



## Legislative Fiscal Bureau

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February 7, 2018

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 906 and Senate Bill 768: Enforcement Agency Drug Trafficking Response and Other Grant Programs

Assembly Bill 906 and Senate Bill 768 (AB 906/SB 768) are companion bills relating to substance abuse programming. Assembly Bill 906 was introduced on January 31, 2018, and referred to the Joint Committee on Finance. Senate Bill 768 was introduced on February 2, 2018, and referred to the Joint Committee on Finance. A public hearing is scheduled to be held on February 7, 2018, for AB 906 and SB 768. The bills create: (a) a law enforcement agency drug trafficking response grant program; (b) positions to assist in prosecuting drug-related offenses; (c) grants for evidence-based programs for substance abuse prevention services for at-risk youth; (d) victim impact panels; (e) funding for family treatment courts; and (f) grants for county jails to provide nonnarcotic treatment before offender reentry.

### SUMMARY OF BILL

The bill creates grant programs related to drug trafficking, evidence-based substance abuse prevention, juvenile and family treatment courts, and drug treatment for inmates of county jails. This bill appropriates a total of \$3,350,000 of general purpose revenue (GPR) and allocates \$500,000 of federal block grant money in the 2017-19 biennium for positions and grant programs established under the bill.

### Department of Justice

*Field Prosecutor Positions.* The bill creates 2.0 GPR attorney project positions in the Department of Justice to assist the Division of Criminal Investigation (DCI) in the field offices of Wausau and Appleton and to assist district attorneys in the prosecution of drug-related offenses. Funding for DOJ is increased by \$300,000 GPR in 2017-18 and 2018-19 to support the additional positions. The bill specifies that the project positions terminate after five years (current law limits project positions to four years). The Department of Justice would be required to submit an annual

report to the Joint Committee on Finance on the project prosecutor attorney positions that describes the activities and assesses the effectiveness of the attorneys in assisting DCI in the Appleton and Wausau field offices.

*Law Enforcement Agency Drug Trafficking Response Grant.* The bill appropriates \$1,000,000 GPR in 2018-19 to DOJ in a biennial appropriation for grants to Wisconsin law enforcement agencies to establish new programs related to drug trafficking response. The Department must establish policies and procedures for distributing grants, but need not promulgate these policies and procedures as rules. Grants may be up to \$50,000 per application and not more than \$100,000 per law enforcement agency.

Law enforcement applications for grant monies need to include a new program or purpose for the use of the grant money and include a plan for continuing the programming once the grant fund is exhausted. New programs purposes may include extra training, additional officers, or another purpose that is directly related to drug trafficking response and is not an existing program at the time the grant is received.

### **Victim Impact Panel -- Court Process**

The bill allows a court to order a person who is found guilty of a violation of the Uniform Controlled Substances Act to attend a victim impact panel or similar program as a part of his or her sentence. The court may order the defendant to pay a reasonable fee to offset the costs of this provision, based on the person's ability to pay.

### **Department of Children and Families**

*Family Treatment Court Grants.* The bill would create an annual appropriation of \$250,000 GPR in 2018-19 for the Department of Children and Families (DCF) to award grants to counties or Indian tribes to establish and operate family treatment courts under the program that would be created under 2017 Assembly Bill 481. The Department must collaborate with the Department of Health Services (DHS) and the Director of State Courts to establish the grant program.

If enacted, Assembly Bill 481 would create a family treatment court grant program under the Children's Code and a juvenile treatment court grant program under the Juvenile Justice Code, each to be administered by DCF and operated by the court assigned to exercise jurisdiction under the Children's Code or Juvenile Justice Code. DCF would make grants to counties and tribal courts to operate the court programs and develop procedures that screen, assess, and provide dispositional alternatives for parents whose children are under the jurisdiction of the court due to parental mental illness or substance abuse. If Assembly Bill 481 is not enacted into law in the 2017 legislative session, the provisions of the AB 906/SB 768 related to family treatment courts would be void. [AB 481 was recommended for passage by the Assembly Committee on Children and Families on a vote of 8-0. The bill was referred to the Assembly Committee on Rules on January 16, 2018.]

It should be noted that the \$250,000 GPR appropriation that would be created by AB 906/SB 768 would be used only for the family treatment court program under the Children's Code. Unless the bill is amended, DCF could not provide grants for the juvenile treatment court grant program under the Juvenile Justice Code.

*Brighter Futures Grants.* The bill would allocate \$500,000 of federal money received under the temporary assistance for needy families (TANF) block grant program in 2018-19 to the Brighter Futures initiative to provide grants to establish new evidence-based substance abuse prevention programs across the state. The Brighter Futures initiative is a statewide program administered by DCF that seeks to prevent and reduce youth violence and other delinquent behavior, youth alcohol and other drug use and abuse, child abuse and neglect, and non-marital pregnancy. The target population is youth between the ages of 12 and 21, in or at risk of entering the child welfare system.

Grants could be made to programs operated by counties, and in Milwaukee County grants could also be made to programs operated by a nonprofit corporation or a city, town, village, or school district. The Department would not award a grant in a county where an evidence-based substance abuse prevention program provided services in the preceding fiscal year, unless those services were previously funded by a Brighter Futures grant.

Although the bill would allocate TANF funding that has already been appropriated and allocated for other programs, the bill would not appropriate additional funding for the grant program. In order to provide new funding for the program, the bill would need to be amended to increase the federal block grant aids appropriation by \$500,000 FED in fiscal year 2018-19.

### **Department of Health Services**

The bill would provide \$750,000 GPR in 2017-18 and \$750,000 GPR 2018-19 in a new biennial appropriation for the Department of Health Services to provide as grants to counties for nonnarcotic drug treatment.

Grant funds could be used only to provide nonnarcotic, non-addictive, injectable medically assisted treatment to inmates of county jails who voluntarily receive the treatment within the five days immediately preceding release from county jail into the community. To be eligible for grant funding, counties would need to: (a) have a county jail; (b) have an established drug court; (c) provide care coordination for inmates exiting county jail; and (d) have identified how it would use care coordination to ensure that all program participants are enrolled in medical assistance and will continue to receive treatment after an inmate leaves county jail custody. The Department would be required to provide application procedures for awarding grants to counties in accordance with the Department's request-for-proposal procedures.

Common medications used for the treatment of opioid dependence include methadone, buprenorphine, and naltrexone. Of these, only naltrexone would meet the bill's criteria of being a nonnarcotic. Naltrexone is available in an injectable form, sold under the brand name Vivitrol.

### **Effective Date**

Most provisions of the bill would take effect on the day after publication, except the sections relating to family treatment courts under 2017 Assembly Bill 481, which would take effect on the same day as 2017 Assembly Bill 481, if that bill is enacted.

## FISCAL ESTIMATE

In total the bill appropriates \$3,350,000 GPR and allocates (but does not appropriate) \$500,000 of federal TANF block grant money in the 2017-19 biennium to the grant programs that are established under the bill. The table below identifies the funding under the bills by agency and purpose.

<u>Agency</u>	<u>Purpose</u>	<u>Funding Amount</u>		<u>Fund Source</u>
		<u>2017-18</u>	<u>2018-19</u>	
Justice	Field Prosecutor Positions	\$300,000	\$300,000	GPR
Justice	Law Enforcement Agency Drug Trafficking Response Grant	0	1,000,000	GPR
Children and Families	Family Treatment Court Grants	0	250,000	GPR
Children and Families	Brighter Futures Grants	0	500,000	FED
Health Services	Nonnarcotic Drug Treatment	<u>750,000</u>	<u>750,000</u>	GPR
	Total	\$1,050,000	\$2,300,000	GPR
		0	500,000	FED

Fiscal estimates for the bill have been prepared by the Department of Corrections and DCF. Corrections indicates that there is insufficient data to determine if the bill will even have a minimal fiscal impact for the Department.

Subject to enactment of AB 481, the bill creates a new, annual appropriation funded at \$250,000 GPR in fiscal year 2018-19 for DCF to award grants to counties or Indian tribes to establish and operate family treatment courts.

The bill also creates a new allocation to provide an additional \$500,000 in federal TANF funds in fiscal year 2018-19 to the Brighter Futures initiative to provide grants for evidence-based substance abuse prevention to at-risk youth and their families. However, the bill would need to be amended to appropriate funding for the grants. Under current law, the ending TANF balance as of July 1, 2019, is projected to be \$153.1 million. In 2018-19, expenditures are projected to exceed revenue by \$57.8 million. Assuming the same level of spending and revenue in the next biennium, the ending TANF balance for the 2020-21 fiscal year would be \$37.3 million.

DCF indicates that administration of the grants provided under the bill would require staff time, but anticipates any additional work associated with administering the additional grant funding could be absorbed using existing resources.

Regarding the victim impact panel, the bill does not specify a fee or how the ability to pay is to be determined. Therefore, the potential county revenue to offset costs cannot be determined.

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