



2021 ASSEMBLY BILL 777

December 9, 2021 - Introduced by Representatives CABRAL-GUEVARA, ARMSTRONG, BRANDTJEN, EDMING, MOSES, MURPHY and WICHGERS, cosponsored by Senator JACQUE. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to repeal* 165.986 (6); *to renumber and amend* 165.986 (1), 165.986
2 (2) and 165.986 (4); *to amend* 20.455 (2) (bm), 20.455 (2) (kb), 165.986 (title),
3 165.986 (3) and 165.986 (5); and *to create* 16.20, 165.986 (1c), 165.986 (2) (a)
4 and (c) and 165.986 (4m) of the statutes; **relating to:** grants to political
5 subdivisions for additional policing and strategic planning to combat crime and
6 grants for beat patrol and specialized officers.

Analysis by the Legislative Reference Bureau

Grants for additional policing

This bill authorizes the Department of Administration to award one or more grants to a city, village, town, or county for costs associated with additional policing to address automobile theft and carjacking. DOA must give priority to cities, villages, towns, or counties having a higher incidence of automobile theft or carjacking. Grants may be used to cover up to four years of additional policing costs but may not be used to supplant funding that is available from other sources.

The bill requires the governor to allocate at least \$5,000,000 of the moneys received under the federal American Rescue Plan Act of 2021 to the additional policing grant program. Before DOA may award grants using the allocated money, DOA must submit a plan for the program to the Joint Committee on Finance for approval. The plan must ensure that the grants will be distributed throughout all geographic areas of Wisconsin and in both urban and rural communities.

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The bill also includes a requirement that grant recipients submit reports to DOA describing in detail how grant moneys were expended and the results of the expenditures, including any impact on the number of persons arrested and charged for automobile theft or carjacking.

Grants for strategic planning

The bill further authorizes DOA to award one or more grants to a city, village, town, or county for costs associated with strategic planning to combat crime. Grants may be used to cover up to two years of strategic planning costs but may not be used to supplant funding that is available from other sources.

The bill requires the governor to allocate at least \$5,000,000 of the moneys received under the federal American Rescue Plan Act of 2021 to the strategic planning grant program. Before DOA may award grants using the allocated money, DOA must submit a plan for the grant program to the Joint Committee on Finance for approval. The plan must ensure that the grants will be distributed throughout all geographic areas of Wisconsin and in both urban and rural communities.

The bill also includes a requirement that grant recipients submit a report to DOA describing in detail how grant moneys were expended and the results of such expenditures.

Grants for uniformed beat patrol and public safety goals

Under current law, the Department of Justice awards grants to cities to pay for uniformed beat patrol law enforcement officers. The bill expands the grant program to allow villages, town, and counties, in addition to cities, to apply for such grants and to allow grant recipients to use grant funds to pay for law enforcement officers whose primary duties relate to achieving a law enforcement or public safety goal. The bill also eliminates the current-law cap of \$150,000 per grant and eliminates the requirement that DOJ award the grant to the applicants with the highest rates of violent crime. The bill eliminates the current law that allows for grants to be awarded for three consecutive years and instead requires annual applications. Also, under the bill, a grant recipient that applies for an additional grant must provide a statement to DOJ regarding its progress in achieving the goals for which the previous grant was awarded.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1

SECTION 1. 16.20 of the statutes is created to read:

ASSEMBLY BILL 777**1 16.20 Grants for additional policing and strategic planning. (1)**

2 DEFINITION. In this section, “political subdivision” means a city, village, town, or
3 county.

4 **(2) ADDITIONAL POLICING.** (a) From the moneys allocated under 2021 Wisconsin
5 Act (this act), section 14 (1) (a), the department shall award one or more grants
6 to a political subdivision for costs associated with additional policing to address
7 automobile theft and carjacking within the political subdivision. In awarding the
8 grants, the department shall give priority to the political subdivisions having a
9 higher incidence of automobile theft or carjacking.

10 (b) No political subdivision may have more than a total of 4 years of additional
11 policing costs funded by grants under par. (a).

12 (c) The department shall ensure that no grant awarded under par. (a) is used
13 to supplant funding available to the political subdivision from other sources.

14 (d) Each political subdivision that receives a grant under par. (a) shall submit
15 a report to the department no later than 2 years after receiving the grant and again
16 no later than 4 years after receiving the grant. Each report shall describe in detail
17 how the grant moneys were expended and the results of those expenditures,
18 including any impact on the number of persons arrested and charged for automobile
19 theft or carjacking in the political subdivision.

20 **(3) STRATEGIC PLANNING.** (a) From the moneys allocated under 2021 Wisconsin
21 Act (this act), section 14 (1) (b), the department shall award one or more grants
22 to a political subdivision for costs associated with strategic planning to combat crime
23 within the political subdivision.

24 (b) No political subdivision may have more than a total of 2 years of strategic
25 planning costs funded by grants under par. (a).

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1 (c) The department shall ensure that no grant awarded under par. (a) is used
2 to supplant funding available to the political subdivision from other sources.

3 (d) Each political subdivision that receives a grant under par. (a) shall submit
4 a report to the department no later than 2 years after receiving the grant. The report
5 shall describe in detail how the grant moneys were expended and the results of those
6 expenditures.

7 **SECTION 2.** 20.455 (2) (bm) of the statutes is amended to read:

8 20.455 (2) (bm) *Law enforcement officer supplement grants — state funds.* The
9 amounts in the schedule for grants under s. 165.986 ~~(1)~~ (1m).

10 **SECTION 3.** 20.455 (2) (kb) of the statutes is amended to read:

11 20.455 (2) (kb) *Law enforcement officer supplement grants.* The amounts in the
12 schedule to provide grants for ~~uniformed~~ law enforcement officers under s. 165.986.
13 All moneys transferred from the appropriation account under s. 20.505 (1) (id) 3.
14 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
15 unencumbered balance on June 30 of each year shall be transferred to the
16 appropriation account under s. 20.505 (1) (id).

17 **SECTION 4.** 165.986 (title) of the statutes is amended to read:

18 **165.986** (title) **Beat patrol and specialized officers; grant program.**

19 **SECTION 5.** 165.986 (1) of the statutes is renumbered 165.986 (1m) and
20 amended to read:

21 165.986 (1m) The department of justice shall provide grants from the
22 appropriations under s. 20.455 (2) (bm) and (kb) and from the moneys allocated
23 under 2021 Wisconsin Act ... (this act), section 14 (1) (a) and (b), to cities political
24 subdivisions to employ additional uniformed law enforcement officers whose
25 primary duty is beat patrolling. ~~A city is eligible for a grant under this subsection~~

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1 in fiscal year 1994-95 if the city has a population of 25,000 or more or specialized law
2 enforcement officers. A city political subdivision may receive a grant for a calendar
3 year if the city it applies for a grant before September 1 of the preceding calendar
4 year. Grants shall be awarded to the 10 eligible cities submitting an application for
5 a grant that have the highest rates of violent crime index offenses in the most recent
6 full calendar year for which data is available under the uniform crime reporting
7 system of the federal bureau of investigation.

8 **SECTION 6.** 165.986 (1c) of the statutes is created to read:

9 165.986 (1c) In this section:

10 (a) "Political subdivision" means a city, village, town, or county.

11 (b) "Specialized law enforcement officer" means a law enforcement officer
12 whose primary duties and assignments relate to achieving a law enforcement or
13 public safety goal.

14 **SECTION 7.** 165.986 (2) of the statutes is renumbered 165.986 (2) (intro.) and
15 amended to read:

16 165.986 (2) (intro.) A city political subdivision applying to the department of
17 justice for a grant under sub. (1) (1m) shall ~~include a~~ submit to the department of
18 justice all of the following:

19 (b) A proposed plan of expenditure of the grant moneys that sets forth a
20 strategy for applying the grant moneys toward the goals identified in par. (a). If
21 grant moneys will be used for salary and fringe benefits of a specialized law
22 enforcement officer, the plan must include a description of the officer's duties and
23 their relation to the goals identified in par. (a).

24 (2m) The grant moneys that a city political subdivision receives under sub. (1)
25 (1m) may be used for salary and fringe benefits only. Except as provided in sub. (3),

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1 the positions for which funding is sought must be created on or after ~~April 21, 1994,~~
2 ~~and result in a net increase in the number of uniformed law enforcement officers~~
3 ~~assigned to beat patrol duties the date on which the application for the initial grant~~
4 ~~under sub. (1m) is submitted. The department may issue a grant in 2 annual~~
5 ~~payments, with the 2nd payment contingent upon the grant recipient's progress in~~
6 ~~meeting its goals as reported in sub. (4m).~~

7 **SECTION 8.** 165.986 (2) (a) and (c) of the statutes are created to read:

8 165.986 (2) (a) Goals the political subdivision identifies toward which the grant
9 moneys will be applied, using data that demonstrate specific problems and that may
10 be used as a measurement of progress toward the goals.

11 (c) If the applicant has received a previous grant under sub. (1m), a statement
12 of its progress in reducing crime or achieving other goals related to the purposes for
13 which it received the grant.

14 **SECTION 9.** 165.986 (3) of the statutes is amended to read:

15 165.986 (3) During the first 6 months of the first year of a grant under sub. (1)
16 (1m), a city political subdivision may, with the approval of the department, use part
17 of the grant for the payment of salary and fringe benefits for overtime provided by
18 uniformed law enforcement officers whose primary duty is beat patrolling or by
19 specialized law enforcement officers. A city political subdivision may submit a
20 request to the department for a 3-month extension of the use of the grant for the
21 payment of overtime costs. To be eligible to use part of the first year's grant for
22 overtime costs, the city political subdivision shall provide the department with all
23 of the following:

24 (a) The reasons why uniformed law enforcement officers assigned to beat patrol
25 duties or specialized law enforcement officers need to work overtime.

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1 (b) The status of the hiring and training of new uniformed law enforcement
2 officers who will have beat patrol duties or of specialized law enforcement officers.

3 (c) Documentation that a sufficient amount of the grant for the first year will
4 be available, during the period remaining after the payment of overtime costs, to pay
5 the salary and fringe benefits of the same number of uniformed officers whose
6 primary duty is beat patrolling or of specialized law enforcement officers that the
7 grant originally planned to pay.

8 **SECTION 10.** 165.986 (4) of the statutes is renumbered 165.986 (4) (a) and
9 amended to read:

10 165.986 (4) (a) The department shall develop criteria which, notwithstanding
11 s. 227.10 (1), need not be promulgated as rules under ch. 227, for use in determining
12 the amount to ~~grant~~ award to ~~cities~~ political subdivisions under sub. (1) ~~(1m)~~. The
13 ~~department may not award an annual grant under sub. (1) in excess of \$150,000 to~~
14 ~~any city~~ criteria shall include, for each applicant, the rates of violent crime index
15 offenses in the most recent full calendar year for which data are available under the
16 uniform crime reporting system of the federal bureau of investigation and, if
17 applicable, the applicant's success in using previous grants to reduce crime or
18 achieve other goals set by the department. The criteria may also include the rates
19 of nonviolent crime in the political subdivision.

20 (b) The department shall ~~review any application and plan submitted under~~
21 ~~sub. (2) to determine if that~~ each application and, plan, and statement of progress
22 submitted under sub. (2) (c) or (4m) meet the requirements of this section.

23 (c) The grant that a ~~city~~ political subdivision receives under sub. (1) ~~(1m)~~ must
24 result in a net increase in the number of uniformed law enforcement officers assigned
25 to beat patrol duties or the number of specialized law enforcement officers and may

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1 not supplant existing local resources. The political subdivision may not reduce its
2 expenditures as a result of receiving the grant.

3 **SECTION 11.** 165.986 (4m) of the statutes is created to read:

4 165.986 (4m) A political subdivision that receives a grant under sub. (1m) shall
5 submit, annually, or as requested by the department of justice, a progress report that
6 includes all of the following:

7 (a) For each law enforcement officer whose position is funded wholly or in part
8 by the grant, an activity report that includes proactive measures the officer has
9 taken to achieve the goals identified under sub. (2) in the grant application.

10 (b) Crime reporting information that compares rates of crime in the political
11 subdivision at the time it received a grant and at the end of the reporting period.

12 (c) Other information requested by the department that demonstrates the
13 efficacy of the grant in reducing crime or achieving other goals identified by the
14 political subdivision or set by the department.

15 **SECTION 12.** 165.986 (5) of the statutes is amended to read:

16 165.986 (5) ~~A city may receive a grant under sub. (1) for 3 consecutive years~~
17 ~~without submitting a new application each year.~~ For each year that a city political
18 subdivision receives a grant under sub. (1) (1m), the city political subdivision shall
19 provide matching funds of at least 25 percent of the amount of the grant.

20 **SECTION 13.** 165.986 (6) of the statutes is repealed.

21 **SECTION 14. Nonstatutory provisions.**

22 (1) ALLOCATION OF FEDERAL ARPA FUNDS RECEIVED.

23 (a) *Additional policing.*

24 1. Of the moneys the governor accepts from the federal government under s.
25 16.54 pursuant to section 602 of the federal Social Security Act as amended by the

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1 federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate
2 \$5,000,000 for grants awarded under ss. 16.20 (2) and 165.986 (1m).

3 2. Before awarding a grant using moneys allocated under subd. 1., the governor
4 and the department of administration shall submit to the joint committee on finance
5 a plan for the grant program under s. 16.20 (2). The plan shall ensure that the grants
6 will be distributed throughout all geographic areas of the state and in both urban and
7 rural communities. If the committee approves or modifies and approves the plan, the
8 department of administration shall implement the grant program in accordance
9 with the plan as approved.

10 (b) *Strategic planning.*

11 1. Of the moneys the governor accepts from the federal government under s.
12 16.54 pursuant to section 602 of the federal Social Security Act as amended by the
13 federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate
14 \$5,000,000 for grants awarded under ss. 16.20 (3) and 165.986 (1m).

15 2. Before awarding a grant using moneys allocated under subd. 1., the governor
16 and the department of administration shall submit to the joint committee on finance
17 a plan for the grant program under s. 16.20 (3). The plan shall ensure that the grants
18 will be distributed throughout all geographic areas of the state and in both urban and
19 rural communities. If the committee approves or modifies and approves the plan, the
20 department of administration shall implement the grant program in accordance
21 with the plan as approved.

22 (END)