

1       **AN ACT** *to repeal* 15.145 (5), 165.95 (1) (a), (b), and (2r), 165.95 (3) (a), 165.95 (3)  
2       (d), (e), and (f), 165.95 (3) (j), 165.95 (5m), 165.95 (8), 165.95 (9) and 301.095; *to*  
3       *renumber and amend* 165.95 (5) (a) and 165.95 (5) (b); *to amend* 20.455 (2) (em),  
4       20.455 (2) (kn), 20.455 (2) (kv), 165.95 (1) (intro.), 165.95 (2), 165.95 (3) (intro.),  
5       165.95 (3) (b), 165.95 (3) (c), 165.95 (3) (g), 165.95 (3) (h), 165.95 (3) (i), 165.95  
6       (3) (k), 165.95 (4), 165.95 (6), 165.95 (7), 165.95 (7m), 165.95 (10), 165.955 (2),  
7       302.43, 950.04 (1v) (g), 961.472 (5) (b), 967.11 (1) and (2), 973.09 (1) (d) and (4)  
8       (a) and 973.155 (1m); and *to create* 15.257 (3), 165.847, 165.95 (1) (ad), (ah), (ap),  
9       and (at), 165.95 (3) (ae), 165.95 (3) (ag), 165.95 (3) (bd), 165.95 (3) (cm) 2., 165.95  
10       (3) (hm), 165.95 (3m), 165.95 (5) (bg), 165.95 (5p) and 973.09 (4g) of the statutes;  
11       **relating to:** creating the criminal justice coordinating council, providing grants to  
12       certain county or tribal criminal justice projects, and making 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. Eligible projects must require participants to pay a reasonable amount for their treatment within the project. Finally, 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.

The draft 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.

Because the CJCC has assumed the duties of the current council on offender re-entry with the department of corrections, the draft repeals references to the council.

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.

This draft makes several changes to the TAD grant 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, a project must specify whether or not certain violent offenders will be allowed to participate. If so, there must be a victim advocate on the project's oversight committee, if such an advocate exists in the project's county. If the project includes domestic abuse offenders, the oversight committee must consult with a batterers' treatment provider.

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. The evaluation is funded from TAD appropriation, and the DOJ may enter into a contract with an independent entity to conduct the evaluation.

Finally, the draft increases an appropriation to the supreme court to fund a statewide treatment court coordinator in the office of the director of state courts.

1           **SECTION 1.** 15.145 (5) of the statutes is repealed.

**NOTE:** SECTION 1 repeals the council on offender re-entry in the Department of Corrections (DOC). The council's duties have been assumed by the CJCC, created in this draft.

2           **SECTION 2.** 15.257 (3) of the statutes is created to read:

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

- 6           1. The secretary of corrections, or his or her designee, who shall serve as cochairperson.
- 7           2. The attorney general, or his or her designee, who shall serve as cochairperson.
- 8           3. The state public defender, or his or her designee.
- 9           4. A sheriff.
- 10          5. A chief of police.
- 11          6. A district attorney.
- 12          7. The director of state courts, or his or her designee.
- 13          8. The secretary of workforce development, or his or her designee.
- 14          9. The secretary of children and families, or his or her designee.
- 15          10. The secretary of health services, or his or her designee.
- 16          11. The secretary of veterans affairs, or his or her designee.
- 17          12. The chairperson of the committee of chief judges of the circuit courts, or his or her  
18 designee.
- 19          13. A county executive or county administrator.
- 20          14. A county criminal justice coordinator or a member serving on a county criminal  
21 justice coordinating council.
- 22          15. A representative of a crime victim rights or crime victim services organization.

1 16. A person with experience in mental health issues and the criminal justice system.

2 17. A representative of a federally recognized American Indian tribe or band in this  
3 state.

4 18. Three other members.

5 (b) Each member specified in par. (a) 4. to 6. and 13. to 17. shall be appointed by the  
6 governor for a 3-year term.

7 (c) The members specified in par. (a) 1. to 7. shall constitute an executive committee.

8 (d) The criminal justice coordinating council shall meet not less than 4 times each year.

**NOTE:** SECTION 2 creates the CJCC in DOJ.

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

11 20.455 (2) (em) *Alternatives to prosecution and incarceration for persons who use*  
12 *alcohol or other drugs; presentencing assessments.* The amounts in the schedule for making  
13 grants to counties and tribes under s. 165.95 (2) and entering into contracts under s. 165.95  
14 (5p) (c).

**NOTE:** This SECTION, and SECTIONS 4, 5, 11, 25, 27, 29, 30, 33, 35, and  
41 allow tribes, in addition to counties, to be eligible recipients of TAD  
grants and to enter into contracts to operate TAD projects.

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

17 20.455 (2) (kn) *Alternatives to prosecution and incarceration for persons who use*  
18 *alcohol or other drugs; justice information fee.* The amounts in the schedule for administering  
19 and making grants to counties and tribes under s. 165.95 (2). All moneys transferred from the  
20 appropriation account under s. 20.505 (1) (id) 5. shall be credited to this appropriation account.

1           **SECTION 5.** 20.455 (2) (kv) of the statutes, as affected by 2013 Wisconsin Act 20, is  
2 amended to read:

3           20.455 (2) (kv) *Grants for substance abuse treatment programs for criminal offenders*  
4 *projects.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the purpose of making  
5 grants to counties and tribes under s. 165.95 (2) and entering into contracts under s. 165.95  
6 (5p) (c).

7           **SECTION 6.** 165.847 of the statutes is created to read:

8           **165.847 Criminal justice coordinating council.** The criminal justice coordinating  
9 council shall do all of the following:

10           (1) Study and provide recommendations to the governor, the legislature, the department  
11 of corrections, the department of health services, and the department of workforce  
12 development on matters related to coordinating the services of state and local government  
13 agencies and nongovernmental entities in the criminal justice system to increase efficiency,  
14 effectiveness, and public safety.

15           (2) Provide recommendations to the governor, the legislature, the department of  
16 corrections, the department of health services, and the department of workforce development  
17 regarding the use of evidence-based practices, risk reduction programming, crime prevention,  
18 diversion, and community-based alternatives to confinement to increase public safety, reduce  
19 recidivism, and improve offender and system accountability.

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

23           (4) Facilitate the development of county or multicounty criminal justice oversight  
24 committees.

1           **(5)** Provide recommendations to the governor, the legislature, the department of  
2 corrections, the department of health services, and the department of workforce development  
3 regarding the collection and synthesis of real-time criminal justice data and the tracking of  
4 system indicators.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOTE:** This SECTION sets forth the duties of the CJCC.

14          **SECTION 7.** 165.95 (1) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20,  
15 is amended to read:

16           165.95 (1) (intro.) In this section, ~~“violent offender” means a person to whom one of~~  
17 ~~the following applies:~~

18          **SECTION 8.** 165.95 (1) (a), (b), and (2r) of the statutes, as affected by 2013 Wisconsin  
19 Act 20, are repealed.

**NOTE:** SECTIONS 7 and 8 repeal the current definition of “violent offender” used in the TAD program; this definition is re-created in SECTION 9 of the draft. SECTION 8 also repeals the requirement that any county that receives a grant under this section on or after January 1, 2012, shall provide matching funds that are equal to 25 percent of the amount of the grant.



1           **SECTION 9.** 165.95 (1) (ad), (ah), (ap), and (at) of the statutes are created to read:

2           165.95 (1) (ad) “Evidence-based” means using research to determine how effective a  
3 practice is at achieving positive measurable outcomes, including reducing recidivism and  
4 increasing public safety.

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

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

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

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

**NOTE:** SECTION 9 creates definitions of “evidence-based”, “tribe”,  
“violent offender”, and “violent offense”, which are used in the TAD  
program as modified in this draft.

13           **SECTION 10.** 165.95 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is  
14 amended to read:

15           165.95 (2) The department of justice shall make grants to counties and to tribes to enable  
16 them to establish and operate ~~programs~~ projects, including suspended and deferred  
17 prosecution ~~programs~~ projects and ~~programs based on principles of restorative justice,~~  
18 projects that operate within the continuum from arrest to discharge from supervision that  
19 provide alternatives to prosecution ~~and, incarceration, or both,~~ for criminal offenders who  
20 ~~abuse alcohol or other drugs.~~ The department of justice shall make the grants from the  
21 appropriations under s. 20.455 (2) (em), (kn), and (kv). The department of justice shall  
22 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.

**NOTE:** SECTION 10 changes references in the current TAD statute from “programs” to “projects”. It also describes TAD projects as those “that operate within the continuum from arrest to discharge from supervision” and that provide alternatives to prosecution, incarceration, or both. Also, it provides that these projects are not limited to criminal offenders who abuse alcohol or other drugs. Finally, it requires the DOJ to consult with the CJCC, rather than the departments of corrections and family services, both of which are members of the CJCC.

3 **SECTION 11.** 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 12.** 165.95 (3) (a) of the statutes, as affected by 2013 Wisconsin Act 20, is  
8 repealed.

**NOTE:** SECTION 12 repeals a provision under the current TAD statute that provides that it is designed to meet the needs of a person who abuses alcohol or other drugs and who may be or has been charged with or who has been convicted of a crime in that county related to the person’s use or abuse of alcohol or other drugs.

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

10 165.95 (3) (ae) 1. The project specifies whether or not a violent offender is eligible to  
11 participate in the project, and further specifies whether a violent offender who, in a pending  
12 case, is charged or convicted of a violent offense, described in sub. (1) (at) 4. or a violent  
13 offender who, in a pending case, is charged or convicted of a domestic abuse offense as defined  
14 in s. 968.075 (1) (a), or both, is eligible to participate in the project. If a project specifies that  
15 a violent offender is eligible to participate in the project, the project shall do all of the  
16 following:

1 a. Include at least one representative of an organization that advocates for victims of  
2 violent crime on the criminal justice oversight committee specified in par. (cm), provided such  
3 an advocate exists in the project's county.

4 b. If a violent offender who, in a pending case, has been charged or convicted of a  
5 domestic abuse offense, as defined in s. 968.075 (1) (a), is allowed to participate in the project,  
6 the criminal justice oversight committee specified in par. (cm) shall consult with a batterers'  
7 treatment provider and define how batterers' treatment will be used to treat these violent  
8 offenders.

9 c. At the request of the victim, have the district attorney make a reasonable attempt to  
10 provide the victim with notice of the date, time, and place of scheduled court proceedings that  
11 are held in connection with the violent offender's participation in the project.

**NOTE:** SECTION 13 changes the TAD program provisions regarding violent offender participation. The project must specify, in its application, whether or not a violent offender is eligible to participate in the project. A "violent offender" is a person who has been charged with or convicted of a violent offense, in a pending case. A "violent offense" means any of the following:

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

If the project specifies that a violent offender is eligible to participate, the project must do all of the following:

1. Include at least one representative of an organization that advocates for victims of violent crime on the project's criminal justice oversight committee, provided such an advocate exists in the project's county.
2. If a violent offender who, in a pending case, has been charged or convicted of a domestic abuse offense is eligible to participate in the project, the criminal justice oversight committee must consult with a

batterers' treatment provider and define how batterers' treatment will be used to treat these violent offenders.

3. At the request of the victim, have the district attorney make a reasonable attempt to provide the victim with notice of the date, time, and place of scheduled court proceedings that are held in connection with the violent offender's participation in the project.

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

2           165.95 (3) (ag) The project operates within the continuum from arrest to discharge from  
3 supervision and provides an alternative to prosecution, incarceration, or both, including  
4 suspended and deferred prosecution or community-based corrections.

**NOTE:** SECTION 14 provides that, in order to be eligible for a TAD grant, the project must operate within the continuum from arrest to discharge from supervision and provide alternatives to prosecution, incarceration, or both, including deferred prosecution or community-based corrections.

5           **SECTION 15.** 165.95 (3) (b) of the statutes, as affected by 2013 Wisconsin Act 20, is  
6 amended to read:

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

12           **SECTION 16.** 165.95 (3) (bd) of the statutes is created to read:

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

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

1           165.95 (3) (c) ~~The program establishes project uses evidence-based~~ eligibility criteria  
2 for a person's participation. ~~The criteria shall specify that a violent offender is not eligible to~~  
3 ~~participate in the program, including validated risk, needs, and responsivity assessment~~  
4 ~~instruments, to determine who is eligible for participation in the project.~~

**NOTE:** SECTIONS 15 to 17 modify current criteria and create new criteria  
for projects to comply with in order to be eligible to receive a TAD  
grant.

5           **SECTION 18.** 165.95 (3) (cm) 2. of the statutes is created to read:

6           165.95 (3) (cm) 2. If the project is administered by a tribe, the criminal justice oversight  
7 committee shall consist of a representative of each of the following: the judiciary, criminal  
8 prosecution and criminal defense, social services providers, behavioral health treatment  
9 providers, law enforcement, corrections, and other members the oversight committee  
10 determines are appropriate to the project.

**NOTE:** SECTION 18 specifies the required membership of the criminal  
justice oversight committee of a project that is administered by a tribe.

11           **SECTION 19.** 165.95 (3) (d), (e), and (f) of the statutes, as affected by 2013 Wisconsin  
12 Act 20, are repealed.

**NOTE:** SECTION 19 repeals the following three criteria that TAD projects  
currently must meet relating to services and treatment provisions:

- The services provided under the program are consistent with evidence-based practices in substance abuse and mental health treatment, as determined by the Department of Health Services, and the program provides intensive case management.
- The program uses graduated sanctions and incentives to promote successful substance abuse treatment.
- The program provides holistic treatment to its participants and provides them services that may be needed, as determined under the program, to eliminate or reduce their use of alcohol or other drugs, improve their mental health, facilitate their gainful employment or enhanced education or training, provide them stable housing, facilitate family reunification,

ensure payment of child support, and increase the payment of other court-ordered obligations.

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

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

**NOTE:** SECTION 20 changes references from TAD "program" to "project" and provides that the projects are not limited to mental health services or substance abuse treatment.

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

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

**NOTE:** SECTION 21 makes the same changes as SECTION 20. It also requires service providers to use evidence-based practices in the delivery of services and to be certified or licensed to do so.

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

17           165.95 (3) (hm) The county or tribe agrees to submit data as requested under sub (5).

**NOTE:** SECTION 22 requires county and tribal applicants for TAD projects to agree to submit requested data to DOJ.

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

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

**NOTE:** SECTION 23 changes a requirement in current law that participants  
          must pay a reasonable amount for their treatment, to an optional  
          provision.

7           **SECTION 24.** 165.95 (3) (j) of the statutes, as affected by 2013 Wisconsin Act 20, is  
8 repealed.

**NOTE:** SECTION 24 repeals the requirement that a TAD project be  
          developed with input from, and implemented in collaboration with, one  
          or more circuit court judges, the district attorney, the state public  
          defender, local law enforcement officials, county agencies responsible  
          for providing social services, including services relating to alcohol and  
          other drug addiction, child welfare, mental health, and the Wisconsin  
          Works program, DOC, the Departments of Children and Families, and  
          Health Services, private social services agencies, and substance abuse  
          treatment providers. This requirement is replaced with the requirement  
          that the project work with a criminal justice oversight committee, as  
          provided in SECTION 28.

9           **SECTION 25.** 165.95 (3) (k) of the statutes, as affected by 2013 Wisconsin Act 20, is  
10 amended to read:

11           165.95 (3) (k) The county or tribe complies with other eligibility requirements  
12 established by the department of justice, in consultation with the criminal justice coordinating  
13 council, to promote the objectives listed in ~~pars. (a) and (b)~~ this subsection.

14           **SECTION 26.** 165.95 (3m) of the statutes is created to read:

1           165.95 (3m) The department of justice shall consult with the criminal justice  
2 coordinating council to determine which projects meet the specifications set forth in sub. (3)  
3 and will receive a grant under this section.

**NOTE:** SECTIONS 25 and 26 require DOJ consultation with the CJCC  
with regard to certain TAD project requirements.

4           **SECTION 27.** 165.95 (4) of the statutes, as affected by 2013 Wisconsin Act 20, is  
5 amended to read:

6           165.95 (4) In implementing a ~~program~~ project that meets the requirements of sub. (3),  
7 a county department or a tribe may contract with or award grants to a religious organization  
8 under s. 59.54 (27).

9           **SECTION 28.** 165.95 (5) (a) of the statutes, as affected by 2013 Wisconsin Act 20, is  
10 renumbered 165.95 (3) (cm) and amended to read:

11           165.95 (3) (cm) ~~A county that receives a grant under this section shall create an~~ The  
12 project identifies a criminal justice oversight committee to develop and implement the project  
13 design and advise the county or tribe in administering and evaluating its ~~program~~. ~~Each~~  
14 project.

15           1. If the project is administered by a county, or by a county and a tribe pursuant to sub.  
16 (6), the criminal justice oversight committee shall consist of a circuit court judge, the district  
17 attorney or his or her designee, the state public defender or his or her designee, a local law  
18 enforcement official, a representative of the county, a representative of the tribe, if applicable,  
19 a representative of each other county and, if applicable, the tribal agency responsible for  
20 providing social services, including services relating to child welfare, ~~mental health, and the~~  
21 ~~Wisconsin Works program,~~ representatives of the departments of corrections and health ~~and~~  
22 ~~family~~ services, a representative from private social services agencies, a representative of



1 ~~substance abuse~~ behavioral health treatment providers, and other members ~~to be determined~~  
2 ~~by the county~~ the oversight committee determines are appropriate to the project.

**NOTE:** SECTION 28 specifies some of the members required to be on the county or tribal criminal justice oversight committee that will develop and implement the TAD project design, and advise the county or tribe administering and evaluating the project.

3 **SECTION 29.** 165.95 (5) (b) of the statutes, as affected by 2013 Wisconsin Act 20, is  
4 renumbered 165.95 (5) (ag) and amended to read:

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

**NOTE:** SECTION 29 provides that a county or tribe that receives a TAD grant shall submit with state audits and requires it to submit its annual report to the CJCC, and not DOJ. It also removes the requirement that the annual report address the impact that the project has on jail and prison populations.

10 **SECTION 30.** 165.95 (5) (bg) of the statutes is created to read:

11 165.95 (5) (bg) A county or tribe that receives a grant under this section shall submit  
12 data requested by the department of justice to the department of justice each month. The  
13 department of justice may request any data regarding the project funded by the grant that is  
14 necessary to evaluate the project and prepare the reports under sub. (5p).

**NOTE:** SECTION 30 contains data submittal requirements for the TAD projects.

15 **SECTION 31.** 165.95 (5m) of the statutes, as affected by 2013 Wisconsin Act 20, is  
16 repealed.

**NOTE:** SECTION 31 deletes urine testing specifications.

1           **SECTION 32.** 165.95 (5p) of the statutes is created to read:

2           165.95 (5p) (a) The department of justice shall, annually, analyze the data submitted  
3 under sub. (5) (bg) and prepare a progress report that evaluates the effectiveness of the grant  
4 program. The department of justice shall submit a copy of the report to the criminal justice  
5 coordinating council and shall make the report available to the public.

6           (b) The department of justice shall, every 5 years, prepare a comprehensive report that  
7 analyzes the data it receives under sub. (5) (bg) and the annual reports it produces under par.

8 (a). The department of justice shall include in this comprehensive report a cost benefit analysis  
9 of the grant program and shall submit the report to the criminal justice coordinating council  
10 and to the chief clerk of each house of the legislature for distribution to the legislature under  
11 s. 13.172 (2).

12           (c) The department of justice may enter into one or more contracts with another person  
13 for the purpose of evaluating the grant program and preparing the reports under pars. (a) and

14 (b). The department of justice shall fund such contracts from moneys appropriated under s.  
15 20.455 (2) (em) and (kv) with not more than 10 percent of the amount awarded as grants under  
16 sub. (2).

**NOTE:** SECTION 32 creates a new evaluation requirement for the TAD  
          program as modified in this draft.

17           **SECTION 33.** 165.95 (6) of the statutes, as affected by 2013 Wisconsin Act 20, is  
18 amended to read:

19           165.95 (6) ~~Two or more counties~~ A county or tribe may, with one or more other counties  
20 or tribes, jointly apply for and receive a grant under this section. ~~If counties submit~~ Upon  
21 submitting a joint application, ~~they~~ each county or tribe shall include with ~~their~~ the application  
22 a written agreement specifying each tribe's and each county department's role in developing,

1 administering, and evaluating the ~~program project~~. The criminal justice oversight committee  
2 ~~established under sub. (5) (a)~~ identified in sub. (3) (cm) shall consist of representatives from  
3 each county or tribe that participates in the project.

4 **SECTION 34.** 165.95 (7) of the statutes, as affected by 2013 Wisconsin Act 20, is  
5 amended to read:

6 165.95 (7) Grants provided under this section shall be provided on a calendar year basis  
7 beginning on January 1, 2007. ~~If the department of justice decides to make a grant to a county~~  
8 ~~under this section, the department of justice shall notify the county of its decision and the~~  
9 ~~amount of the grant no later than September 1 of the year preceding the year for which the grant~~  
10 ~~will be made.~~

**NOTE:** SECTION 34 eliminates the requirement that if DOJ decides to  
make a TAD grant to a county, that it must notify the county by  
September 1 of its decision, and the amount of the grant.

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

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

17 **SECTION 36.** 165.95 (8) of the statutes, as affected by 2013 Wisconsin Act 20, is  
18 repealed.

**NOTE:** SECTION 36 deletes a requirement that the DOJ must assist a  
county receiving a grant under this section in obtaining funding from  
other sources for its program.

19 **SECTION 37.** 165.95 (9) of the statutes, as affected by 2013 Wisconsin Act 20, is  
20 repealed.

**NOTE:** SECTION 37 deletes a requirement that the DOJ must inform any county that is applying for a grant under this section whether the county meets the application requirements, regardless of whether the county receives a grant.

1           **Section 38.** 165.95 (10) of the statutes, as affected by 2013 Wisconsin Act 20, is  
2 amended to read:

3           165.95 (10) The department of justice shall evaluate every 2 years, the grant program  
4 established under this section. The evaluation shall be funded from the appropriations under  
5 s. 20.455 (2) (em). The department of justice may enter into a contract with an entity not  
6 affiliated with the grant program to conduct the evaluation of the grant program.

**NOTE:** SECTION 38 specifies the funding source for the required TAD evaluation, and provides that DOJ may enter into a contract with an independent entity that is not affiliated with the TAD program to conduct the evaluation.

7           **SECTION 39.** 165.955 (2) of the statutes is amended to read:

8           165.955 (2) From the appropriation under s. 20.455 (2) (eg), the department of justice  
9 shall provide, to counties that have not established a drug court, grants to establish and operate  
10 drug courts. The department of justice shall evaluate, every 2 years, the grant program  
11 established under this section. The evaluation shall be funded from the appropriations under  
12 s. 20.455 (2) (eg). The department of justice may enter into a contract with an entity not  
13 affiliated with the grant program to conduct an independent evaluation of the grant program  
14 every 2 years.

**NOTE:** SECTION 39 requires DOJ to evaluate drug courts established under that section, and requires the DOJ to evaluate the program every two years. This provision specifies the funding source for the required evaluation, and provides that DOJ may enter into a contract with an independent entity that is not affiliated with the program to conduct the evaluation.

15           **SECTION 40.** 301.095 of the statutes is repealed.

**NOTE:** SECTION 40 repeals the council on offender reentry within the DOC. The council's duties are assumed by the CJCC, created in this draft.

1           **SECTION 41.** 302.43 of the statutes, as affected by 2013 Wisconsin Act 20, is amended  
2 to read:

3           **302.43 Good time.** Every inmate of a county jail is eligible to earn good time in the  
4 amount of one-fourth of his or her term for good behavior if sentenced to at least 4 days, but  
5 fractions of a day shall be ignored. An inmate shall be given credit for time served prior to  
6 sentencing under s. 973.155, including good time under s. 973.155 (4). An inmate who  
7 violates any law or any regulation of the jail, or neglects or refuses to perform any duty  
8 lawfully required of him or her, may be deprived by the sheriff of good time under this section,  
9 except that the sheriff shall not deprive the inmate of more than 2 days good time for any one  
10 offense without the approval of the court. An inmate who files an action or special proceeding,  
11 including a petition for a common law writ of certiorari, to which s. 807.15 applies shall be  
12 deprived of the number of days of good time specified in the court order prepared under s.  
13 807.15 (3). This section does not apply to a person who is confined in the county jail in  
14 connection with his or her participation in a ~~substance abuse treatment program~~ project that  
15 meets the requirements of s. 165.95 (3), as determined by the department of justice ~~under s.~~  
16 ~~165.95 (9) and (10).~~

17           **SECTION 42.** 950.04 (1v) (g) of the statutes is amended to read:

18           950.04 (1v) (g) To have reasonable attempts made to notify the victim of hearings or  
19 court proceedings, as provided under ss. 165.95 (3) (ae) 2. b., 302.113 (9g) (g) 2., 302.114 (6),  
20 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

**NOTE:** SECTION 42 requires victim notification if a violent offender is included in a TAD project.

1           **SECTION 43.** 961.472 (5) (b) of the statutes, as affected by 2013 Wisconsin Act 20, is  
2 amended to read:

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

6           **SECTION 44.** 967.11 (1) and (2) of the statutes, as affected by 2013 Wisconsin Act 20,  
7 are amended to read:

8           967.11 (1) In this section, “approved ~~substance abuse~~ treatment program” means a  
9 substance abuse an evidence-based treatment program ~~that meets the requirements of s.~~  
10 ~~165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10).~~

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

**NOTE:** SECTIONS 43, 44, and 47 change references in various statutes  
          from “substance abuse treatment program” to “evidence-based treatment  
          program”.

16           **SECTION 45.** 973.09 (1) (d) and (4) (a) of the statutes are amended to read:

17           973.09 (1) (d) If a person is convicted of an offense that provides a mandatory or  
18 presumptive minimum period of one year or less of imprisonment, a court may place the  
19 person on probation under par. (a) if the court requires, as a condition of probation, that the  
20 person be confined under sub. (4) or be placed in detention under sub. (4g), or both, for at least  
21 that mandatory or presumptive minimum period. The person is eligible to earn good time  
22 credit calculated under s. 302.43 regarding the period of confinement or detention.

1           (4) (a) The court may also require as a condition of probation that the probationer be  
2 confined under this subsection or under sub. (4g), or both, during such period of the term of  
3 probation as the court prescribes, but not to exceed one year. The court may grant the privilege  
4 of leaving the county jail, Huber facility, work camp, or tribal jail during the hours or periods  
5 of employment or other activity under s. 303.08 (1) while confined under this subsection. The  
6 court may specify the necessary and reasonable hours or periods during which the probationer  
7 may leave the jail, Huber facility, work camp, or tribal jail or the court may delegate that  
8 authority to the sheriff. In those counties without a Huber facility under s. 303.09, a work camp  
9 under s. 303.10, or an agreement under s. 302.445, the probationer shall be confined in the  
10 county jail. In those counties with a Huber facility under s. 303.09, the sheriff shall determine  
11 whether confinement under this subsection is to be in that facility or in the county jail. In those  
12 counties with a work camp under s. 303.10, the sheriff shall determine whether confinement  
13 is to be in the work camp or the county jail. The sheriff may transfer persons confined under  
14 this subsection between a Huber facility or a work camp and the county jail. In those counties  
15 with an agreement under s. 302.445, the sheriff shall determine whether a person who is  
16 confined under this subsection but who is not subject to an order under par. (b) is to be confined  
17 in the tribal jail or the county jail, unless otherwise provided under the agreement. In those  
18 counties, the sheriff may transfer persons confined under this subsection between a tribal jail  
19 and a county jail, unless otherwise provided under the agreement.

20           **SECTION 46.** 973.09 (4g) of the statutes is created to read:

21           973.09 (4g) A court may also require, as a condition of probation, that the probationer  
22 be placed in detention at the defendant's place of residence or other place designated by the  
23 court as a condition of probation during such period of the term of probation as the court  
24 prescribes, but not to exceed one year. Detention under this subsection may be imposed only

1 if agreed to by the defendant. Detention under this subsection shall be monitored by the use  
2 of an electronic device worn continuously on the probationer's person and capable of  
3 providing positive identification of the wearer at the detention location at any time. The court  
4 shall ensure that the defendant is provided a written statement of the terms of the condition  
5 detention under this subsection, including a description of the detention monitoring  
6 procedures and requirements and of any applicable liability issues. The terms of the condition  
7 of probation of home detention may include a requirement that the defendant pay a daily fee  
8 to cover the costs associated with monitoring him or her. In that case, the terms must specify  
9 to whom the payments are made.

10 (b) If the probationer fails to comply with the terms of the condition of detention under  
11 par. (a), the court may order the probationer brought before the court and the court may order  
12 that the remainder of the detention, or portion thereof, be served in confinement under par. (a).

**NOTE:** SECTIONS 45 and 46 provides express authority for a court to order that a probationer, including a probationer who is convicted of an offense that provides a mandatory or presumptive minimum period of one year or less of imprisonment, be confined in jail, placed in detention at the probationer's place of residence or other place designated by the court, or both, as a condition of probation during such period of the term of probation as the court prescribes, but not to exceed one year.

13 **SECTION 47.** 973.155 (1m) of the statutes, as affected by 2013 Wisconsin Act 20, is  
14 amended to read:

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

20 **SECTION 48. Nonstatutory provisions.**



1 (1) CRIMINAL JUSTICE COORDINATING COUNCIL. The authorized FTE positions for the  
2 department of justice are increased by 1.0 GPR position on the effective date of this  
3 subsection, to be funded from the appropriation under section 20.455 (3) (a) of the statutes,  
4 for the purpose of performing services for the criminal justice coordinating council.

5 **SECTION 49. Fiscal changes; Supreme Court.**

6 (1) STATEWIDE TREATMENT COURT COORDINATOR. In the schedule under section 20.005  
7 (3) of the statutes for the appropriation to the supreme court under section 20.680 (2) (a) of  
8 the statutes, the dollar amount is increased by \$84,453 for each fiscal year of the fiscal  
9 biennium in which this subsection takes effect to increase the authorized FTE positions for the  
10 director of state courts office by 1.0 GPR position for the purpose of providing assistance,  
11 information, and coordination to treatment courts throughout the state of Wisconsin.

12 **SECTION 50. Initial applicability.**

13 (1) TREATMENT ALTERNATIVES AND DIVERSIONS. This draft first applies to grants awarded  
14 on January 1, 2016.

15 (2) HOME DETENTION. The treatment of sections 973.09 (1) (d), (4) (a), and (4g) first  
16 applies to offenses committed on the effective date of this subsection.

17 (END)