



2013 ASSEMBLY BILL 789

February 20, 2014 - Introduced by Representatives HEBL, GOYKE, WACHS, ZAMARRIPA, KAHL, SARGENT, KOLSTE, WRIGHT, POPE, GENRICH and PASCH, cosponsored by Senators MILLER, CARPENTER and C. LARSON. Referred to Committee on Criminal Justice.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to create** 15.257 (3) and 165.847 of the statutes; **relating to:** the criminal
2 justice coordinating council.

Analysis by the Legislative Reference Bureau

Under current law, the governor has created by executive order a criminal justice coordinating council. This bill creates a criminal justice coordinating council in the Department of Justice, consisting of eight members who are members by virtue of the office they hold and 11 members appointed by the governor for three-year terms.

Under this bill, the criminal justice coordinating council must study, and provide advice and make recommendations on, a variety of matters relating to the criminal justice system. This bill also specifically requires the council to prepare a report and make recommendations regarding the state's laws and programs related to operating a motor vehicle while intoxicated.

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:

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

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1 15.257 (3) CRIMINAL JUSTICE COORDINATING COUNCIL. (a) There is created in the
2 department of justice a criminal justice coordinating council consisting of the
3 following members:

4 1. The secretary of corrections, who shall serve as cochairperson.

5 2. The attorney general, who shall serve as cochairperson.

6 3. The state public defender.

7 4. A sheriff.

8 5. A chief of police.

9 6. A district attorney.

10 7. The director of state courts.

11 8. The secretary of workforce development.

12 9. The secretary of children and families.

13 10. The secretary of health services.

14 11. A chief judge of a judicial administrative district.

15 12. A county executive or county administrator.

16 13. A county criminal justice coordinator or a member serving on a county
17 criminal justice coordinating council.

18 14. A representative of a crime victim rights or crime victim services
19 organization.

20 15. A person with experience in mental health issues and the criminal justice
21 system.

22 16. A representative of a federally recognized American Indian tribe or band
23 in this state.

24 17. Three other members.

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1 (b) Each member specified in par. (a) 4. to 6. and 11. to 17. shall be appointed
2 by the governor for a 3-year term.

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

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

7 **SECTION 2.** 165.847 of the statutes is created to read:

8 **165.847 Criminal justice coordinating council.** (1) The criminal justice
9 coordinating council shall do all of the following:

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

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

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

24 (d) Facilitate the development of county or multicounty criminal justice
25 coordinating councils.

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

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

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

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

15 (i) Assist the governor with strategic planning for, and management of, federal
16 block grant or federal formula grant funds.

17 (j) Annually, submit a report on the progress of the council's work to the
18 governor, the chief justice of the supreme court for dissemination to the judicial
19 branch, any relevant state agencies, as identified by the council, and to the chief clerk
20 of each house of the legislature for distribution to the legislature.

21 (k) Develop a system that tracks and reports, on a monthly basis, state criminal
22 justice data, including all of the following:

23 1. The rate of violent crime, as reported by law enforcement agencies in uniform
24 crime reports or incident-based reports.

25 2. The average daily population of prisons and county jails.

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- 1 3. The number of felony criminal cases filed in circuit courts.
 - 2 4. The number of persons sentenced to prison by the circuit courts.
 - 3 5. The number of persons imprisoned due to revocation of parole or extended
4 supervision.
 - 5 6. The number of persons imprisoned due to probation revocation.
 - 6 7. The number of persons released to parole or extended supervision.
 - 7 8. The number of persons placed on probation by the courts.
 - 8 9. The number of persons discharged from probation, parole, or extended
9 supervision.
- 10 (L) 1. Not later than the first day of the 18th month beginning after the effective
11 date of this subsection [LRB inserts date], submit to the governor, the chief justice
12 of the supreme court for dissemination to the judicial branch, any relevant state
13 agencies, as identified by the council, and to the chief clerk of each house of the
14 legislature for distribution to the legislature a report regarding the state's laws and
15 programs related to operating a motor vehicle while intoxicated. The report shall
16 contain all of the following:
- 17 a. A summary of existing state law, including administrative rules, related to
18 operating a motor vehicle while intoxicated, including diversionary programs and
19 treatment programs.
 - 20 b. The costs and savings associated with the law identified under subd. 1. a.
 - 21 c. An assessment of whether existing penalties for operating a motor vehicle
22 while intoxicated are consistent.
 - 23 d. An assessment of whether existing criminal and civil penalties for operating
24 a motor vehicle while intoxicated are duplicative.

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1 e. An analysis of existing comprehensive policies related to operating a motor
2 vehicle while intoxicated from other states and nations, including a summary of
3 research regarding the success or failure of these policies in reducing recidivism and
4 long-term criminal justice costs.

5 f. Specific policy recommendations, including statutory changes, changes to
6 funding for specific programs, new treatment or diversionary programs, and
7 identification of potential funding sources for any additional cost associated with the
8 recommendations.

9 2. The council may permit the participation of any subcommittee, including the
10 members of a subcommittee, created under sub. (2) in the preparation of the report
11 under this paragraph.

12 (2) The cochairpersons of the criminal justice coordinating council may create
13 subcommittees as they deem necessary and engage other stakeholders and public
14 members to participate in subcommittee activities. Each executive branch agency
15 with membership on the council shall, upon the request of the council, designate
16 agency staff to provide assistance to the council.

17 (3) All executive agencies are directed to aid the criminal justice coordinating
18 council to the greatest extent possible. At the request of the council, the department
19 of corrections, the parole commission, the department of health services, the
20 department of children and families, the department of workforce development, the
21 department of justice, the department of transportation, the state prosecutor's office,
22 and the department of administration shall provide the council with information and
23 data needed by the council to perform its duties.

24 **SECTION 3. Nonstatutory provisions.**

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

6

(END)