

2005 WISCONSIN ACT 25

(2005-2007 State Budget)

**Sec. 90m of Act 25 incorporates the provisions of 2005 Senate Bill 142
into the Budget Act**

SECTION 90m. 16.964 (12) of the statutes is created to read:

16.964 (12)

- (a) In this subsection, “violent offender” means a person to whom one of the following applies:
 1. The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.
 2. The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.
- (b) The office shall make grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The office shall make the grants from the appropriations under s.20.505 (6) (b) and (ku). The office shall collaborate with the departments of corrections and health and family services in establishing this grant program.
- (c) A county shall be eligible for a grant under par. (b) if all of the following apply:
 1. The county’s program 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.
 2. The program is designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants’ families by meeting the comprehensive needs of participants.

3. The program establishes eligibility criteria for a person’s participation. The criteria shall specify that a violent offender is not eligible to participate in the program.
4. 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 and family services, and the program provides intensive case management.
5. The program uses graduated sanctions and incentives to promote successful substance abuse treatment.
6. 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.
7. The program is designed to integrate all mental health services provided to program participants by state and local government agencies and other organizations. The program shall require regular communication among a participant’s substance abuse treatment providers, other service providers, the case manager, and any person designated under the program to monitor the person’s compliance with his or her obligations under the program and any probation, extended supervision, and parole agent assigned to the participant.
8. The program provides substance abuse and mental health treatment services through providers that are certified by the department of health and family services.
9. The program requires participants to pay a reasonable amount for their treatment, based on their income and available assets, and pursues and uses all possible resources available through insurance and federal, state, and local aid programs, including cash, vouchers, and direct services.
10. The program is 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, the departments of corrections and health and family services, private social services agencies, and substance abuse treatment providers.

11. The county complies with other eligibility requirements established by the office to promote the objectives listed in subds. 1. and 2.
- (d) In implementing a program that meets the requirements of par. (c), a county department may contract with or award grants to a religious organization under s. 59.54 (27).
- (e) 1. A county that receives a grant under this subsection shall create an oversight committee to advise the county in administering and evaluating its program. Each committee shall consist of a circuit court judge, the district attorney or his or her designee, the state public defender or his or her designee, a local law enforcement official, a representative of the county, a representative of each other county agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections and health and family services, a representative from private social services agencies, a representative of substance abuse treatment providers, and other members to be determined by the county.
2. A county that receives a grant under this subsection shall comply with state audits and shall submit an annual report to the office and to the oversight committee created under subd. 1. regarding the impact of the program on jail and prison populations and its progress in attaining the goals specified in par. (c) 2. and 6.
- (f) Two or more counties may jointly apply for and receive a grant under this subsection. If counties submit a joint application, they shall include with their application a written agreement specifying each county department's role in developing, administering, and evaluating the program. The oversight committee established under par. (e) 1. shall consist of representatives from each county.
- (g) Grants provided under this subsection shall be provided on a calendar year basis beginning on January 1, 2007. If the office decides to make a grant to a county under this subsection, the office shall notify the county of its decision and the amount of the grant no later than September 1 of the year preceding the year for which the grant will be made.
- (h) The office shall assist a county receiving a grant under this subsection in obtaining funding from other sources for its program.
- (i) The office shall inform any county that is applying for a grant under this subsection whether the county meets the requirements established under par. (c), regardless of whether the county receives a grant.

- (j) The office shall enter into one or more contracts with another person for the purpose of evaluating the grant program established under this subsection. The office shall fund such contracts from moneys appropriated under s. 20.505 (6) (b) and (ku) with 1 percent of the amount awarded as grants under par. (b).
- (k) By December 31, 2011, the office, in collaboration with the departments of corrections and health and family services, shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under section 13.172(3), regarding savings that have been generated through the implementation of the grant program. The report shall also include recommendations regarding how the grant program should be structured in the future.