

ANDRÉ JACQUE

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P.O. Box 8952
Madison, WI 53708-8952

TO: Members of the Assembly Judiciary Committee

FROM: Representative André Jacque

DATE: March 28, 2013

RE: Assembly Bill 74 – Crime Prevention Funding Fairness Act

Chairman Ott and Colleagues:

Thank you for your time and attention today in hearing Assembly Bill 74. I am pleased to be joined today by Brown County Sheriff John Gossage representing the Brown County Crime Prevention Association and Wisconsin Crimestoppers President Scott Abrams, and I am extremely pleased to note the bi-partisan co-sponsorship of this legislation in both chambers, along with the full support of the League of Municipalities, the Badger Sheriffs Association, the Wisconsin Chiefs of Police Association, the Wisconsin Crime Prevention Practitioners Association and many others.

The intent of this legislation is to require those convicted of crimes to provide restitution in support of crime prevention efforts. Assembly Bill 74 is both a taxpayer relief bill and cost effective: studies have shown that every dollar spent toward crime prevention saves ten dollars in future costs of incarceration or treatment. Under the bill, at least half of the funds distributed must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, providing a funding source for crime prevention programs, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders.

The funds collected would be distributed by a countywide seven member Crime Prevention Funding Board (CPFEB) made up of the following officials or their designees: the presiding judge of the circuit court; the district attorney; the sheriff; the county executive, county administrator, or county board chairperson; the chief elected official of the city, village, or town with the largest population in the county; a person chosen by a majority vote of the top law enforcement officials of the departments that are located in the county; and a person chosen by the county's public defender's office.

This approach is patterned after Florida law and the successful collaborative makeup of the Brown County Crime Prevention Foundation, and is similar to 2011 AB 385 ASA 1, while reflecting additional input from stakeholders in the law enforcement and judicial community. The bill requires that a CPFEB and any entity that receives a grant from a CPFEB must submit an annual report to certain specified entities detailing the amounts spent, the purposes for which the grants were spent, and contact information for the entity and the entity's leaders.

Thank you again for your time and for your consideration of Assembly Bill 74.



March 28, 2013

Committee on Judiciary
Public Hearing
11:00 AM – 400NE

Chairman Ott and Members of the Committee,

Thank you for holding a public hearing today on Assembly Bill 74. I am happy to co-author this bipartisan bill, which proposes a reasonable mechanism to increase the resources that Wisconsin communities are able to devote to crime prevention efforts.

The framework established by this bill would allow for the creation of county-level Crime Prevention Funding Boards which could distribute funds collected through a \$20 surcharge on those convicted of a felony or misdemeanor to private, accountable, nonprofit organizations that provide crime prevention services in the community. In addition, local crime prevention boards would have the discretion to appropriate up to 50% of the total amount to the crime prevention funds of local law enforcement agencies.

As you many know, due to the leadership of several community leaders, Brown County has created a successful collaborative organization called the Brown County Crime Prevention Foundation, which serves as one of the inspirations for this bill. This is a case of the state having the opportunity to take advantage of the ingenuity of local officials from one area of the state and expand a good idea to all parts of Wisconsin.

Addressing crime prevention in our communities requires a new approach. This bill builds on local success and offers an innovative solution to the problem of funding essential crime prevention efforts around the state. Please join me in supporting AB 74.

Thank you again for your consideration. Please contact my office with any questions.

Sincerely,

Eric Genrich



Wisconsin Department of Administration
 Division of Executive Budget and Finance

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-0129/3	Introduction Number AB-0074	
Description Increasing the crime victim and witness assistance surcharge, dedicating funds for crime prevention organizations, and creating local crime prevention funding boards		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:		
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input checked="" type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Affected Ch. 20 Appropriations		
Agency/Prepared By	Authorized Signature	Date
CTS/ Nancy Rottier (608) 267-9733	Nancy Rottier (608) 267-9733	3/28/2013

Fiscal Estimate Narratives

CTS 3/28/2013

LRB Number	13-0129/3	Introduction Number	AB-0074	Estimate Type	Original
Description					
Increasing the crime victim and witness assistance surcharge, dedicating funds for crime prevention organizations, and creating local crime prevention funding boards					

Assumptions Used in Arriving at Fiscal Estimate

The current crime victim and witness assistance surcharge is \$92 for a felony and \$67 for a misdemeanor. The surcharge is also assessed if a felony or misdemeanor charge is subsequently amended to a civil offense that results in a conviction. The assessed amount for each civil offense conviction is either \$92 or \$67, depending on the original charge.

This bill increases the crime victim and witness assistance surcharge by \$20 for all felonies and misdemeanors, as well as those civil offense convictions that resulted from amended felony or misdemeanor charges. The bill creates a new Part D for the surcharge and requires the money collected under the new Part D to be retained by the county treasurer and paid to that county's Crime Prevention Funding Board that is created by the bill.

This bill would require court system resources in order to implement the changes to the crime victim and witness assistance surcharge. The Consolidated Court Automation Programs (CCAP) staff would be required to reprogram its financial accounting software to recognize the new Part D of the surcharge, allow clerks of circuit court to enter the data on surcharges imposed and collected, and disburse the funds collected to the proper entity. It is impossible to determine an exact fiscal impact of implementing this bill, but it will require a substantial number of hours of computer programming time.

To determine the amount of surcharge revenue that might be generated by this new Part D of the surcharge, we have relied on data from CCAP, cited by the Legislative Audit Bureau (LAB) in its recent report "Crime Victim and Witness Assistance Surcharge Revenue." (Report 12-13, August 2012) The audit was initiated because questions were raised regarding the reasons surcharge revenue declined despite an increase to the surcharge. In Table 7 on page 10, the report indicates the following number of convictions for which a surcharge could have been assessed during the fiscal year 2010-11:

Felonies: 16,400
Misdemeanors: 69,700
Civil Offenses: 6,800
Total: 92,900

If the number of convictions remains constant, which was not the case in the time period examined by LAB, and the additional \$20 Part D surcharge was imposed in each case, then there would be an additional \$1,858,000 in crime victim and witness assistance surcharges potentially available.

As the LAB explained in its report, not all of the surcharges imposed are collected. The report cited difficulty in ability to pay by these individuals and an overall increase in court costs in recent years as possible explanations for reduced collections. The LAB estimated about two-thirds of the surcharges imposed are collected by the various agencies responsible: the circuit courts, the Department of Corrections and the Department of Health Services.

Based on the two-thirds figure, it is estimated that approximately \$1,239,000 statewide would be raised for Part D of the crime victim and witness assistance surcharge, under the terms of this bill.

Long-Range Fiscal Implications

(SAMPLE)

Subj: **Co-Sponsorship of LRB-0129/3: Crime Prevention Funding Fairness Act**
 Date: 2/18/2013 10:27:00 A.M. Central Standard Time
 From: Murdevpat@aol.com
 To: rep.jacque@legis.wisconsin.gov
 CC: psvcshrf@netnet.net, mark.warpinski@gmail.com

Representative Jacque,

We are writing you to encourage your **support** (hopefully, **co-sponsorship**) of the above mentioned proposal.

This **crime prevention funding bill** is an important and timely piece of legislation. Crime prevention programs are an effective, **pro-active** way to enhance the **safety** of our communities. The economics are excellent: **\$1 spent** on prevention **saves taxpayers \$10** in future costs of incarceration or treatment. Yet, our taxpayer dollars must be spent on other, non-discretionary priorities in the Budget, such as human services, health care, and education. This bill, essentially a "user-fee", provides funding **without taxes**.

This bill provides for crime prevention funding while **providing for taxpayer relief**. It adds a **Part D Surcharge** to those already required of persons who are convicted of a misdemeanor or felony in circuit court. This is, in effect, a very modest fee: the offense has resulted in significant taxpayer-funded costs in the Legal System. The \$20 surcharge will go to crime prevention programs that will **pro-actively save taxpayers future costs** while **promoting** increased community **safety**. **Everybody benefits**.

Notice that this bill does not "re-invent the wheel". It merely **adds an additional \$20 surcharge (Part D)** for crime prevention funding to **surcharges** (Parts A,B, and C) **already in effect**. Furthermore, the funds will be **responsibly administered** in each Wisconsin **County** by a **seven-member Crime Prevention Funding Board**. **Annual reporting** requirements of this bill will insure that the public is fully informed of the amounts collected, what is being funded, and who is receiving the funds. The **transparency** is thorough.

In addition to the information previously emailed to you by Representative Jacque, we have **attached a simplified chart** that describes the funding source (ie. Part D Surcharge) and the composition of each Funding Board.

Please support this bill -- consider a co-sponsorship. It is a **non-partisan, pro-active** way to provide **savings to taxpayers** while **improving the safety** in every county in Wisconsin.

Thank you for your consideration.

Patrick Murphy,
 Chairman
 Crime Prevention Foundation of Brown County
 President, Murphy Development

Tom Hinz,
 Brown County Sheriff (ret.)
 Brown County Executive (ret.)

Mark Warpinski
 Brown County Circuit Court Judge (ret.)

2/18/13

Sent to every State
 Legislator in Wisconsin.

Crime Prevention Funding Bill

- A. How the funding is to occur (ie. An additional \$20 Surcharge) ; and
- B. Who will determine which programs receive funds (ie. A Crime Prevention Funding Board)

Note: (1-4) Indicates the order in which the Surcharges must be paid

• A. Surcharges

Misdemeanor Conviction	<u>Reason</u>	Felony Conviction
\$40.00 Part A (1) 7.00 Part C (3)	To reimburse victims and witnesses; and reimburse counties for victim and witness programs.	\$65.00 Part A (1) \$7.00 Part C (3)
\$20.00 Part B (2)	To fund services for victims of sexual assault	\$20.00 Part B (2)
\$67.00	Subtotal – Current Surcharges	\$92.00
	New Surcharge	
\$20.00 Part D (4)	To provide funds for Crime Prevention	\$20.00 Part D (4)
\$87.00	Total Surcharges with Part D	\$112.00

• B. Each county shall have a Crime Prevention Funding Board composed of the following seven members:

1. A designate of the Presiding Judge of the Circuit Court;
2. A designate of the County District Attorney;
3. A designate of the County Sheriff;
4. A designate of the County Executive or the County Administrator if no County Executive office exists;
5. A designate of the Mayor of the largest municipality by population that has a municipal court;
6. A designate of the chiefs of police of all county law enforcement agencies; and
7. A designate of the Public Defender's Office of the County.

(This Board provides funding for Crime Prevention Programs.)

TO: Members of the Assembly Committee on Judiciary

FROM: Tom Hinz, Brown County Crime Prevention Board Member

DATE: March 28, 2013

RE: Assembly Bill 74

Chairman Ott and Committee Members:

As I am currently out of state right now, I'm unfortunately unable to testify in person today as would be my preference.

Like so many things in life, prevention is the best way to keep costs down and to prevent future problems or, better yet, the repetition of problems.

When Pat Murphy and I started our Crime Prevention Foundation we never dreamed how the Foundation would bring together law enforcement and local citizens to address local crime concerns and how we might prevent them from re-occurring.

Unlike some bills that might have merit, Assembly Bill 74 has proven merit. We have been in existence now for over 10 years and have given out over \$100,000 in grants which are vital to working relationships between different law enforcement agencies, school districts, retired law-enforcement, media, business people and citizens at large.

This bill eliminates politics and can work in large populated counties, medium populated counties and rural counties with small populations. What this means is that every jurisdiction can determine what their unique local crime concerns are and use the funds generated by this bill to fund solutions to these crime problems.

As a former police officer, Sheriff and County Executive, I ask the Legislature to support this bill. It's a win-win crime prevention opportunity for all of our citizens. Thank you for taking time to consider this bill and reading my testimony.

TO: Members of the Assembly Committee on Judiciary
FROM: Mark A. Warpinski, Brown County Circuit Court Judge (Retired)
DATE: March 28, 2013
RE: Assembly Bill 74

Chairman Ott and Committee Members:

In my years of experience on the bench, I have seen firsthand how criminal acts have affected our cities and our communities in enduring numerous hardships when houses are broken into, credit cards taken, and checkbooks stolen.

With the proposed bill we can generate funds that will be used to prevent commission of these crimes and avoid the accompanying costs, harm, and heartbreak.

This bill will make criminals take part in preventing crime.

I urge your passage of Assembly Bill 74.

Respectfully submitted,

Mark A. Warpinski



K. Scott Abrams, CPA, CGMA, FHFMA

2310 S. Green Bay Rd.

Suite C PMB 186

Racine, WI 53406

Home/Office: 262-672-4645

Cell Phone: 920-210-3728

Email: SAbrams@CrimeStoppersUSA.com

**Assembly Committee on Judiciary – Public Hearing
Comments Regarding AB 74 - Crime Prevention Restitution and Funding Bill
March 28, 2013**

My comments are written on behalf of the Wisconsin State Crime Stoppers, Inc. (WSCS). My name is K. Scott Abrams and I have been involved in Crime Stoppers organizations and activities for over 32 years in virtually all aspects of Crime Stoppers programs. Presently, I serve as President for the WSCS, a membership service arm overseeing 45 Crime Stoppers programs in the State of Wisconsin. In addition, I am also the Immediate Past Chairperson for Crime Stoppers USA, a membership driven organization overseeing 325 programs throughout the United States. I'm also a past board member of Crime Stoppers International, and an incorporator for the newly organized International Association of Crime Stoppers (IACS), a partnership between the United Kingdom Crime Stoppers and Crime Stoppers USA in working together to reduce terrorism, drug trafficking and human trafficking.

Wisconsin State Crime Stoppers supports the initiatives included in the Crime Prevention Resolution and Funding Bill - 2013 Assembly Bill 74. In offering our support, it is important to know that Crime Stoppers programs are tax exempt 501(c)(3) organizations governed and operated by a local board of directors and work tangentially with law enforcement agencies in their respective areas and are considered crime prevention organizations under the current definition of Assembly Bill 74. Many programs in Wisconsin survive financially primarily through donations by citizens and businesses as well as conducting fundraising events in their local communities. Unfortunately, this is not enough for some areas in our state, which are large in terms of geography and not very well off financially, however, crime is still present in these areas. Despite the financial difficulties that many Crime Stoppers organizations face, our programs stand behind some very impressive statistics that underscores the success in resolving outstanding crimes, as the chart below indicates.

	WI	USA
Arrests	12,650	623,488
Cases Cleared	11,367	964,842
Rewards Paid	\$ 8,262,155	\$ 98,143,906
Property Recovered	\$ 6,617,410	\$ 1,120,771,284
Narcotics Recovered	\$ 12,123,490	\$ 3,000,835,162
Total Recovered	\$ 18,740,900	\$ 4,121,606,446

WI Statistics - 1976 - March 2013

USA Statistics - 1976 - March 2013

Source: Crime Stoppers USA Database

Rewards and administrative costs are borne by the local Crime Stoppers programs and usually with no additional cost to local or county law enforcement agencies. Crime Stoppers programs do not rely on any local, county or state taxes for their operations.

While reviewing the statutes from across the United States, 14 other states have some form or type of surcharge or restitution charge to the offending individual which is then ultimately dispersed to Crime Stoppers organizations or crime prevention organizations. Interestingly, the states of Mississippi, Florida and Texas have the most comprehensive statutes encompassing surcharges on almost all misdemeanors and traffic citations which are then placed into a Crime Stoppers trust fund and are disbursed through granting requests by either the county or Crime Stoppers organizations. Wisconsin State Crime Stoppers believes this updated 2013 Assembly Bill 74 amending the current statutes regarding restitution to Crime

**Assembly Committee on Judiciary – Public Hearing
Comments Regarding AB 74 - Crime Prevention Restitution and Funding Bill
March 28, 2013**

Page 2

Prevention Organizations greatly enhances the continued existence for Crime Stoppers organizations in the state of Wisconsin.

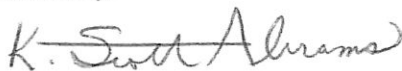
In analyzing 2013 Assembly Bill 74, the one caution or request that the Wisconsin State Crime Stoppers would ask is to provide a further definition regarding what qualifies under the grant request for funds by a local crime prevention organization. It is the hope of the Wisconsin State Crime Stoppers that funding requests meet the purpose, organizational intent and operations of the local crime prevention organization and not just providing a pass-through for requests from local law enforcement agencies to the crime prevention organizations requesting funds, due to denied budget requests from local municipalities or county boards.

In addition, the Wisconsin State Crime Stoppers recognizes the accountability and oversight required in administering this type of a program regarding the funds distributed through the grant award process. Wisconsin State Crime Stoppers will work with its 45 member programs in communicating, networking and publicizing the appropriate measures and processes in order to remain compliant with the annual reporting procedures. If acceptable, Wisconsin State Crime Stoppers would like to offer its assistance in participating as an active or advisory member with any State oversight or accountability committees.

We understand the current economic struggles facing individuals and governmental units. Crime Stoppers has been an effective means in which to provide crime solving tools and techniques without additional costs to law enforcement agencies across the state of Wisconsin. We want to be able to provide this community service for the long-term throughout the state, but due to the economic turmoil, several Crime Stoppers programs have had to suspend or disband this community service due to lack of funding. We believe the 2013 Assembly Bill 74 provides a good start in establishing a proactive means in which to fund crime prevention organizations, such as Crime Stoppers rewards and administrative costs, by individuals perpetrating crimes in the State of Wisconsin. Therefore, Wisconsin State Crime Stoppers supports the enactment of the 201 Assembly Bill 74 and encourages the approval and adoption as quickly as practical.

Again, on behalf of the Wisconsin State Crime Stoppers, thank you for allowing us to share our ideas and support for 2013 Assembly Bill 74. May you have a wonderful Easter Holiday Season!

Sincerely,



K. Scott Abrams, CPA, FHFMA
President - Wisconsin State Crime Stoppers, Inc.
Immediate Past Chairman - Crime Stoppers USA, Inc.
Past Board Member - Crime Stoppers International, Inc.



Wisconsin State Public Defender

315 N. Henry St. - 2nd Floor
PO Box 7923 Madison, WI 53707-7923
Office Number: 608-266-0087 / Fax Number: 608-267-0584
www.wisspd.org

Kelli S. Thompson
State Public Defender

Michael Tobin
Deputy State
Public Defender

March 27, 2013

Representative Andre Jacque
123 West, State Capitol
Madison, WI 53708

Dear Representative Jacque,

I am writing to express the concerns of the State Public Defender (SPD) related to 2013 Assembly Bill 74.

As drafted, AB 74 creates a new Part D crime victim and witness assistance surcharge of \$20 for all misdemeanor and felony convictions. This money is retained by the county and disbursed by a Crime Prevention Funding Board (CPFEB) as created by the bill. The CPFEB is empowered to solicit grant applications for use of the funds. The bill also requires that at least half the funds be provided to private, non-profit organizations that have as a primary purpose: preventing crime, providing a funding source for crime prevention programs, encouraging the public to report a crime, or assisting law enforcement agencies in the apprehension of criminal offenders.

The bill provides a seat for (among other specified members) a designee of the county's public defender office. The SPD is concerned about the inherent conflict that this provision presents. Essentially, the new surcharge would be collected from SPD clients who have been convicted, and the funds collected are then made available as a grant through the CPFEB to organizations that primarily seek to fight crime. The SPD would be in a position of using money taken from our clients for use in identifying, arresting, and prosecuting future SPD clients. At the very least, the bill would create this perception of conflict.

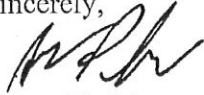
Additionally, a 2012 Legislative Audit Bureau report identifies the diminishing return in collection of crime victim and witness assistance surcharges over the last several years. When court obligations cannot be collected, there is a potential for enforcement proceedings in which SPD may be called upon to appoint an attorney for a defendant facing a contempt finding and possible imprisonment for non-payment. Increasing the surcharge amount is likely to exacerbate this problem, to the detriment of the purpose of this legislation.

Finally, in 2002-2003, a state Ethics Board investigation highlighted the potential conflicts for judges and prosecutors when they are in a position to generate funds for crime prevention organizations. For prosecutors, decisions about whether to charge a person with a crime, or whether to defer prosecution, or sentencing recommendations, can be improperly influenced by a desire to raise funds for the organizations. The same is true when judges impose financial obligations - other than restitution - on defendants as a part of sentence, or as a condition of dismissal of charges.

March 27, 2013

We wanted to make sure to communicate these concerns prior to the public hearing on AB 74. If you have additional questions, please feel free to contact me.

Sincerely,



Adam Plotkin
Legislative Liaison

Cc: Members, Assembly Committee on Judiciary
Jessica Karls-Ruplinger, Legislative Council
Mike Queensland, Legislative Council



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice

16 East State Capitol
Telephone 608-266-6828
Fax 608-267-0980

A. John Voelker
Director of State Courts

March 28, 2013

The Honorable Jim Ott
Chair, Assembly Committee on Judiciary
Room 317 North, State Capitol
Madison, Wisconsin 53702

RE: Assembly Bill 74, Relating to Increasing the Crime Victim and Witness
Assistance Surcharge to Fund Crime Prevention Organizations

Dear Representative Ott:

I regret that I will be unavailable to testify at today's public hearing on Assembly Bill 74 relating to the funding of crime prevention organizations through the increase in the crime victim and witness assistance surcharge. Please accept this testimony on behalf of the court system.

The Committee of Chief Judges, made up of the ten circuit court judges appointed by the Supreme Court to handle the administrative details of the circuit courts, has a long history, going back to the mid-1990s, of attempting to properly implement the previous crime prevention organization (CPO) statute. Due to continuing administrative problems and the inherent ethical conflict that the previous statute posed for judges, the Chief Judges sought to repeal it. That was successfully done in 2007 Wisconsin Act 84.

Our efforts to pass 2007 Act 84 should not be seen as a judgment about the worthiness of CPOs in general or any organization in particular. Most of the non-profit organizations that received funding were extremely worthwhile organizations. But after extensive study of the previous CPO process, the Committee of Chief Judges concluded the most appropriate public policy was to eliminate the CPO surcharge.

Last session, Representative Jacque introduced a bill that would have reinstated the exact provisions that were repealed by 2007 Act 84. We strongly opposed reinstatement of the CPO legislation. We urge you to reject the alternative approach that is before you today.

Assembly Bill 74, while taking a different approach to funding crime prevention organizations, comes with its own difficulties. We want to commend Rep. Jacque for addressing and eliminating one of our main objections to the previous CPO legislative scheme: the discretion it gave judges to impose the CPO surcharge. Our objection then was that it was inappropriate to have the court system serve as a "fund-raising mechanism" for nonprofit organizations. Judges had found themselves being lobbied by various groups that were seeking funds, asking the

The Honorable Jim Ott
March 28, 2013
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judges to impose the CPO surcharge in order to help the groups raise money. Judges are strictly forbidden from fundraising for any organization on their own time under the Code of Judicial Conduct, and it certainly appeared questionable that they could use their role as judicial officers to be involved in fundraising for CPOs. In addition, it created the perception that those with the ability to pay the contribution were treated differently.

AB 74 provides a seat for the presiding judge of the circuit court or his or her designee on the new Crime Prevention Funding Board (CPFEB). We are concerned that this participation creates the same kind of ethical conflict for the presiding judge that existed under the old CPO statutory scheme. The judge is placed in the situation of being lobbied by organizations and others for a favorable funding decision.

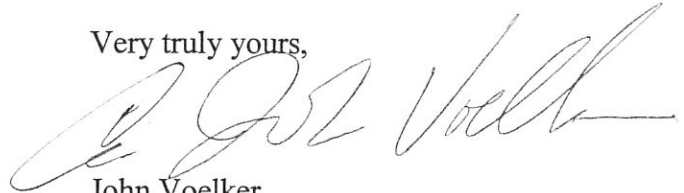
Besides the inherent ethical conflict for judges, AB 74 presents some of the same practical difficulties that were present in the old CPO statutory scheme. These include the following:

- The definition of a crime prevention organization has never been fully clarified. It has always been difficult to clearly identify what constitutes a “crime prevention organization.” The lack of clarity in the statute led to litigation challenging some CPO contributions. In 2005 we requested an opinion from the Attorney General about this and other issues. I would be happy to supply committee members with a copy of the opinion. The opinion outlines some of the definitional and practical problems of CPOs.
- The collection process in most counties is already strained from efforts to collect the statutorily-mandated restitution, fines, forfeitures and surcharges. As the Chief Justice has noted in past budget presentations, the continued proliferation of surcharges jeopardizes access to the court system and significantly increases the amount of money a violator must pay.
- The Legislative Audit Bureau (LAB) recently completed an audit of the crime victim and witness assistance surcharge revenue because questions were raised regarding the reasons surcharge revenue has declined despite a \$7.00 increase to the surcharge. The LAB report noted that trends in the number of convictions, the extent of unpaid surcharges, and statewide economic trends help explain the decline. An additional \$20.00 would make it more difficult for individuals to pay.
- The potential for abuse or questionable practices involving CPOs can be avoided. We have been fortunate that no major abuses of the previous CPO process were uncovered, but we did find questionable expenditures as we studied that system. These problematic situations were enough to convince the Committee of Chief Judges that the CPO process was seriously flawed.

The Honorable Jim Ott
March 28, 2013
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For these reasons, we would urge you to reject AB 74. In addition, AB 40 makes changes to the crime victim and witness assistance surcharge that may be inconsistent with the language of this bill. We would be happy to discuss more of the history of our experience with the previous CPO statutory scheme, and our reasons for questioning the new approach taken by this bill. If you have any questions, please feel free to contact my office or our legislative liaison, Nancy Rottier.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Voelker", written in a cursive style.

John Voelker
Director of State Courts

cc: Members, Assembly Committee on Judiciary

Date: March 28, 2013

To: Representative Jim Ott, Chairman, Committee on Judiciary, Wisconsin State Assembly
Members, Committee on Judiciary, Wisconsin State Assembly

From: Dean F. Stensberg
Director of Public Affairs and Policy
Office of Attorney General J.B. Van Hollen
Wisconsin Department of Justice

Subject: 2013 Assembly Bill 74

2013 Assembly Bill 74 establishes a County Crime Prevention Funding Board with grant authority along with a crime prevention fund administered by a county treasurer. It further creates Part D of the Victim/Witness Assistance Surcharge and increases the Crime Victim and Witness Assistance Surcharge by \$20.

While crime prevention efforts are a vital element of public safety, recent revenue collection history suggests the funding mechanism contemplated in the Bill is likely to create an uncertain revenue stream for the newly created grant program in addition to having an adverse effect on Crime Victim and Witness Surcharge revenues and the victim and witness programs they support. In addition, the budget bill proposes to streamline the use of Victim and Witness Surcharge; this proposal adds complexity and would be in conflict with the budget proposal if enacted.

Therefore, the Department of Justice respectfully recommends against adoption of this proposal.

The Wisconsin Crime Victim and Witness Assistance Surcharge has experienced shortfalls in revenue in recent years resulting in funding for the Crime Victim and Witness Assistance program and the Sexual Assault Victims Services programs to fall well below appropriated amounts.

To understand the cause of declining revenue, which persists even though a \$7 fee increase was imposed by 2009 Wisconsin Act 28, the Crime Victim and Witness Assistance Surcharge was the subject of a review conducted by the State Auditor at the request of the Joint Audit Committee. A copy of the report and the Department of Justice's analysis is available at <http://legis.wisconsin.gov/lab/reports/12-13full.pdf>. Among the report's findings was that the introduction of additional parts of the surcharge contributed to a misallocation of revenue.

Based on the results of that audit and to attempt to address these shortfalls, the Department of Justice requested, and Governor Walker included in his proposed budget, significant revisions to the victim and witness surcharge. The Governor recommends creating a single surcharge, eliminating the various subparts, therefore reducing the potential for the inadvertent misallocation of funds. The Governor further recommends that the Sexual Assault Victims Services program receive \$2 million GPR instead of unreliable revenue from Part B, allowing other funding streams to more adequately cover the victim and witness assistance program and the crime victim's compensation program. And, because the audit revealed sizable uncollected revenue, the Governor's budget proposes statutory changes to enhance collection efforts. The Attorney General fully supports the Governor's budget recommendations. While we admire the intention behind this bill, respectfully, it is this Department's position that AB 74 conflicts with the budget proposal and potentially undermines victim services appropriations.

Last, the bill may, negatively impact on other surcharges revenues whose payment orders are established in §973.05 (2m). §973.05 (2m) specifies the order of payment for over 20 surcharges possibly payable when a court sentences a defendant to pay a fine. Under current law, parts A, B, and C of the victim/witness surcharge are 3rd, 4th, and 5th in the payment order, behind only the penalty surcharge and the jail surcharge.

The bill creates §973.045 (3)(d) establishing that Part D is paid only after Parts A, B and C of the Crime Victim and Witness Surcharge are satisfied. This construction would likely place the Crime Victim and Witness Assistance Part D payments ahead of all other surcharges like the crime laboratories and drug law enforcement surcharge, the DNA analysis surcharge and approximately 18 other surcharges currently outlined in §973.05 (2m). The result will likely be a reduction in revenues for all subordinate surcharges under §973.05 (2m) and the programs they currently support.