

1 **AN ACT** *to repeal* 165.95 (1) (a), (b), and (2r), 165.95 (3) (a), 165.95 (3) (d), 165.95
2 (3) (e), 165.95 (3) (f), 165.95 (3) (j), 165.95 (5m), 165.95 (8), 165.95 (9) and 165.95
3 (10); *to renumber and amend* 165.95 (5) (a) and 165.95 (5) (b); *to amend* 20.455
4 (2) (em), 20.455 (2) (kn), 20.455 (2) (kv), 165.95 (1) (intro.), 165.95 (2), 165.95 (3)
5 (intro.), 165.95 (3) (b), 165.95 (3) (c), 165.95 (3) (g), 165.95 (3) (h), 165.95 (3) (i),
6 165.95 (3) (k), 165.95 (4), 165.95 (6), 165.95 (7), 165.95 (7m), 302.43, 961.472 (5)
7 (b), 967.11 (1) and (2) and 973.155 (1m); and *to create* 15.257 (3), 165.847, 165.95
8 (1) (ad), (ah), (ap), and (at), 165.95 (3) (ae), 165.95 (3) (ag), 165.95 (3) (bd), 165.95
9 (3) (cm) 2., 165.95 (3) (hm), 165.95 (3m), 165.95 (5) (bg) and 165.95 (5p) of the
10 statutes; **relating to:** creating the criminal justice coordinating council, providing
11 grants to certain county or tribal criminal justice projects, and making
12 appropriations.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Study Committee on Problem-Solving Courts, Alternatives, and Diversions.

Under current law, the Department of Justice (DOJ) provides grants to counties that have established qualifying treatment and diversion (TAD) projects for persons who are or may be charged with, or who are convicted of, offenses related to the person's use or abuse of alcohol or other drugs. TAD projects are intended to offer alternatives to prosecution or incarceration for offenders with substance abuse problems in order to reduce recidivism, promote public safety, and reduce prison and jail populations.

In order to qualify for a TAD grant, a county's project must meet certain criteria, including offering treatment for the offender's substance abuse, and coordinating with other specialists, including mental health

treatment providers, social services providers, and case workers in order to provide intensive case management. Each qualifying project must be developed in collaboration with representatives from the judicial system, law enforcement and corrections, social and welfare service providers, and mental health and substance abuse treatment providers. Further, each county that receives a TAD grant creates an oversight committee with representatives from those agencies or services to administer and evaluate the project.

A qualifying TAD project is subject to state audits and each county that receives a TAD grant must submit an annual report to DOJ and to the oversight committee that details its progress in promoting public safety, reducing recidivism and lowering costs, and meeting the treatment and other needs of program participants.

Current law allows counties to administer a project jointly and requires any county that receives a grant to provide matching funds that are equal to 25 percent of the amount of the grant.

Under current law, eligible projects must require participants to pay a reasonable amount for their treatment within the project. Under current law, the governor has created by executive order a criminal justice coordinating council (CJCC), that is charged with various duties regarding criminal justice policy and administration.

This draft makes several changes to the TAD grant program. The draft also creates a CJCC in DOJ, consisting of nine members who are members by virtue of the office they hold and 11 members appointed by the governor for three-year terms.

Under the draft, in addition to studying, and providing advice and making recommendations to the governor on, a variety of matters relating to the criminal justice system, CJCC advises DOJ in its administration of the TAD program.

Under the draft, counties and tribes may qualify for TAD grants; the draft allows a county or tribe to administer a program jointly with another county or tribe. Under the draft, in order to be eligible for a TAD grant, a project must operate within the continuum from arrest to discharge from supervision and provide an alternative to prosecution, incarceration, or both. Under the draft, a project need not focus solely on alcohol and other drug treatment, but must be evidence-based and designed to promote effective criminal justice policies to reduce prosecution and incarceration costs, reduce recidivism, and enhance justice and public safety.

The draft requires each project to be designed to integrate and coordinate services from several providers, including a participant's behavioral health treatment providers, case managers, and compliance monitors. The draft requires each project to use evidence-based eligibility criteria to determine who may participate in the project and to tailor its services to the needs of each participant or target population.

The draft allows, but does not require, an eligible project to require participants to pay an amount towards their treatment. The draft eliminates the 25 percent matching funds requirement.

Under the draft, DOJ must consult with CJCC to establish eligibility criteria and to determine which county or tribe projects meet the eligibility requirements. The draft requires each county or tribe to establish a criminal justice oversight committee to develop and implement the project design and advise the county or tribe in administering and evaluating its project.

Under the draft, each county or tribe that receives a grant must, monthly, submit data requested by DOJ in order to allow DOJ to evaluate the project. The draft requires DOJ to use this data to prepare an annual progress report that it submits to the TAD council and makes available to the public. The draft requires DOJ to prepare, for submission to CJCC and to each house of the legislature, a comprehensive report every five years that includes a cost benefit analysis of the TAD grant program.

1 **SECTION 1.** 15.257 (3) of the statutes is created to read:

2 15.257 (3) CRIMINAL JUSTICE COORDINATING COUNCIL. (a) There is created in the
3 department of justice a criminal justice coordinating council consisting of the following
4 members:

5 1. The secretary of corrections, or his or her designee, who shall serve as cochairperson.

6 2. The attorney general, or his or her designee, who shall serve as cochairperson.

7 3. The state public defender, or his or her designee.

8 4. A sheriff.

9 5. A chief of police.

10 6. A district attorney.

11 7. The director of state courts, or his or her designee.

- 1 8. The secretary of workforce development, or his or her designee.
- 2 9. The secretary of children and families, or his or her designee.
- 3 10. The secretary of health services, or his or her designee.
- 4 11. The secretary of veterans affairs, or his or her designee.
- 5 12. The chairperson of the committee of chief judges of the circuit courts, or his or her
- 6 designee.
- 7 13. A county executive or county administrator.
- 8 14. A county criminal justice coordinator or a member serving on a county criminal
- 9 justice coordinating council.
- 10 15. A representative of a crime victim rights or crime victim services organization.
- 11 16. A person with experience in mental health issues and the criminal justice system.
- 12 17. A representative of a federally recognized American Indian tribe or band in this
- 13 state.
- 14 18. Three other members.
- 15 (b) Each member specified in par. (a) 4. to 6. and 13. to 17. shall be appointed by the
- 16 governor for a 3-year term.
- 17 (c) The members specified in par. (a) 1. to 7. shall constitute an executive committee.
- 18 (d) The criminal justice coordinating council shall meet not less than 4 times each year.

19 **SECTION 2.** 20.455 (2) (em) of the statutes, as affected by 2013 Wisconsin Act 20, is
20 amended to read:

21 20.455 (2) (em) *Alternatives to prosecution and incarceration for persons who use*
22 *alcohol or other drugs; presentencing assessments.* The amounts in the schedule for making
23 grants to counties and tribes under s. 165.95 (2) and entering into contracts under s. 165.95
24 (5p) (c).

1 **SECTION 3.** 20.455 (2) (kn) of the statutes, as affected by 2013 Wisconsin Act 20, is
2 amended to read:

3 20.455 (2) (kn) *Alternatives to prosecution and incarceration for persons who use*
4 *alcohol or other drugs; justice information fee.* The amounts in the schedule for administering
5 and making grants to counties and tribes under s. 165.95 (2). All moneys transferred from the
6 appropriation account under s. 20.505 (1) (id) 5. shall be credited to this appropriation account.

7 **SECTION 4.** 20.455 (2) (kv) of the statutes, as affected by 2013 Wisconsin Act 20, is
8 amended to read:

9 20.455 (2) (kv) *Grants for substance abuse treatment programs for criminal offenders*
10 *projects.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the purpose of making
11 grants to counties and tribes under s. 165.95 (2) and entering into contracts under s. 165.95
12 (5p) (c).

13 **SECTION 5.** 165.847 of the statutes is created to read:

14 **165.847 Criminal justice coordinating council.** The criminal justice coordinating
15 council shall do all of the following:

16 (1) Study and provide recommendations to the governor, the legislature, the department
17 of corrections, the department of health services, and the department of workforce
18 development on matters related to coordinating the services of state and local government
19 agencies and nongovernmental entities in the criminal justice system to increase efficiency,
20 effectiveness, and public safety.

21 (2) Provide recommendations to the governor, the legislature, the department of
22 corrections, the department of health services, and the department of workforce development
23 regarding the use of evidence-based practices, risk reduction programming, crime prevention,

1 diversion, and community-based alternatives to confinement to increase public safety, reduce
2 recidivism, and improve offender and system accountability.

3 (3) Study county-level programs related to criminal justice, including treatment
4 alternatives, diversion initiatives, and specialty courts, and disseminate information about
5 programs the council determines are effective and innovative.

6 (4) Facilitate the development of county or multicounty criminal justice oversight
7 committees.

8 (5) Provide recommendations to the governor, the legislature, the department of
9 corrections, the department of health services, and the department of workforce development
10 regarding the collection and synthesis of real-time criminal justice data and the tracking of
11 system indicators.

12 (6) Assist the governor in identifying stable and adequate funding sources for the
13 criminal justice system and identifying areas where greater cost-effectiveness could be
14 achieved.

15 (7) Assist the governor in evaluating criminal justice policies.

16 (8) Study, and make recommendations to the governor, the legislature, the department
17 of corrections, the department of health services, and the department of workforce
18 development regarding, areas in the criminal justice system in which improved collaboration
19 and coordination would increase the effectiveness or efficiency of services by eliminating
20 duplication, filling service gaps, or improving the quality of services provided.

21 (9) Study whether racial, demographic, or other disparities exist between treatment
22 court participants and individuals who are denied participation, and make recommendations
23 to the governor, the attorney general, the legislature, the department of corrections, and the
24 department of justice, on how to remediate such disparities.

1 **(10)** Assist the governor with strategic planning for, and management of, federal block
2 grant or federal formula grant funds.

3 **(11)** Annually, submit a report on the progress of the council's work to the chief clerk
4 of each house of the legislature, for distribution to the appropriate standing committees under
5 s. 13.172 (3), the governor, the chief justice of the supreme court, the department of
6 corrections, the department of health services, and the department of workforce development.

7 **(12)** Develop a system that tracks and reports, on a monthly basis, state criminal justice
8 data, including all of the following:

9 (a) The rate of violent crime, as reported by law enforcement agencies in uniform crime
10 reports or incident-based reports.

11 (b) The average daily population of prisons and county jails.

12 (c) The number of felony criminal cases filed in circuit courts.

13 (d) The number of persons sentenced to prison by the circuit courts.

14 (e) The number of persons imprisoned due to revocation of parole or extended
15 supervision.

16 (f) The number of persons imprisoned due to probation revocation.

17 (g) The number of persons released to parole or extended supervision.

18 (h) The number of persons placed on probation by the courts.

19 (i) The number of persons discharged from probation, parole, or extended supervision.

20 **SECTION 6.** 165.95 (1) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20,
21 is amended to read:

22 165.95 **(1)** (intro.) In this section, ~~“violent offender” means a person to whom one of~~
23 ~~the following applies:~~

1 **SECTION 7.** 165.95 (1) (a), (b), and (2r) of the statutes, as affected by 2013 Wisconsin
2 Act 20, are repealed.

3 **SECTION 8.** 165.95 (1) (ad), (ah), (ap), and (at) of the statutes are created to read:

4 165.95 (1) (ad) “Evidence-based” means using research to determine how effective a
5 practice is at achieving positive measurable outcomes, including reducing recidivism and
6 increasing public safety.

7 (ah) “Tribe” has the meaning given in s. 165.91.

8 (ap) “Violent offender” means a person who has been charged with or convicted of a
9 violent offense, as defined in sub. (1) (at), in a pending case.

10 (at) “Violent offense” means any of the following:

- 11 1. An offense during which the person carried, possessed, or used a dangerous weapon.
- 12 2. An offense during which the person used force against another person.
- 13 3. As a result of the person’s offense, a person died or suffered serious bodily harm.
- 14 4. A serious sex offense, as defined in s. 939.615 (1) (b).

15 **SECTION 9.** 165.95 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is amended
16 to read:

17 165.95 (2) The department of justice shall make grants to counties and to tribes to enable
18 them to establish and operate ~~programs~~ projects, including suspended and deferred
19 prosecution ~~programs~~ projects and ~~programs based on principles of restorative justice,~~
20 projects that operate within the continuum from arrest to discharge from supervision that
21 provide alternatives to prosecution ~~and, incarceration, or both,~~ for criminal offenders ~~who~~
22 ~~abuse alcohol or other drugs.~~ The department of justice shall make the grants from the
23 appropriations under s. 20.455 (2) (em), (kn), and (kv). The department of justice shall
24 collaborate with the ~~departments of corrections and health and family services in establishing~~

1 ~~this grant program~~ criminal justice coordinating council in order to maximize the impact of
2 the projects funded by grants awarded under this section.

3 **SECTION 10.** 165.95 (3) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20,
4 is amended to read:

5 165.95 (3) (intro.) A county or tribe shall be eligible for a grant under sub. (2) if all of
6 the following apply:

7 **SECTION 11.** 165.95 (3) (a) of the statutes, as affected by 2013 Wisconsin Act 20, is
8 repealed.

9 **SECTION 12.** 165.95 (3) (ae) of the statutes is created to read:

10 165.95 (3) (ae) The project specifies whether or not a violent offender is eligible to
11 participate in the project.

12 **SECTION 13.** 165.95 (3) (ag) of the statutes is created to read:

13 165.95 (3) (ag) The project operates within the continuum from arrest to discharge from
14 supervision and provides an alternative to prosecution, incarceration, or both, including
15 suspended and deferred prosecution or community-based corrections.

16 **SECTION 14.** 165.95 (3) (b) of the statutes, as affected by 2013 Wisconsin Act 20, is
17 amended to read:

18 165.95 (3) (b) The ~~program project~~ is evidence-based and is designed to promote and
19 facilitate the implementation of effective criminal justice policies and practices that maximize
20 justice and public safety, reduce prison and jail populations, reduce prosecution and
21 incarceration costs, and reduce recidivism, ~~and improve the welfare of participants' families~~
22 ~~by meeting the comprehensive needs of participants.~~

23 **SECTION 15.** 165.95 (3) (bd) of the statutes is created to read:

1 165.95 (3) (bd) The project identifies each target population served by the project and
2 identifies the evidence-based practices the project employs for each target population it
3 serves.

4 **SECTION 16.** 165.95 (3) (c) of the statutes, as affected by 2013 Wisconsin Act 20, is
5 amended to read:

6 165.95 (3) (c) ~~The program establishes project uses evidence-based~~ eligibility criteria
7 for a person's participation. ~~The criteria shall specify that a violent offender is not eligible to~~
8 ~~participate in the program, including validated risk, needs, and responsivity assessment~~
9 ~~instruments, to determine who is eligible for participation in the project.~~

10 **SECTION 17.** 165.95 (3) (cm) 2. of the statutes is created to read:

11 165.95 (3) (cm) 2. If the project is administered by a tribe, the criminal justice oversight
12 committee shall consist of a representative of each of the following: the judiciary, criminal
13 prosecution and criminal defense, social services providers, behavioral health treatment
14 providers, law enforcement, corrections, and other members the oversight committee
15 determines are appropriate to the project.

16 **SECTION 18.** 165.95 (3) (d) of the statutes, as affected by 2013 Wisconsin Act 20, is
17 repealed.

18 **SECTION 19.** 165.95 (3) (e) of the statutes, as affected by 2013 Wisconsin Act 20, is
19 repealed.

20 **SECTION 20.** 165.95 (3) (f) of the statutes, as affected by 2013 Wisconsin Act 20, is
21 repealed.

22 **SECTION 21.** 165.95 (3) (g) of the statutes, as affected by 2013 Wisconsin Act 20, is
23 amended to read:

1 165.95 (3) (g) The ~~program~~ project is designed to integrate all ~~mental health~~ services
2 provided to ~~program project~~ participants by state and local government agencies, tribes, and
3 other organizations. The ~~program project~~ shall require regular communication and and
4 coordination among a participant's ~~substance abuse treatment providers, other service~~
5 providers, the case manager, and any person designated under the ~~program project~~ to monitor
6 the person's compliance with his or her obligations under the ~~program project~~, and any
7 probation, extended supervision, and parole agent assigned to the participant.

8 **SECTION 22.** 165.95 (3) (h) of the statutes, as affected by 2013 Wisconsin Act 20, is
9 amended to read:

10 165.95 (3) (h) The ~~program project~~ provides ~~substance abuse and mental health~~
11 ~~treatment~~ services through providers that use evidence-based practices in the delivery of
12 services and, where applicable, that are certified by the department of health services or
13 licensed to provide the services approved under the project.

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

15 165.95 (3) (hm) The county or tribe agrees to submit data as requested under sub (5).

16 **SECTION 24.** 165.95 (3) (i) of the statutes, as affected by 2013 Wisconsin Act 20, is
17 amended to read:

18 165.95 (3) (i) The ~~program requires participants~~ project may require participants to pay
19 a reasonable amount for their treatment, based on their income and available assets, and
20 pursues and uses all possible resources available through insurance and federal, state, and
21 local aid programs, including cash, vouchers, and direct services.

22 **SECTION 25.** 165.95 (3) (j) of the statutes, as affected by 2013 Wisconsin Act 20, is
23 repealed.

1 **SECTION 26.** 165.95 (3) (k) of the statutes, as affected by 2013 Wisconsin Act 20, is
2 amended to read:

3 165.95 (3) (k) The county or tribe complies with other eligibility requirements
4 established by the department of justice, in consultation with the criminal justice coordinating
5 council, to promote the objectives listed in ~~pars. (a) and (b)~~ this subsection.

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

7 165.95 (3m) The department of justice shall consult with the criminal justice
8 coordinating council to determine which projects meet the specifications set forth in sub. (3)
9 and will receive a grant under this section.

10 **SECTION 28.** 165.95 (4) of the statutes, as affected by 2013 Wisconsin Act 20, is
11 amended to read:

12 165.95 (4) In implementing a ~~program~~ project that meets the requirements of sub. (3),
13 a county department or a tribe may contract with or award grants to a religious organization
14 under s. 59.54 (27).

15 **SECTION 29.** 165.95 (5) (a) of the statutes, as affected by 2013 Wisconsin Act 20, is
16 renumbered 165.95 (3) (cm) and amended to read:

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

21 1. If the project is administered by a county, or by a county and a tribe pursuant to sub.
22 (6), the criminal justice oversight committee shall consist of a circuit court judge, the district
23 attorney or his or her designee, the state public defender or his or her designee, a local law
24 enforcement official, a representative of the county, a representative of the tribe, if applicable,

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

7 **SECTION 30.** 165.95 (5) (b) of the statutes, as affected by 2013 Wisconsin Act 20, is
8 renumbered 165.95 (5) (ag) and amended to read:

9 165.95 (5) (ag) A county or tribe that receives a grant under this section shall comply
10 with state audits and shall submit an annual report ~~to the department of justice and to the~~
11 criminal justice oversight committee ~~created under par. (a)~~ identified in sub. (3) (cm)
12 ~~regarding the impact of the program on jail and prison populations and its progress in attaining~~
13 ~~the goals specified in sub. (3) (b) and (f).~~

14 **SECTION 31.** 165.95 (5) (bg) of the statutes is created to read:

15 165.95 (5) (bg) A county or tribe that receives a grant under this section shall submit
16 data requested by the department of justice to the department of justice each month. The
17 department of justice may request any data regarding the project funded by the grant that is
18 necessary to evaluate the project and prepare the reports under sub. (5p).

19 **SECTION 32.** 165.95 (5m) of the statutes, as affected by 2013 Wisconsin Act 20, is
20 repealed.

21 **SECTION 33.** 165.95 (5p) of the statutes is created to read:

22 165.95 (5p) (a) The department of justice shall, annually, analyze the data submitted
23 under sub. (5) (bg) and prepare a progress report that evaluates the effectiveness of the grant

1 program. The department of justice shall submit a copy of the report to the criminal justice
2 coordinating council and shall make the report available to the public.

3 (b) The department of justice shall, every 5 years, prepare a comprehensive report that
4 analyzes the data it receives under sub. (5) (bg) and the annual reports it produces under par.
5 (a). The department of justice shall include in this comprehensive report a cost benefit analysis
6 of the grant program and shall submit the report to the criminal justice coordinating council
7 and to the chief clerk of each house of the legislature for distribution to the legislature under
8 s. 13.172 (2).

9 (c) The department of justice may enter into one or more contracts with another person
10 for the purpose of evaluating the grant program and preparing the reports under pars. (a) and
11 (b). The department of justice shall fund such contracts from moneys appropriated under s.
12 20.455 (2) (em) and (kv) with not more than 10 percent of the amount awarded as grants under
13 sub. (2).

14 **SECTION 34.** 165.95 (6) of the statutes, as affected by 2013 Wisconsin Act 20, is
15 amended to read:

16 165.95 (6) ~~Two or more counties~~ A county or tribe may, with one or more other counties
17 or tribes, jointly apply for and receive a grant under this section. ~~If counties submit~~ Upon
18 submitting a joint application, ~~they~~ each county or tribe shall include with ~~their~~ the application
19 a written agreement specifying each tribe's and each county department's role in developing,
20 administering, and evaluating the ~~program project~~. The criminal justice oversight committee
21 ~~established under sub. (5) (a)~~ identified in sub. (3) (cm) shall consist of representatives from
22 each county or tribe that participates in the project.

23 **SECTION 35.** 165.95 (7) of the statutes, as affected by 2013 Wisconsin Act 20, is
24 amended to read:

1 165.95 (7) Grants provided under this section shall be provided on a calendar year basis
2 beginning on January 1, 2007. If the department of justice decides to make a grant to a county
3 under this section, the department of justice shall notify the county of its decision and the
4 amount of the grant no later than September 1 of the year preceding the year for which the grant
5 will be made.

6 **SECTION 36.** 165.95 (7m) of the statutes, as affected by 2013 Wisconsin Act 20, is
7 amended to read:

8 165.95 (7m) Beginning in fiscal year ~~2012-13~~ 2014-15, the department of justice shall,
9 every 5 years, make grants under this section available to any county or tribe on a competitive
10 basis. A county or tribe may apply for a grant under this subsection regardless of whether the
11 county or tribe has received a grant previously under this section.

12 **SECTION 37.** 165.95 (8) of the statutes, as affected by 2013 Wisconsin Act 20, is
13 repealed.

14 **SECTION 38.** 165.95 (9) of the statutes, as affected by 2013 Wisconsin Act 20, is
15 repealed.

16 **SECTION 39.** 165.95 (10) of the statutes, as affected by 2013 Wisconsin Act 20, is
17 repealed.

18 **SECTION 40.** 302.43 of the statutes, as affected by 2013 Wisconsin Act 20, is amended
19 to read:

20 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time in the
21 amount of one-fourth of his or her term for good behavior if sentenced to at least 4 days, but
22 fractions of a day shall be ignored. An inmate shall be given credit for time served prior to
23 sentencing under s. 973.155, including good time under s. 973.155 (4). An inmate who
24 violates any law or any regulation of the jail, or neglects or refuses to perform any duty

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

10 **SECTION 41.** 961.472 (5) (b) of the statutes, as affected by 2013 Wisconsin Act 20, is
11 amended to read:

12 961.472 (5) (b) The person is participating in ~~a~~ an evidence-based substance abuse
13 treatment program ~~that meets the requirements of s. 165.95 (3), as determined by the~~
14 ~~department of justice under s. 165.95 (9) and (10).~~

15 **SECTION 42.** 967.11 (1) and (2) of the statutes, as affected by 2013 Wisconsin Act 20,
16 are amended to read:

17 967.11 (1) In this section, “approved substance abuse treatment program” means a
18 ~~substance abuse~~ an evidence-based treatment program ~~that meets the requirements of s.~~
19 ~~165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10).~~

20 (2) If a county establishes an approved ~~substance abuse~~ evidence-based treatment
21 program and the program authorizes the use of surveillance and monitoring technology or day
22 reporting programs, a court or a district attorney may require a person participating in an
23 approved ~~substance abuse~~ evidence-based treatment program to submit to surveillance and
24 monitoring technology or a day reporting program as a condition of participation.

