

# JUSTICE

<b>Budget Summary</b>							
Fund	2020-21 Base Year Doubled	2021-23 Governor	2021-23 Jt. Finance	Joint Finance Change to:			
				Governor		Base	
				Amount	Percent	Amount	Percent
GPR	\$127,654,800	\$172,680,800	\$150,020,800	- \$22,660,000	- 13.1%	\$22,366,000	17.5%
FED	47,463,800	48,003,100	47,953,200	- 49,900	- 0.1	489,400	1.0
PR	110,868,600	109,538,700	109,774,700	236,000	0.2	- 1,093,900	- 1.0
SEG	<u>893,000</u>	<u>914,200</u>	<u>914,200</u>	<u>0</u>	<u>0.0</u>	<u>21,200</u>	<u>2.4</u>
<b>TOTAL</b>	<b>\$286,880,200</b>	<b>\$331,136,800</b>	<b>\$308,662,900</b>	<b>- \$22,473,900</b>	<b>- 6.8%</b>	<b>\$21,782,700</b>	<b>7.6%</b>

<b>FTE Position Summary</b>					
Fund	2020-21 Base	2022-23 Governor	2022-23 Jt. Finance	Joint Finance Change to:	
				Governor	2020-21 Base
GPR	408.58	414.58	405.58	- 9.00	- 3.00
FED	72.73	45.73	45.73	0.00	- 27.00
PR	258.08	262.08	258.08	- 4.00	0.00
SEG	<u>2.75</u>	<u>2.75</u>	<u>2.75</u>	<u>0.00</u>	<u>0.00</u>
<b>TOTAL</b>	<b>742.14</b>	<b>725.14</b>	<b>712.14</b>	<b>- 13.00</b>	<b>- 30.00</b>

## Budget Change Items

### 1. STANDARD BUDGET ADJUSTMENTS [LFB Paper 101]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Net Change</b>	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$11,811,000	- 2.00	- \$524,200	0.00	\$11,286,800	- 2.00
PR	- 683,300	0.00	- 103,400	0.00	- 786,700	0.00
FED	489,400	- 27.00	0	0.00	489,400	- 27.00
SEG	<u>21,200</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>	<u>21,200</u>	<u>0.00</u>
<b>GPR</b>	<b>\$11,638,300</b>	<b>- 29.00</b>	<b>- \$627,600</b>	<b>0.00</b>	<b>\$11,010,700</b>	<b>- 29.00</b>

**Governor:** Provide adjustments to the base totaling \$5,930,500 GPR, -\$344,300 PR, \$730,000 FED, \$10,500 SEG, -24.0 FED positions in 2021-22; and \$5,880,500 GPR, -\$339,000 PR, -\$240,600 FED, \$10,700 SEG, -2.0 GPR positions, and -27.0 FED positions in 2022-23.

Adjustments are for: (a) turnover reduction (-\$786,200 GPR and -\$155,000 PR annually); (b) removal of non-continuing elements from the base (-\$1,007,700 FED, and -24.0 FED positions in 2021-22; and -\$56,900 GPR, -\$1,978,400 FED, -2.0 GPR positions, and -27.0 FED positions in 2022-23); (c) full funding of continuing position salaries and fringe benefits (\$4,737,500 GPR, \$26,400 PR, \$1,885,100 FED, and -\$5,100 SEG annually); (d) overtime (\$710,700 GPR, \$532,700 PR, and \$11,000 SEG annually); (e) night and weekend differential pay (\$9,600 GPR and \$2,100 PR annually); and (f) full funding of lease and directed move costs (\$1,258,900 GPR, -\$750,500 PR, -\$147,400 FED, and \$4,600 SEG in 2021-22; and \$1,265,800 GPR, -\$745,200 PR, -\$147,300 FED, and \$4,800 SEG in 2022-23).

**Joint Finance:** Increase the rate used to calculate turnover reduction from 3% to 4% for all appropriations subject to a 3% turnover rate under the Governor's recommended budget. Reduce funding under the turnover reduction standard budget adjustment by \$262,100 GPR and \$51,700 PR annually.

## 2. TECHNICAL TRANSFERS WITHIN THE SAME APPROPRIATION

**Governor/Joint Finance:** Transfer positions annually within appropriations in DOJ between different subprograms, as identified in the table below, in order to align budgeted position authorization with assigned programmatic duties and personnel management systems.

<u>Fund Source/Program/ Appropriation</u>	<u>Subprogram</u>	<u>Positions</u>	<u>Funding</u>
<b>GPR</b>			
<b><i>Legal Services</i></b>			
Investigation and Prosecution	Legal services		-\$20,800
	Computing services		20,800
Law enforcement services	Crime laboratories	-33.10	-\$3,324,800
General program operations	Crime information bureau	-2.00	-246,300
	Training and standards bureau	0.90	153,800
	Criminal investigation	6.00	814,300
	Administrative services	-5.05	-682,100
	Computing services		22,800
	Narcotics enforcement	1.00	149,400
	Internet crimes against children task force	-0.40	-84,200
	DNA analysis resources	29.50	2,815,100
	Criminal justice programs	2.15	228,700
	Office of school safety	1.00	153,300
<b><i>Administrative services</i></b>			
General program operations	Legal services	-0.45	-\$28,400
	Administrative services	0.95	37,200
	Computing services	-0.50	-8,800

<u>Fund Source/Program/ Appropriation</u>	<u>Subprogram</u>	<u>Positions</u>	<u>Funding</u>
<b>PR</b>			
<b><i>Law enforcement services</i></b>			
Crime laboratories; DNA analysis	Crime laboratories	-1.00	-\$1,901,300
	Computing services		4,200
	DNA analysis resources	1.00	1,897,100
Terminal charges	Crime information bureau		-\$8,300
	Computing services		8,300
Drug law enforcement, crime laboratories, and genetic evidence activities	Crime laboratories	44.10	\$3,458,700
	Criminal investigation		-54,900
	Computing services		3,200
	Narcotics enforcement	-5.00	-385,500
	Internet crimes against children task force		-34,300
	DNA analysis resources	-39.10	-2,987,200
Law enforcement training fund, state operations	Crime laboratories	-1.00	-\$97,100
	Crime information bureau	1.00	97,100
	Training and standards bureau	-7.97	-842,500
	Administrative services	1.25	142,600
	Computing services		18,800
	Criminal justice programs	3.92	363,000
	Office of school safety	2.80	318,100
Interagency and intra-agency assistance	Crime information bureau	-0.10	-\$7,000
	Training and standards bureau	-0.20	-18,100
	Criminal investigation	0.10	7,000
	Criminal justice programs	0.20	18,100
Handgun purchaser record check; checks for licenses or certifications to carry concealed weapons	Crime information bureau		-\$32,300
	Computing services		32,300
Drug enforcement intelligence	Criminal investigation	-5.50	-\$679,400
	Narcotics enforcement	5.50	679,400
Criminal history searches, fingerprint identification	Crime laboratories	-1.00	-\$44,100
	Crime information bureau	1.00	400
	Training and standards bureau	-0.34	-31,600
	Computing services		43,700
	Criminal justice programs	0.34	31,600
Law enforcement programs and youth diversion -- administration	Training and standards bureau	-0.95	-\$82,700
	Criminal justice programs	0.95	82,700
WI justice information sharing program	Crime information bureau		-\$3,200
	Computing services		3,200
<b><i>Administrative services</i></b>			
Indirect cost reimbursements	Administrative services	-1.00	-\$86,700
	Office of school safety	1.00	86,700

<u>Fund Source/Program/ Appropriation</u>	<u>Subprogram</u>	<u>Positions</u>	<u>Funding</u>
<b>FED</b>			
<b><i>Law enforcement services</i></b>			
Federal aid, state operations	Crime laboratories	-4.00	-\$279,500
	Crime information bureau	-1.00	-53,400
	Training and standards bureau	-6.93	-607,800
	Criminal investigation	-1.00	-53,400
	Administrative services	-6.00	-381,300
	Internet crimes against children task force	1.00	53,400
	DNA analysis resources	4.00	279,500
	Criminal justice programs	7.93	661,200
	Office of school safety	6.00	381,300
Victims and witnesses	Office of Victim Services	-1.00	-\$90,400
Federal aid, state operations	Criminal justice programs	1.00	90,400
Federal aid, victim assistance	Office of Victim Services	-3.00	-\$242,400
	Criminal justice programs	3.00	242,400

### 3. PROGRAM REVENUE REESTIMATES [LFB Paper 395]

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
PR	-\$1,981,200	-\$281,000	-\$2,262,200

**Governor:** Provide adjustments totaling -\$925,600 in 2021-22 and -\$1,055,600 in 2022-23 to reflect current revenue projections and estimated program needs for the following program revenue appropriations:

a. -\$500,000 in 2021-22 and -\$630,000 in 2022-23 annually for crime victim and witness assistance surcharge for general services appropriation. The reestimate reduces expenditure authority, but does not change local assistance award amounts. Expenditures are reestimated to reflect revenue available. Base funding for the appropriation is \$6,752,800.

b. -\$461,700 annually for the investigation and prosecution appropriation. The reduction reflects a reestimate of expenses for investigation and prosecution of violations, including attorney fees. Base funding for the appropriation is \$650,700.

c. -\$445,900 annually for the terminal charges appropriation. Expenditures are reestimated to reflect revenue available for the TIME (transaction information for the management of enforcement) system. Base funding for the appropriation is \$2,056,000.

d. \$60,200 annually for the drug law enforcement training fund, local assistance appropriation. Reestimated expenditures are associated with payments for new recruit, recertification and specialized training to local law enforcement agencies, technical colleges and jail or secure detention agencies. Base funding for the appropriation is \$4,364,800.

e. \$100,000 annually for the general operations; child pornography surcharge appropriation. Expenditures are reestimated to reflect revenue available. Base funding for the appropriation is \$75,000.

f. \$140,500 annually for the alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information fee appropriation. Expenditures are reestimated to administer the treatment alternatives and diversion program. Base funding for the appropriation is \$1,078,400.

g. \$181,300 annually for the Wisconsin justice information sharing program appropriation. Expenditures are reestimated for general administration and the UCR and Use of Force data collection activities. Revenue to support the appropriation are from the justice information fee appropriation. Base funding for the appropriation is \$657,900.

**Joint Finance:** Modify the program revenue reestimates to delete item (f) associated with increased justice information surcharge funding for the treatment alternatives and diversion program.

**4. TREATMENT ALTERNATIVES AND DIVERSION PROGRAM EXPANSION**  
[LFB Paper 395]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$15,000,000	2.00	-\$12,500,000	-2.00	\$2,500,000	0.00

**Governor:** Provide \$15,000,000 and 2.0 positions in 2022-23 to expand the Treatment Alternatives and Diversion (TAD) program. Of the total, \$14,647,600 would be provided for increased grant funding, and \$352,400 to support 2.0 positions (\$104,300 for salaries and fringe benefits, \$158,800 for supplies and services, and \$89,300 in one-time costs). The TAD program provides grants to counties to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, which provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The drug court grant program provides grants to counties without an established drug court in order for those counties to establish and operate a drug court.

Modify the TAD grant program as follows:

a. Remove the specification that TAD grants be used for on alcohol and other drug treatment. Instead, allow grants to be used on programs that operate within the continuum from arrest to discharge from supervision and provides an alternative to prosecution, revocation, or incarceration through the use of pre-charge and post-charge diversion programs or treatment courts and community-based corrections. In connection with the broadening of the grant purposes, remove specific references to "mental health services" (for example, programs would be designed to "integrate all services" rather than "integrate all mental health services.") Specify that programs employ evidence-based practices targeted to the population served by the program.

b. Specify that programs be designed not only to promote, but also facilitate the implementation of effective criminal justice policies and practices that maximize justice. Further, specify that programs not only promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, and reduce recidivism, but also victim safety. Delete the requirement that TAD grants improve the welfare of participants' families by meeting the comprehensive needs of participants.

c. Specify that, if the program is administered by a tribe, the criminal justice oversight committee must consist of a representative of the judiciary, a representative of criminal prosecution and criminal defense, a social services provider, a behavioral health treatment provider, a law enforcement officer, a representative of corrections, and other members that the oversight committee determines are appropriate to the program.

d. Change the match requirement from 25 percent to 10 percent.

e. Allow, instead of require, an eligible program to charge participants a fee for their treatment.

f. Eliminate specific statutory requirements pertaining to exposure of genitals during drug testing.

g. Specify that if a person is participating in any evidence-based substance use disorder treatment program as determined by DOJ, regardless of its status relating to the TAD program, the court does not need to order a substance use assessment.

h. Beginning in 2021-22, change the competitive grant process from a five-year cycle to a four-year cycle. The modification is intended to better align the grant cycle and program reporting and evaluation timelines with the biennial budget.

i. Specify that modifications to TAD would first apply to grants awarded on or after the effective date of the bill.

**Joint Finance:** Remove statutory program modifications. Reduce funding by \$12,500,000 and 2.0 positions in 2022-23 for a net funding increase of \$2,500,000 in 2022-23.

**5. CONTINUE FUNDING CRIMINAL JUSTICE DIVERSION PROGRAMS AND INVESTIGATIONS [LFB Papers 395, 396, and 397]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
GPR	\$3,522,000	- \$522,000	\$3,000,000
PR	<u>1,500,000</u>	<u>0</u>	<u>1,500,000</u>
Total	\$5,022,000	- \$522,000	\$4,500,000

**Governor:** Provide \$1,761,000 GPR and \$750,000 PR annually to provide on-going funding to support grant and operational programs at the 2020-21 levels. Provide GPR funding for: (a) the treatment alternatives and diversion (TAD) program (\$500,000 GPR annually); (b) the

drug court program (\$500,000 GPR annually); (c) the pre-booking diversion pilot program (\$261,000 GPR annually); and (d) criminal investigation operations (\$500,000 GPR annually). Modify current law to statutorily specify the transfer of program revenue supporting statewide Internet Crimes Against Children (ICAC) Taskforces at the current level (\$750,000 PR annually). Under 2019 Act 9, the transfer to ICAC taskforces was made on a non-statutory, one-time basis. The equivalent amounts of GPR and PR funding were provided for the above purposes as one-time funding in the 2019-21 biennium and are, therefore, not included in the Department's base budget.

Remove the June 30, 2021, sunset date for the pre-booking diversion pilot program.

**Joint Finance:** Remove the continuation of the pre-booking diversion pilot program (item (c) above).

**6. TREATMENT ALTERNATIVES AND DIVERSION ADMINISTRATION [LFB Paper 396]**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$494,900	3.00	-\$494,900	- 3.00	\$0	0.00

**Governor:** Provide \$221,400 in 2021-22 and \$273,500 in 2022-23, and 3.0 positions annually, to administer and evaluate the TAD grant program and drug court grant program. The positions would perform the following duties: (a) evaluate the TAD and drug court grant program as required under statute; (b) provide grant recipients technical assistance as they develop and implement their projects; and (c) provide fiscal oversight for the TAD and drug court grant program.

**Joint Finance:** Provision not included.

**7. COUNTY VICTIM WITNESS REIMBURSEMENT APPROPRIATION [LFB Paper 398]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
GPR	\$9,497,800	-\$7,949,800	\$1,548,000
PR	<u>- 1,497,800</u>	<u>1,497,800</u>	<u>0</u>
Total	\$8,000,000	-\$6,452,000	\$1,548,000

**Governor:** Provide \$4,000,000 GPR annually in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime. Reduce PR funding for county victim witness reimbursement provided from the penalty surcharge by \$748,900 PR annually and instead provide \$748,900 GPR annually. Under current law, counties are eligible to receive

reimbursement from the state for not more than 90% of the costs incurred in providing victim and witness services. Base funding of \$748,900 is currently provided by program revenue from the crime and delinquency victim witness surcharges and the penalty surcharge

**Joint Finance:** Retain the current program revenue funding for the reimbursement. Modify funding by -\$4,039,900 GPR and \$748,900 PR in 2021-22 and -\$3,909,900 GPR and \$748,900 PR in 2022-23 for net funding of \$709,000 GPR in 2021-22 and \$839,000 GPR in 2022-23 in a new annual appropriation to reimburse counties for services provided to victims and witnesses of crime.

**8. VIOLENCE INTERRUPTION GRANTS [LFB Paper 399]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
GPR	\$1,000,000	- \$1,000,000	\$0
PR	<u>1,000,000</u>	<u>- 1,000,000</u>	<u>0</u>
Total	\$2,000,000	- \$2,000,000	\$0

**Governor:** Provide \$1,000,000 PR in 2021-22 and \$1,000,000 GPR in 2022-23 to create a program that supports grants to community organizations that use evidence-based strategies to mediate conflicts, prevent retaliation and connect individuals to community support. Create an annual GPR appropriation and a continuing PR appropriation for the program. In 2021-22, specify \$1,000,000 would be transferred from DOJ's continuing GPR-funded school safety grants appropriation to the new PR appropriation. In 2022-23, \$1,000,000 GPR would be provided in the new GPR appropriation.

**Joint Finance:** Provision not included.

**9. SEXUAL ASSAULT VICTIM SERVICES GRANT PROGRAM**

GPR	\$200,000
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**Governor:** Provide \$100,000 annually in the sexual assault victim services appropriation and direct that DOJ provide a grant to the Wisconsin Coalition Against Sexual Assault and specify that the Coalition may also apply for additional grants under the program. Base funding for the appropriation is \$2,134,000.

**Joint Finance:** Modify to remove specifications that money be granted to WI Coalition against Sexual Assault.



**10. CRIMINAL INVESTIGATION GIFTS, GRANTS AND PROCEEDS APPROPRIATION**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
PR	\$10,000	- \$10,000	\$0

**Governor:** Convert the criminal investigation gifts, grants and proceeds appropriation from an annual appropriation to a continuing appropriation. As a continuing appropriation, DOJ would be authorized to expend any available cash balances credited to each appropriation regardless of appropriated levels authorized by the Legislature. Estimate expenditure authority at \$5,000 annually. Expenditures are reestimated to reflect revenue available. Base funding for the appropriation is \$0.

**Joint Finance:** Provision not included.

**11. SEXUAL ASSAULT KIT STORAGE AND PROCESSING**

**Governor:** Create procedures for transmission, processing, and storage of sexual assault kits. Under the bill, a health care professional who collects a sexual assault kit would be required to do one of the following: (a) if the victim wants to report the sexual assault to law enforcement, the health care professional must notify a law enforcement agency within 24 hours of collecting the kit; or (b) if the victim does not want to report the sexual assault to law enforcement, the health care professional would send the kit to the state crime laboratories within 72 hours for storage. Specify that if a law enforcement agency has received notification from a health care professional that a kit has been collected, the law enforcement agency would take possession of the kit within 72 hours and would send the kit to the state crime laboratories for processing within 14 days. Further, specify that if the victim changes his or her mind about wanting to have his or her kit analyzed after it is given to a law enforcement agency but before the agency sends the kit to the state crime laboratories for processing, the agency would send the kit to the state crime laboratories for storage rather than for processing.

Require that once the state crime laboratories takes possession of a sexual assault kit, it do one of the following: (a) if it has received the kit of a person who has not consented to analysis, securely store the kit for a period of 10 years; or (b) if it has received the kit of a person who has consented to analysis, process the kit and then send it to a law enforcement agency to store the kit for a period of 50 years, or until the date of the expiration of the statute of limitations, or until the end of a term of imprisonment or probation of a person convicted in the sexual assault case, whichever is longer.

**Joint Finance:** Provision not included.

**12. CRIME LABORATORY TOXICOLOGY TESTING [LFB Paper 400]**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
PR	\$923,800	4.00	-\$468,800	- 4.00	\$455,000	0.00

**Governor:** Provide \$645,200 in 2021-22 and \$278,600 in 2022-23 and 4.0 positions annually supported by revenues from the DNA and Crime Lab and Drug Law Enforcement surcharges, to address the demand for forensic toxicology testing performed by the state crime laboratories, and to add instrumentation necessary to identify synthetic drugs and drug analogs that are toxic at very low levels. Of the total, \$455,000 in 2021-22 is provided as one-time funding. The forensic toxicology program identifies and quantifies drugs and alcohols in biological samples submitted by law enforcement agencies related to felony investigations.

**Joint Finance:** Modify to provide only \$455,000 in 2021-22 for laboratory instrumentation supported by revenues from the DNA and Crime Lab and Drug Law Enforcement surcharges.

**13. FIRST RESPONDER AND CRIMINAL JUSTICE TRAINING [LFB Paper 401]**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$263,200	2.00	-\$263,200	- 2.00	\$0	0.00

**Governor:** Provide \$114,200 in 2021-22 and \$149,000 in 2022-23 and 2.0 positions to assist with first responder training. One of the positions would research, develop, and deliver training programs focused on issues including implicit bias, procedural justice, and racial intelligence education. The second position would focus on supporting the mental health and resiliency of first responders by developing wellness programs, increasing access to peer support programs, and working closely with an advisory group to assist in the development of regional peer support training, manuals, and technical assistance. The Training and Standards Bureau's budget in 2020-21 is \$9,758,200 and 17.57 positions, comprised of \$2,300,000 GPR, \$7,458,200 PR and 17.57 PR positions.

**Joint Finance:** Provision not included.

**14. ALTERNATE EMERGENCY RESPONSE EXPANSION AND 9-1-1 DIVERSION [LFB Paper 402]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
GPR	\$560,000	-\$560,000	\$0

**Governor:** Provide \$280,000 annually in a newly created annual appropriation for a grant to counties with a population of 750,000 or more to support: (a) expanding the capacity of behavioral crisis lines that provide an alternative to 9-1-1 for nonemergency behavioral health issues; and (b) the research, design and personnel costs of creating programs to divert behavioral health situations from 9-1-1 centers. Require a county to submit an application to DOJ that includes a proposed plan for expenditure of the grant moneys. Require DOJ to review an application and plan to determine whether these materials meet the DOJ established criteria. Further, require DOJ to review the use of grant money in order to ensure that the grant is used in accordance with the approved plan. Specify that the criteria and procedures developed by DOJ need not be promulgated as administrative rules. Currently, only Milwaukee County would qualify for this grant program.

**Joint Finance:** Provision not included.

**15. YOUTH DIVERSION PROGRAM FUNDING [LFB Paper 403]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
GPR	\$1,344,800	-\$1,344,800	\$0
PR	<u>-1,344,800</u>	<u>1,344,800</u>	<u>0</u>
Total	\$0	\$0	\$0

**Governor:** Provide \$672,400 GPR and -\$672,400 PR annually for the youth diversion program to replace penalty surcharge funding with GPR. Create an annual GPR appropriation to provide supplemental funding for the program.

The youth diversion program is currently funded primarily by penalty surcharge funding. The program provides services in Brown, Kenosha, Milwaukee, and Racine counties for the diversion of youths from gang activities into productive activities such as educational, recreational, and employment programs.

In recent years the penalty surcharge fund has operated in deficit. In 2019-20, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$17,565,100. The Department of Justice estimates that the penalty surcharge fund will close the 2020-21 state fiscal year with a cumulative deficit of \$20,668,600.

**Joint Finance:** Provision not included.

**16. PAY PROGRESSION--ASSISTANT ATTORNEYS GENERAL [LFB Paper 270]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
GPR	\$1,190,100	-\$1,190,100	\$0
PR	223,400	- 223,400	0
FED	<u>49,900</u>	<u>- 49,900</u>	<u>0</u>
Total	\$1,463,400	-\$1,463,400	\$0

**Governor:** Provide \$408,600 GPR, \$76,400 PR, and \$21,400 FED in 2021-22 and \$781,500 GPR, \$147,000 PR, and \$28,500 FED in 2022-23 to support pay progression plan for assistant attorney general (AAGs) attorneys. The AAG pay progression plan is merit-based and consists of 17 hourly salary steps, with each step equal to one seventeenth of the difference between the lowest annual salary (\$54,434) and the highest annual salary (\$131,456). The value of one hourly salary step equals \$4,534 annually. Notwithstanding the creation of a 17 hourly salary step pay progression plan, the Attorney General is authorized to: (a) deny annual salary increases to individual AAGs; and (b) increase the salary of individual AAGs by up to 10% per year. Funding recommended is approximately equal to one step in each year of the biennium.

**Joint Finance:** Provision not included.

**17. EQUITY OFFICER POSITION**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$140,200	1.00	-\$140,200	- 1.00	\$0	0.00

**Governor:** Provide \$61,500 in 2021-22 and \$78,700 in 2022-23 and 1.0 GPR position to create an agency equity officer position. The agency equity officer would be responsible for coordinating with other agency equity officers and identifying opportunities to advance equity in government operations. [See "Administration -- General Agency Provisions."]

**Joint Finance:** Provision not included.

**18. OPEN RECORDS LOCATION COST THRESHOLD**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
GPR	\$2,000	-\$2,000	\$0

**Governor:** Modify the cost threshold for first charging a fee for locating a public record to be \$100 or more in costs, rather than \$50 or more, before an authority may impose a fee to cover the actual, necessary, and direct cost of locating the record. Provide \$1,000 annually to allow the Office of Open Government to update documents and training materials related to the increased threshold. Under current law, an authority may impose a fee on a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

**Joint Finance:** Provision not included.

**19. BODY WORN CAMERA GRANTS**

**Joint Finance:** Provide \$2,000,000 GPR in Joint Finance's supplemental appropriation for law enforcement agency body worn camera grants to be authorized under pending legislation. Create a new continuing GPR appropriation for the purposes of the grants in the Department of Justice. The fiscal effect of this item is shown under "Program Supplements."

**20. LAKESHORE REGIONAL CHILD ADVOCACY CENTER**

**Joint Finance:** Add Lakeshore Regional Child Advocacy Center in Ozaukee County to the list of centers receiving child advocacy grants.

**21. LAW ENFORCEMENT TRAINING GRANTS**

GPR	\$4,000,000
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**Joint Finance:** Provide \$2,000,000 GPR annually in a new GPR appropriation for law enforcement training fund reimbursements.

**22. COMMUNITY ORIENTED POLICE HOUSING GRANTS**

**Joint Finance:** Provide \$1,000,000 GPR in Joint Finance's supplemental appropriation for community oriented police houses to be authorized under pending legislation. Create a new GPR appropriation for the purposes of the grants in the Department of Justice. The fiscal effect of this item is shown under "Program Supplements."

**23. TRANSFER FROM DOJ**

GPR	-\$60,000
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**Joint Finance:** Reduce DOJ's Legal Services General Program Operations appropriation, 20.455(1)(a), by \$60,000 GPR in 2021-22 on a one-time basis. Reestimate funding for the Assembly and the Senate by \$30,000 GPR each in 2021-22.

**24. AAG CIVIL LITIGATION**

	Funding	Positions
GPR	-\$108,800	- 1.00

**Joint Finance:** Remove \$54,400 annually and a vacant 1.0 assistant attorney general position.

**25. USE OF FORCE, TRAINING AND RECRUITMENT, NO-KNOCK WARRANTS AND UNNECESSARILY SUMMONING LAW ENFORCEMENT OFFICERS**

**Governor:** Modify law enforcement use of force policy requirements in the following ways:

1. Require the law enforcement agency to post its use of force policy on the law enforcement agency website or, if the agency does not have one, on a website maintained by the municipality over which the law enforcement agency has jurisdiction. Under current law, each law

enforcement agency must have a written public policy that regulates the use of force by law enforcement officers.

2. Require each law enforcement agency to ensure that its use of force policy incorporates the following principles: (a) that the primary duty of all law enforcement is to preserve the life of all individuals; (b) that deadly force is to be used only as the last resort; (c) that chokeholds are banned; (d) that officers should use skills and tactics that minimize the likelihood that force will become necessary; (e) that, if officers must use physical force, it should be the least amount of force necessary to safely address the threat; and (f) that law enforcement officers must take reasonable action to stop or prevent any unreasonable use of force by their colleagues.

3. Require each law enforcement officer to annually complete at least eight hours of training on use-of-force options and techniques a law enforcement officer may use to de-escalate a potentially unstable situation.

4. Prohibit disciplining a law enforcement officer for reporting a violation of a law enforcement agency's use of force policy.

5. Require the Law Enforcement Standards Board (LESB) to develop a model use of force policy for law enforcement agencies. The model policy must address interactions with individuals with mental disorders, alcohol or drug problems, dementia disorders, and developmental disabilities; limit the use of force against vulnerable populations; and include other best practices that LESB identifies.

*Reports on Use of Force Incidents.* Require DOJ to collect data and publish an annual report on law enforcement use of force incidents, including incidents where there was a shooting, where a firearm was discharged in the direction of a person (even if there was no injury), and where other serious bodily harm resulted from the incident. Require certain demographic information to be collected about each such incident, and report annually by DOJ.

*Cause of Action for Unnecessarily Summoning a Law Enforcement Officer.* Create a civil cause of action for unnecessarily summoning a law enforcement officer. A person may bring an action against another person who, with the intent to do any of the following, causes a law enforcement officer to arrive at a location to contact the person: (a) infringe upon a constitutional right of the person; (b) unlawfully discriminate against the person; (c) cause the person to feel harassed, humiliated, or embarrassed; (d) cause the person to be expelled from a place in which the person is lawfully located; (e) damage the person's reputation or standing within the community; or (f) damage the person's financial, economic, consumer, or business prospects or interests.

Under the bill, the person may recover the greater of: (a) special and general damages, including damages for emotional distress, or an amount equal to \$250 for each defendant found liable; (b) punitive damages; and (c) costs, including all reasonable attorney fees and other costs of the investigation and litigation that were reasonably incurred.

*Prohibition on No-knock Warrants.* Require that a law enforcement officer executing a search warrant must, before entering the premises, identify himself or herself as a law enforcement officer and announce the authority and purpose of the entry. Under current law, a law enforcement

officer executing a search warrant must knock and announce before entering unless, at the time the warrant is executed, the law enforcement officer has a reasonable suspicion that knocking and announcing will be dangerous or futile or will inhibit the effective investigation of the crime.

*Training and Recruiting Officers.* Modify certain responsibilities of the Law Enforcement Standards Board.

1. Require LESB to not only regulate law enforcement training, but also regulate jail and juvenile detention officer training standards, and to regulate recruitment standards for the recruiting of new law enforcement, jail, and juvenile detention officers.
2. Require each law enforcement agency to maintain an employment file for each employee.
3. Require each candidate that is or has been employed by a different agency, jail, or facility to authorize that employer to disclose his or her employment files to the recruiting agency, jail, or facility and to release that employer from any liability related to the use and disclosure of the files.

Under current law, LESB regulates the training of law enforcement officers.

**Joint Finance:** Provision not included.

## **26. COLLECTION OF DATA FROM TRAFFIC STOPS**

**Governor:** Require law enforcement agencies to collect the following information concerning motor vehicle stops made on or after January 1, 2022: (a) the name, address, gender, and race of the operator of the motor vehicle, with the officer subjectively determining the person's race as being Caucasian, Black or African American, Hispanic, American Indian or Alaska Native, or Asian or Pacific Islander; (b) the reason for the motor vehicle stop; (c) the make and year of the motor vehicle; (d) the date, time, and location of the motor vehicle stop; (e) whether or not a law enforcement officer conducted a search of the motor vehicle, the operator, or any passenger and, if so, whether the search was with consent or by other means; (f) the name, address, gender, and race of any person searched; and (g) the name and badge number of the officer making the motor vehicle stop. Specify that information collected concerning motor vehicle stops would not be subject to inspection or copying as a public record.

Require law enforcement agencies to forward collected information to DOJ using a format prescribed in administrative rules promulgated by DOJ. Require DOJ to compile and analyze the collected information, along with any other relevant information, to determine, both for the state as a whole and for each law enforcement agency, whether: (a) the number of stops and searches involving motor vehicles operated or occupied by members of a racial minority are disproportionate compared to the number of stops and searches involving motor vehicles operated or occupied solely by persons who are not members of a racial minority; and (b) any disproportion is the result of racial profiling, racial stereotyping or other race-based discrimination or selective enforcement.

Beginning on or before March 31, 2023, and annually thereafter, require DOJ to prepare a report that summarizes the information submitted. Specify that the report be submitted to the Governor, the Legislature and the Director of State Courts.

**Joint Finance:** Provision not included.

## 27. UNIVERSAL BACKGROUND CHECK

**Governor:** Prohibit any person from transferring any firearm, including the frame or receiver of a firearm, unless the transfer occurs through a federally-licensed firearms dealer and involves a background check of the prospective transferee. This would expand DOJ's responsibility to include all firearms, rather than handguns and most transfers, rather than purchases.

Under the bill, the following are excepted from that prohibition: (a) a transfer to a firearms dealer or to a law enforcement or armed services agency; (b) a transfer of a firearm classified as antique; or (c) a transfer that is by gift, bequest, or inheritance to a family member over 18 years of age. A person who is convicted of violating the prohibition is guilty of a misdemeanor and must be fined not less than \$500 nor more than \$10,000, may be imprisoned for not more than nine months, and may not possess a firearm for a period of two years.

Current law provides that a federally-licensed firearms dealer may not transfer a handgun after a sale until the dealer has performed a background check on the prospective transferee to determine if he or she is prohibited from possessing a firearm under state or federal law. In Wisconsin, the Firearms Unit within DOJ's Crime Information Bureau processes background checks on purchasers of handguns. The FBI continues to be responsible for background checks on purchasers of long guns in Wisconsin. States which process background checks are also authorized to extend their background checks beyond the requirements under federal law. Wisconsin handgun background checks include a review of databases not routinely searched by the FBI as a part of a federal background search such as CCAP and the DOJ database of juveniles found adjudicated delinquent for an offense that would have been a felony if committed by an adult.

**Joint Finance:** Provision not included.

## 28. SETTLEMENT POWERS OF THE ATTORNEY GENERAL

**Governor:** Repeal the provision of 2017 Act 369 which requires the Attorney General when compromising or discontinuing a civil action which DOJ is prosecuting to either receive the approval of a legislative intervenor or, if there is no intervenor, the Joint Finance Committee (JFC) and, if the plan concedes the unconstitutionality or other invalidity of statute, the Joint Committee on Legislative Organization (JCLO).

Repeal the provision of Act 369 which requires DOJ, in defending actions for injunctive relief or an action involving a proposed consent decree, to obtain approval of any legislative intervenor or, if there is no intervenor, JFC, and, if the plan concedes the unconstitutionality or other invalidity of statute, JCLO.



Under the bill, settlement powers would be reestablished as before Act 369. The Attorney General would be allowed to compromise or discontinue actions prosecuted by DOJ: (a) when directed by the officer, department, board, or commission that directed the prosecution; or (b) with the approval of the Governor when the action is prosecuted by DOJ on the initiative of the Attorney General or at the request of any individual.

Under the bill, when DOJ is representing the defense, the Attorney General may compromise and settle the action as the Attorney General determines to be in the best interest of the state.

**Joint Finance:** Provision not included.

## 29. SETTLEMENT REVENUES AND APPROPRIATION

**Governor:** Remove the provision created in 2017 Act 369 which requires DOJ to deposit all settlement funds into the general fund. Instead, specify that before the Attorney General may expend settlement funds deposited to the administrative services gifts, grants and proceeds appropriation that are not committed by the terms of a settlement, he or she is required to submit a proposed plan for the expenditure of the funds to the Joint Committee on Finance. If the Co-chairs of the Committee do not notify the Attorney General within 14 working days after the submittal that the Committee has scheduled a meeting for the purpose of reviewing the proposed plan, the Attorney General may expend the funds to implement the proposed plan. If, within 14 working days, the Co-chairs notify the Attorney General that a meeting has been scheduled, the attorney general may expend the funds only to implement the plan as approved by the Committee. The provision under the bill is identical to one enacted in 2017 Act 59 (the 2017-19 biennial budget) which was subsequently replaced by the Act 369 provision (current law).

Convert DOJ's gifts and grant appropriation from an annual to continuing appropriation. As a continuing appropriation, DOJ would be authorized to expend any available cash balance credited to the appropriation regardless of appropriated levels authorized by the Legislature.

**Joint Finance:** Provision not included.

## 30. ADMINISTRATIVE SERVICES GIFTS AND GRANTS RE-ESTIMATE

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance (Chg. to Gov)</b>	<b>Net Change</b>
PR	\$520,000	-\$520,000	\$0

**Governor:** Estimate expenditure authority for the appropriation administrative services gifts, grants and proceeds at \$260,000 annually. Expenditures are reestimated to support trainings, conferences and other administrative services and supplies that collect proceeds and non-federal grant revenues. Base funding for the appropriation is \$0.

**Joint Finance:** Provision not included.

### 31. QUI TAM ACTIONS FOR FALSE CLAIMS

**Governor:** Create authority for a private individual to bring a qui tam claim against a person who makes a false or fraudulent claim to a state agency including a false or fraudulent claim for medical assistance. A qui tam claim is a claim initiated by a private individual on his or her own behalf and on behalf of the state against a person who makes a false claim relating to moneys owed by a state agency, including for medical assistance. Create a PR continuing appropriation for funds paid to the state that are owed to a relator. (A relator is a party bringing a qui tam lawsuit.)

Under the bill, a private individual may be awarded up to 30% of the amount recovered as a result of a qui tam claim, depending upon the extent of the individual's contribution to the prosecution of the action. The individual may also be entitled to reasonable expenses incurred in bringing the action, as well as attorney fees.

Federal law currently contains separate federal qui tam claim provisions. Under the bill, provisions enacted in the federal Deficit Reduction Act of 2005 and the federal False Claims Act are incorporated, including expanding provisions of state law to facilitate qui tam actions and modifying the basis for liability to parallel the liability provisions under the federal False Claims Act. Under the bill, provisions would provide DOJ with authority to parallel the liability and penalty standards relating to qui tam claims, and to parallel the forfeiture amounts provided under the federal False Claims Act, which are adjusted in accordance with the federal Civil Penalties Inflation Adjustment Act. These provisions may allow the state to claim additional Medicaid funding. [See "Health Services -- Medical Assistance and FoodShare Administration"]

Under current law, DOJ has authority to bring a claim against a person for making a false claim for medical assistance. In 2015 Act 55, the ability of private individuals to initiate qui tam claims on behalf of the state (at the time related only to medical assistance) was eliminated. The state's initial qui tam claim provisions were created in the 2007-09 biennial budget (2007 Act 20).

**Joint Finance:** Provision not included.