



State of Wisconsin
2025 - 2026 LEGISLATURE

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CMH&MJW:wj/ew/km/cs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 85**

March 13, 2025 - Offered by Representative MCGUIRE.

1 **AN ACT** *to repeal* 20.455 (2) (eg), 20.455 (2) (em), 165.95 (2), 165.95 (2r), 165.95
2 (3) (a), 165.95 (3) (k), 165.95 (5m), 165.95 (7), 165.95 (10) and 165.955; *to*
3 **renumber and amend** 20.455 (2) (jd), 20.455 (2) (kn), 20.455 (2) (kv), 165.95
4 (3) (i), 165.95 (5) (a), 165.95 (5) (b), 165.95 (6), 165.95 (7m) and 165.95 (9); *to*
5 **amend** 20.505 (1) (id) 5., 20.625 (1) (cg), 46.47 (1) (b), 165.25 (10m) (intro.),
6 165.95 (title), 165.95 (3) (intro.), 165.95 (3) (b), 165.95 (3) (d), 165.95 (3) (e),
7 165.95 (3) (g), 165.95 (3) (h), 165.95 (3) (j), 165.95 (5) (bg), 165.95 (5p) (a),
8 165.95 (5p) (b), 165.95 (8), 302.43, 961.385 (2) (cm) 3. b., 961.41 (5) (c) 2.,
9 961.472 (5) (b), 967.11 (1), 973.043 (3) and 973.155 (1m); *to create* 16.075,
10 20.505 (1) (cb), 20.625 (1) (d), 165.95 (1) (ac), 165.95 (2m), 165.95 (3) (ag),
11 165.95 (3) (bd), 165.95 (3) (cm) 2., 758.19 (5) (bf), 758.19 (5) (bm), 758.19 (5)

1 (bn), 758.19 (5) (d) and 758.19 (5) (g) of the statutes; **relating to:** treatment
2 alternatives and diversion program and making an appropriation.

Analysis by the Legislative Reference Bureau

Alternatives to prosecution and incarceration programs

Under current law, the Department of Justice operates the alternatives to incarceration grant program and the drug courts grant program under which DOJ provides grants to counties and tribes for providing alternatives to prosecution and incarceration for persons who abuse alcohol or other drugs and diverting substance-abusing persons from prison or jail into treatment.

Under the bill, December 31, 2026, is the last day these DOJ grant programs will be in effect. Beginning on January 1, 2027, the Department of Administration will operate a grant program for tribes to provide alternatives to prosecution and incarceration programs, and counties will be required to operate such programs to be eligible for certain circuit court payments from the Director of State Courts.

Under current law, the Director of State Courts must make payments to counties for certain circuit court costs. Under the bill, beginning on January 1, 2026, the Director of State Courts must make additional payments to circuit courts, including a payment that, beginning January 1, 2027, is available only to counties that operate an alternatives to prosecution and incarceration program.

Alternatives to incarceration grant program position transfers to supreme court

This bill transfers 3.0 FTE GPR positions that administer the alternatives to incarceration grant program, and the incumbent employees holding those positions, from DOJ to the Wisconsin Supreme Court on January 1, 2027.

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

3 **SECTION 1.** 16.075 of the statutes is created to read:

4 **16.075 Grants to tribes for alternatives to prosecution and**
5 **incarceration programs. (1)** In this section, “tribe” has the meaning given in s.
6 165.91 (1).

7 **(2)** From the appropriation under s. 20.505 (1) (cb), the department shall
8 make grants to tribes for alternatives to prosecution and incarceration programs
9 that meet the criteria specified in s. 165.95 (3).

1 (5) Grants made under sub. (2) shall be provided on a calendar year basis.

2 (6) The department of justice shall assist the department with its duties
3 under this section.

4 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
5 insert the following amounts for the purposes indicated:

| | | | | 2025-26 | 2026-27 |
|----|---|-----|---|----------------|----------------|
| 6 | | | | | |
| 7 | 20.505 Administration, department of | | | | |
| 8 | (1) SUPERVISION AND MANAGEMENT | | | | |
| 9 | (cb) Grants to tribes for alternatives | | | | |
| 10 | to prosecution and incarceration | | | | |
| 11 | programs. | GPR | A | -0- | 142,500 |

12 **20.625 Circuit courts**

13 (1) COURT OPERATIONS

14 (d) Circuit court costs supplement GPR B 24,596,100 180,100

15 **SECTION 3.** 20.455 (2) (eg) of the statutes is repealed.

16 **SECTION 4.** 20.455 (2) (em) of the statutes is repealed.

17 **SECTION 5.** 20.455 (2) (jd) of the statutes is renumbered 20.625 (1) (jd) and
18 amended to read:

19 20.625 (1) (jd) *Alternatives to prosecution and incarceration grant program.*

20 The amounts in the schedule to provide ~~grants under s. 165.95 (2)~~ payments to
21 counties ~~that are not a recipient of a grant under the~~ for the county to establish and
22 operate alternatives to prosecution and incarceration grant program on September
23 23, 2017 that comply with the criteria specified in s. 165.95 (3). All moneys

SECTION 5

1 transferred under 2017 Wisconsin Act 59, section 9228 (15t), and 2023 Wisconsin
2 Act 19, section 9227 (1), shall be credited to this appropriation account.

3 **SECTION 6.** 20.455 (2) (kn) of the statutes is renumbered 20.625 (1) (kn) and
4 amended to read:

5 20.625 (1) (kn) *Alternatives to prosecution and incarceration for persons who*
6 *use alcohol or other drugs; justice information fee.* The amounts in the schedule for
7 administering and making ~~grants~~ payments to counties ~~and tribes under that~~
8 comply with the criteria specified in s. 165.95 (2) (3). All moneys transferred from
9 the appropriation account under s. 20.505 (1) (id) 5. shall be credited to this
10 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
11 balance on June 30 of each year shall be transferred to the appropriation account
12 under s. 20.505 (1) (id).

13 **SECTION 7.** 20.455 (2) (kv) of the statutes is renumbered 20.625 (1) (kv) and
14 amended to read:

15 20.625 (1) (kv) ~~Grants for substance abuse treatment programs~~ Programs for
16 *criminal offenders.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the
17 purpose of making ~~grants~~ payments to counties ~~and tribes under that~~ comply with
18 the criteria specified in s. 165.95 (2) (3).

19 **SECTION 8.** 20.505 (1) (cb) of the statutes is created to read:

20 20.505 (1) (cb) *Grants to tribes for alternatives to prosecution and*
21 *incarceration programs.* The amounts in the schedule for grants to federally
22 recognized American Indian tribes or bands in this state under s. 16.075 (2).

23 **SECTION 9.** 20.505 (1) (id) 5. of the statutes is amended to read:

SECTION 9

1 20.505 (1) (id) 5. The amount transferred to s. ~~20.455 (2)~~ 20.625 (1) (kn) shall
2 be the amount in the schedule under s. ~~20.455 (2)~~ 20.625 (1) (kn).

3 **SECTION 10.** 20.625 (1) (cg) of the statutes is amended to read:

4 20.625 (1) (cg) *Circuit court costs.* Biennially, the amounts in the schedule to
5 make payments to counties for circuit court costs under s. 758.19 (5) (b).

6 **SECTION 11.** 20.625 (1) (d) of the statutes is created to read:

7 20.625 (1) (d) *Circuit court costs supplement.* Biennially, the amounts in the
8 schedule to make payments to counties for circuit court costs under s. 758.19 (5)
9 (bf), (bm), and (bn).

10 **SECTION 12.** 46.47 (1) (b) of the statutes is amended to read:

11 46.47 (1) (b) The county or tribe has an established ~~drug court, as defined~~
12 alternatives to prosecution and incarceration program, as described in s. 165.955
13 ~~(1)~~ 165.95 (3).

14 **SECTION 13.** 165.25 (10m) (intro.) of the statutes is amended to read:

15 165.25 (10m) REPORT ON GRANTS. (intro.) Beginning on January 15, 2015,
16 and annually thereafter, the department of justice shall submit a report to the
17 legislature under s. 13.172 (2), regarding its administration of grant programs
18 under ~~ss. s. 165.95, 2023 stats., s. 165.955, 2023 stats., and ss. 165.96, 165.986, and~~
19 165.987. The report shall include, for each grant program, all of the following
20 information:

21 **SECTION 14.** 165.95 (title) of the statutes is amended to read:

22 **165.95** (title) **Alternatives to prosecution and incarceration; grant**
23 **program programs.**

24 **SECTION 15.** 165.95 (1) (ac) of the statutes is created to read:

SECTION 15

1 165.95 (1) (ac) “Evidence-based practice” means a practice that has been
2 developed using research to determine its efficacy for achieving positive measurable
3 outcomes, including reducing recidivism and increasing public safety.

4 **SECTION 16.** 165.95 (2) of the statutes is repealed.

5 **SECTION 17.** 165.95 (2m) of the statutes is created to read:

6 165.95 (2m) No later than January 1, 2027, each county shall operate an
7 alternatives to prosecution and incarceration program described under sub. (3). No
8 later than December 31, 2026, and by each December 31 thereafter, each county
9 shall certify to the director of state courts that is has, or will have, a qualifying
10 alternatives to prosecution and incarceration program by January 1 of the next
11 calendar year. The director of state courts may consult with the department of
12 justice to confirm whether the county operates a qualifying alternatives to
13 prosecution and incarceration program.

14 **SECTION 18.** 165.95 (2r) of the statutes is repealed.

15 **SECTION 19.** 165.95 (3) (intro.) of the statutes is amended to read:

16 165.95 (3) (intro.) ~~A county or tribe shall be eligible for a grant under sub. (2)~~
17 program under this section, including a suspended and deferred prosecution
18 program and a program based on principles of restorative justice, shall be
19 considered an alternatives to prosecution and incarceration program if all of the
20 following apply:

21 **SECTION 20.** 165.95 (3) (a) of the statutes is repealed.

22 **SECTION 21.** 165.95 (3) (ag) of the statutes is created to read:

23 165.95 (3) (ag) The program operates within the continuum from arrest to
24 discharge from supervision and provides an alternative to prosecution, revocation,

SECTION 21

1 or incarceration through the use of pre-charge and post-charge diversion programs
2 or treatment courts and community-based corrections.

3 **SECTION 22.** 165.95 (3) (b) of the statutes is amended to read:

4 165.95 (3) (b) The program employs evidence-based practices and is designed
5 to promote and facilitate the implementation of effective criminal justice policies
6 and practices that maximize justice and public and victim safety, reduce prison and
7 jail populations, reduce prosecution and incarceration costs, and reduce recidivism,
8 ~~and improve the welfare of participants' families by meeting the comprehensive~~
9 ~~needs of participants.~~

10 **SECTION 23.** 165.95 (3) (bd) of the statutes is created to read:

11 165.95 (3) (bd) The program identifies each target population served by the
12 program and identifies the evidence-based practices the program employs for each
13 target population it serves.

14 **SECTION 24.** 165.95 (3) (cm) 2. of the statutes is created to read:

15 165.95 (3) (cm) 2. If the program is administered by a tribe, the criminal
16 justice oversight committee shall consist of a representative of the judiciary, a
17 representative of criminal prosecution and criminal defense, a social services
18 provider, a behavioral health treatment provider, a law enforcement officer, a
19 representative of corrections, and other members that the oversight committee
20 determines are appropriate to the program.

21 **SECTION 25.** 165.95 (3) (d) of the statutes is amended to read:

22 165.95 (3) (d) Services provided under the program are consistent with
23 evidence-based practices ~~in substance abuse and mental health treatment, as~~

SECTION 25

1 ~~determined by the department of health services~~, and the program provides
2 intensive case management.

3 **SECTION 26.** 165.95 (3) (e) of the statutes is amended to read:

4 165.95 (3) (e) The program uses graduated sanctions and incentives to
5 promote ~~successful substance abuse treatment~~ success.

6 **SECTION 27.** 165.95 (3) (g) of the statutes is amended to read:

7 165.95 (3) (g) The program is designed to integrate all ~~mental health~~ services
8 provided to program participants by state and local government agencies, tribes,
9 and other organizations. The program shall require regular communication and
10 coordination among a participant's ~~substance abuse treatment providers, other~~
11 service providers, the case manager, and any person designated under the program
12 to monitor the person's compliance with his or her obligations under the program,
13 and any probation, extended supervision, and parole agent assigned to the
14 participant.

15 **SECTION 28.** 165.95 (3) (h) of the statutes is amended to read:

16 165.95 (3) (h) The program provides ~~substance abuse and mental health~~
17 ~~treatment~~ services through providers ~~that~~ who use evidence-based practices in the
18 delivery of services and, where applicable, who are certified by the ~~department of~~
19 ~~health services~~ or licensed to provide the services approved under the program.

20 **SECTION 29.** 165.95 (3) (i) of the statutes is renumbered 165.95 (3d) and
21 amended to read:

22 165.95 (3d) ~~The~~ An alternatives to prosecution and incarceration program
23 ~~requires~~ under this section may require participants to pay a reasonable amount for

1 their treatment, based on their income and available assets, and ~~pursues~~ pursue
2 and ~~uses~~ use all possible resources available through insurance and federal, state,
3 and local aid programs, including cash, vouchers, and direct services.

4 **SECTION 30.** 165.95 (3) (j) of the statutes is amended to read:

5 165.95 (3) (j) The program is developed with input from, and implemented in
6 collaboration with, one or more circuit court judges, the district attorney, the state
7 public defender, local and, if applicable, tribal law enforcement officials, county
8 agencies and, if applicable, tribal agencies responsible for providing social services,
9 including services relating to ~~alcohol and other drug addiction~~ substance use
10 disorder, child welfare, mental health, and the Wisconsin Works program, the
11 departments of corrections, children and families, and health services, private
12 social services agencies, and substance ~~abuse~~ use disorder treatment providers.

13 **SECTION 31.** 165.95 (3) (k) of the statutes is repealed.

14 **SECTION 32.** 165.95 (5) (a) of the statutes is renumbered 165.95 (3) (cm)
15 (intro.) and amended to read:

16 165.95 (3) (cm) (intro.) ~~A county or tribe that receives a grant under this~~
17 ~~section shall create an~~ The program identifies a criminal justice oversight
18 committee to develop and implement the program design and advise the county or
19 tribe in administering and evaluating its program. ~~Each~~ The membership of each
20 criminal justice oversight committee shall be as follows:

21 1. If the program is administered by a county, the criminal justice oversight
22 committee shall consist of a circuit court judge, the district attorney or his or her
23 designee, the state public defender or his or her designee, a local law enforcement

SECTION 32

1 official, a representative of the county, ~~a representative of the tribe, if applicable, a~~
2 ~~representative of each other county agency and, if applicable, tribal agency~~
3 responsible for providing social services, including services relating to child welfare,
4 ~~mental health, and the Wisconsin Works program,~~ representatives of the
5 department of corrections and department of health services, a representative from
6 private social services agencies, a representative of ~~substance abuse~~ behavioral
7 health treatment providers, and other members ~~to be determined by the county or~~
8 ~~tribe~~ the oversight committee determines are appropriate for the program.

9 **SECTION 33.** 165.95 (5) (b) of the statutes is renumbered 165.95 (5) (ag) and
10 amended to read:

11 165.95 (5) (ag) A county, or a tribe that receives a grant under ~~this section s.~~
12 16.075, shall comply with state audits and shall submit an annual report to the
13 department of justice and to the criminal justice oversight committee ~~created under~~
14 ~~par. (a) identified in sub. (3) (cm) regarding the impact of the program on jail and~~
15 ~~prison populations and its progress in attaining the goals specified in sub. (3) (b)~~
16 ~~and (f).~~

17 **SECTION 34.** 165.95 (5) (bg) of the statutes is amended to read:

18 165.95 (5) (bg) A county, or a tribe that receives a grant under ~~this section s.~~
19 16.075, shall submit data requested by the department of justice to the department
20 of justice each month. The department of justice may request any data regarding
21 the ~~project funded by the grant that is necessary to evaluate the project~~ alternatives
22 to prosecution and incarceration program and prepare the reports under sub. (5p).

23 **SECTION 35.** 165.95 (5m) of the statutes is repealed.

24 **SECTION 36.** 165.95 (5p) (a) of the statutes is amended to read:

SECTION 36

1 165.95 (5p) (a) The department of justice shall, annually, analyze the data
2 submitted under sub. (5) (bg) and prepare a progress report that evaluates the
3 effectiveness of ~~the grant program~~ alternatives to prosecution and incarceration
4 programs in this state. The department of justice shall make the report available to
5 the public.

6 **SECTION 37.** 165.95 (5p) (b) of the statutes is amended to read:

7 165.95 (5p) (b) The department of justice shall, every 5 years, prepare a
8 comprehensive report that analyzes the data it receives under sub. (5) (bg) and the
9 annual reports it produces under par. (a). The department of justice shall include
10 in this comprehensive report a cost benefit analysis of ~~the grant program~~
11 alternatives to prosecution and incarceration programs and shall submit the report
12 to the chief clerk of each house of the legislature for distribution to the legislature
13 under s. 13.172 (2).

14 **SECTION 38.** 165.95 (6) of the statutes is renumbered 16.075 (7) and amended
15 to read:

16 16.075 (7) A ~~county or~~ tribe may, with one or more other ~~counties or~~ tribes,
17 jointly apply for and receive a grant under ~~this section~~ sub. (2). Upon submitting a
18 joint application, each ~~county or~~ tribe shall include with the application a written
19 agreement specifying each tribe's ~~and each county department's~~ role in developing,
20 administering, and evaluating the program. The oversight committee ~~established~~
21 ~~under sub. (5) (a)~~ identified in s. 165.95 (3) (cm) shall consist of representatives
22 from each ~~county or~~ tribe.

23 **SECTION 39.** 165.95 (7) of the statutes is repealed.

SECTION 40

1 **SECTION 40.** 165.95 (7m) of the statutes is renumbered 16.075 (3) and
2 amended to read:

3 16.075 (3) ~~Beginning in fiscal year 2012-13, the~~ The department of justice
4 shall, ~~every 5 years,~~ make grants under ~~this section~~ sub. (2) available to any county
5 ~~or~~ tribe on a competitive basis. A ~~county or~~ tribe may apply for a grant under ~~this~~
6 ~~subsection~~ sub. (2) regardless of whether the ~~county or~~ tribe has received a grant
7 previously under ~~this section~~ sub. (2).

8 **SECTION 41.** 165.95 (8) of the statutes is amended to read:

9 165.95 (8) The department of justice shall assist a county or tribe ~~receiving a~~
10 ~~grant under this section~~ that operates an alternatives to prosecution and
11 incarceration program in obtaining funding from other sources for its program.

12 **SECTION 42.** 165.95 (9) of the statutes is renumbered 16.075 (4) and amended
13 to read:

14 16.075 (4) The department of justice shall inform any ~~county or~~ tribe that is
15 applying for a grant under ~~this section~~ sub. (2) whether the ~~county or~~ tribe meets
16 the requirements established under ~~sub. s. 165.95~~ (3), regardless of whether the
17 ~~county or~~ tribe receives a grant.

18 **SECTION 43.** 165.95 (10) of the statutes is repealed.

19 **SECTION 44.** 165.955 of the statutes is repealed.

20 **SECTION 45.** 302.43 of the statutes is amended to read:

21 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
22 in the amount of one-fourth of his or her term for good behavior if sentenced to at
23 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
24 for time served prior to sentencing under s. 973.155, including good time under s.

SECTION 45

1 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects
2 or refuses to perform any duty lawfully required of him or her, may be deprived by
3 the sheriff of good time under this section, except that the sheriff shall not deprive
4 the inmate of more than 2 days good time for any one offense without the approval
5 of the court. An inmate who files an action or special proceeding, including a
6 petition for a common law writ of certiorari, to which s. 807.15 applies shall be
7 deprived of the number of days of good time specified in the court order prepared
8 under s. 807.15 (3). This section does not apply to a person who is confined in the
9 county jail in connection with his or her participation in a substance abuse
10 treatment program that meets the requirements of s. 165.95 (3), as determined by
11 the department of justice ~~under s. 165.95 (9) and (10).~~

12 **SECTION 46.** 758.19 (5) (bf) of the statutes is created to read:

13 758.19 (5) (bf) No later than January 1, 2026, from the appropriation under s.
14 20.625 (1) (d), the director of state courts shall make payments to counties totaling
15 \$24,596,100, which the director of state courts shall distribute as follows:

16 1. For each circuit court branch in the county, \$52,300.

17 2. In addition to the payment under subd. 1., for each county with one or fewer
18 circuit court branches, \$12,400.

19 3. In addition to the payment under subd. 1., for each county with more than
20 one circuit court branch, a payment equal to the county's proportion of the state
21 population multiplied by the amount remaining in the appropriation under s.
22 20.625 (1) (d) after the payments are made under subds. 1. and 2.

23 **SECTION 47.** 758.19 (5) (bm) of the statutes is created to read:

24 758.19 (5) (bm) No later than July 1, 2026, from the appropriation under s.

1 20.625 (1) (d), the director of state courts shall make payments to counties totaling
2 \$35,000,000, which the director of state courts shall distribute as follows:

3 1. For each circuit court branch in the county, \$74,500.

4 2. In addition to the payment under subd. 1., for each county with one or fewer
5 circuit court branches, \$17,600.

6 3. In addition to the payment under subd. 1., for each county with more than
7 one circuit court branch, a payment equal to the county's proportion of the state
8 population multiplied by the amount remaining in the appropriation under s.
9 20.625 (1) (d) after the payments are made under subds. 1. and 2.

10 **SECTION 48.** 758.19 (5) (bn) of the statutes is created to read:

11 758.19 (5) (bn) No later than January 1, 2027, and by every January 1 and
12 July 1 thereafter, from the appropriation under s. 20.625 (1) (d), the director of state
13 courts shall make payments to counties totaling \$35,000,000, which the director of
14 state courts shall distribute as follows:

15 1. For each circuit court branch in the county, \$74,500.

16 2. In addition to the payment under subd. 1., for each county with one or fewer
17 circuit court branches, \$17,600.

18 3. If, after the payments are made under subds. 1. and 2., the total of a
19 county's payments equals less than 50 percent of the sum the county received as
20 grants in calendar year 2026 under s. 165.95, 2023 stats., and s. 165.955, 2023
21 stats., an additional payment for such a difference.

22 4. In addition to the payments under subds. 1. and 3., for each county with
23 more than one circuit court branch, a payment equal to the county's proportion of

1 the state population multiplied by the amount remaining in the appropriation
2 under s. 20.625 (1) (d) after the payments are made under subds. 1., 2., and 3.

3 **SECTION 49.** 758.19 (5) (d) of the statutes is created to read:

4 758.19 (5) (d) For payments under pars. (b), (bf), (bm), and (bn), for counties
5 that share the services of one or more circuit court branches, the director of state
6 courts shall annually determine the proportional share of that circuit court branch
7 for each county on the basis of the circuit court branch caseload in each county.

8 **SECTION 50.** 758.19 (5) (g) of the statutes is created to read:

9 758.19 (5) (g) A county that fails to meet the requirements under s. 165.95
10 (2m) is not eligible for a payment under par. (bn) until the county establishes an
11 alternatives to prosecution and incarceration program described under s. 165.95
12 (3).

13 **SECTION 51.** 961.385 (2) (cm) 3. b. of the statutes is amended to read:

14 961.385 (2) (cm) 3. b. The state board or agency, agency of another state, law
15 enforcement agency, or prosecutorial unit makes a written request for the record
16 and is monitoring the patient as part of a drug court, as defined in s. 165.955 (1),
17 2023 stats.

18 **SECTION 52.** 961.41 (5) (c) 2. of the statutes is amended to read:

19 961.41 (5) (c) 2. All moneys in excess of \$850,000 and up to \$1,275,000 plus
20 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug
21 surcharges under this subsection shall be credited to the appropriation account
22 under s. ~~20.455 (2) (kv)~~ 20.625 (1) (kv).

23 **SECTION 53.** 961.472 (5) (b) of the statutes is amended to read:

24 961.472 (5) (b) The person is participating in a substance abuse treatment

1 program that meets the requirements of s. 165.95 (3), as determined by the
2 department of justice ~~under s. 165.95 (9) and (10).~~

3 **SECTION 54.** 967.11 (1) of the statutes is amended to read:

4 967.11 (1) In this section, “approved substance abuse treatment program”
5 means a substance abuse treatment program that meets the requirements of s.
6 165.95 (3), as determined by the department of justice ~~under s. 165.95 (9) and (10).~~

7 **SECTION 55.** 973.043 (3) of the statutes is amended to read:

8 973.043 (3) All moneys collected from drug offender diversion surcharges
9 shall be credited to the appropriation account under s. ~~20.455 (2) (kv)~~ 20.625 (1)
10 (kv) and used for the purpose of making ~~grants~~ payments to counties ~~under that~~
11 comply with the criteria specified in s. 165.95 (3).

12 **SECTION 56.** 973.155 (1m) of the statutes is amended to read:

13 973.155 (1m) A convicted offender shall be given credit toward the service of
14 his or her sentence for all days spent in custody as part of a substance abuse
15 treatment program that meets the requirements of s. 165.95 (3), as determined by
16 the department of justice ~~under s. 165.95 (9) and (10)~~, for any offense arising out of
17 the course of conduct that led to the person’s placement in that program.

18 **SECTION 57. Nonstatutory provisions.**

19 (1) ALTERNATIVES TO PROSECUTION AND INCARCERATION GRANT PROGRAM;
20 ADMINISTRATION. Notwithstanding s. 16.42 (1) (e), in submitting information under
21 s. 16.42 for purposes of the 2027 biennial budget act, the department of
22 administration shall submit information concerning the appropriation under s.
23 20.505 (1) (cb) as though the total amount appropriated under s. 20.505 (1) (cb) for

SECTION 57

1 the 2026-27 fiscal year was \$142,500 more than the total amount that was actually
2 appropriated under s. 20.505 (1) (cb) for the 2026-27 fiscal year.

3 (2) ALTERNATIVES TO PROSECUTION AND INCARCERATION GRANT PROGRAM;
4 JUSTICE. Notwithstanding s. 165.95 (7) and (7m), the department of justice may not
5 make any grants for the calendar year beginning January 1, 2027.

6 (3) ALTERNATIVES TO INCARCERATION GRANT PROGRAM POSITION TRANSFERS TO
7 SUPREME COURT. On January 1, 2027, 3.0 FTE GPR positions in the department of
8 justice, funded from the appropriation under s. 20.455 (2) (a), that administer the
9 alternative to incarceration grant program and the incumbent employees holding
10 those positions are transferred to the supreme court. Employees transferred under
11 this subsection have all the rights and the same status under ch. 230 under the
12 supreme court that they enjoyed in the department of justice immediately before the
13 transfer. Notwithstanding s. 230.28 (4), no employee transferred under this
14 subsection who has attained permanent status in class is required to serve a
15 probationary period.

16 **SECTION 58. Effective dates.** This act takes effect on the day after
17 publication, except as follows:

18 (1) ALTERNATIVES TO PROSECUTION AND INCARCERATION GRANT PROGRAM;
19 TRIBES. The treatment of ss. 16.075 and 20.505 (1) (cb) takes effect on January 1,
20 2027.

21 (2) ALTERNATIVES TO PROSECUTION AND INCARCERATION GRANT PROGRAM.
22 The treatment of ss. 758.19 (5) (g) and 961.385 (2) (cm) 3. b. takes effect on January
23 1, 2027.

24 (3) ALTERNATIVES TO PROSECUTION AND INCARCERATION AND DRUG COURT

SECTION 58

1 GRANT PROGRAMS. The treatment of ss. 20.455 (2) (eg), (em), (jd), (kn), and (kv),
2 20.505 (1) (id) 5., 46.47 (1) (b), 165.25 (10m) (intro.), 165.95 (title), (1) (ac), (2), (2m),
3 (2r), (3) (intro.), (a), (ag), (b), (bd), (cm) 2., (d), (e), (g), (h), (i), (j), and (k), (5) (a), (b),
4 and (bg), (5m), (5p) (a) and (b), (6), (7), (7m), (8), (9), and (10), 165.955, 961.41 (5) (c)
5 2., and 973.043 (3) take effect on January 1, 2027.

6 (END)