribal law enforcement program. Under this program, administered by the Department of Justice (DOJ), a county and a tribe located in that county may develop a joint program plan for the enhancement of law enforcement on the tribe's reservation and submit the plan to DOJ for funding.

The bill requires that DOJ disburse the aid directly to the tribe unless the joint program plan specifies otherwise.

The bill requires that the county and tribe meet at least twice over the course of a year to evaluate the program and adjust the program as necessary to achieve its purpose.

The bill requires that the sheriff of a county that participates in a program maintain or increase the level of law enforcement services provided to the tribe's reservation.

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Under current law, prior to receiving aid for a second or subsequent year, the county and tribe must submit a report to DOJ regarding the performance of law enforcement activities on the reservation during the prior year. The bill requires that the annual report specify how the recipients complied with the requirements regarding meetings between the county and tribe and maintenance of effort by the sheriff and that DOJ consider this information in determining whether to approve a program plan.

1 **SECTION 1.** 165.90 (3m) (d) of the statutes is created to read:

2 165.90 (3m) (d) Whether the county and the tribe have complied with sub. (4g)
3 and the sheriff of the county has complied with sub. (4r).

4 **SECTION 2.** 165.90 (4) (intro.) of the statutes is amended to read:

5 165.90 (4) (intro.) If the department approves a plan, the department shall
6 certify the program as eligible to receive aid under s. 20.455 (2) (kt). Prior to
7 January 15, of the year for which funding is sought, the department shall distribute
8 from the appropriations under s. 20.455 (2) (kt) to each eligible program the amount
9 necessary to implement the plan, The department shall disburse the aid to the tribe,
10 unless the plan specifies otherwise. Disbursement of aid is subject to the following
11 limitations:

12 **SECTION 3.** 165.90 (4) (b) of the statutes is amended to read:

13 165.90 (4) (b) A program shall, prior to the receipt of funds under s. 20.455 (2)
14 (kt) for the 2nd and any subsequent year, submit a report to the department
15 regarding the performance of law enforcement activities on the reservation in the
16 previous fiscal year. The report shall describe the meetings held under sub. (4g) and
17 any adjustments to the joint program plan that resulted from those meetings, and
18 how the sheriff of the county complied with sub. (4r).

19 **SECTION 4.** 165.90 (4g) of the statutes is created to read:

20 165.90 (4g) Not less than twice in each year that a program receives aid under
21 sub. (4), the county and tribe shall meet to evaluate the implementation of the joint

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1 program plan and make any adjustments to the program that are necessary to
2 accomplish the purposes of the plan.

3 **SECTION 5.** 165.90 (4r) of the statutes is created to read:

4 165.90 (4r) The sheriff of a county that participates in a cooperative
5 county-tribal law enforcement program under this section shall provide law
6 enforcement services on the reservation of the cooperating tribe at a level that equals
7 or exceeds the level of services provided by the sheriff's department on that
8 reservation in the preceding year.

9 (END)