State of Wisconsin
2013 – 2014 LEGISLATURE

LRB–3286/1
PJH:kjf&cjs:jf

2013 BILL

AN ACT ***to renumber and amend*** 165.95 (3) (a); ***to amend*** 20.455 (2) (em) (title), 20.455 (2) (kn) (title), 20.455 (2) (kv) (title), 165.95 (2), 165.95 (3) (d), 165.95 (3) (e), 165.95 (3) (g), 165.95 (3) (h) and 165.95 (5) (a); and ***to create*** 165.95 (3) (a) 2. and 165.95 (6m) of the statutes; **relating to:** providing grants to counties that offer treatment and diversion programs to people with mental illnesses and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Justice (DOJ) provides grants to counties that have established qualifying treatment and diversion (TAD) programs 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 programs 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, a county's program 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 program 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 program. A qualifying TAD program 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.

Under this bill, a county may receive a TAD grant for a program that treats persons who have a diagnosed mental illness and who are or may be charged with, or who are convicted of, offenses related to the person's mental illness. Under the bill, the same qualifying, auditing, oversight, and other standards that apply to TAD programs for offenders with substance abuse problems also apply to TAD programs for offenders who are diagnosed with a mental illness. The bill increases funding for TAD grants and directs DOJ to allocate the increased amount to providing grants to counties with TAD programs that address the needs of persons with mental illness.

For further information see the ***state and local*** 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:

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

20.455 **(2)** (em) (title) *Alternatives to prosecution and incarceration for persons <u>with mental illness or</u> who use alcohol or other drugs; presentencing assessments.*

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

20.455 **(2)** (kn) (title) *Alternatives to prosecution and incarceration for persons <u>with mental illness or</u> who use alcohol or other drugs; justice information fee.*

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

20.455 **(2)** (kv) (title) *Grants for substance abuse <u>or mental illness</u> treatment programs for criminal offenders.*

SECTION 4. 165.95 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

165.95 **(2)** The department of justice 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 are diagnosed with a mental illness or who abuse alcohol or other drugs. The department of justice shall make the grants from the appropriations under s. 20.455 (2) (em), (kn), and (kv). The department of justice shall collaborate with the departments of corrections and health and family services in establishing this grant program.

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

165.95 **(3)** (a) (intro.) The county's program is designed to meet the needs of a person who meets one of the following criteria:

1. He or she 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~~ his or her use or abuse of alcohol or other drugs.

SECTION 6. 165.95 (3) (a) 2. of the statutes is created to read:

165.95 **(3)** (a) 2. He or she has been diagnosed with a mental illness and may be or has been charged with or convicted of a crime in that county related to his or her mental illness.

SECTION 7. 165.95 (3) (d) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

165.95 **(3)** (d) Services provided under the program are consistent with evidence–based practices in substance abuse ~~and~~ or mental health treatment, as

determined by the department of health services, and the program provides intensive case management.

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

165.95 **(3)** (e) ~~The~~ If the program meets the criteria set forth in par. (a) 1., the program uses graduated sanctions and incentives to promote successful substance abuse treatment.

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

165.95 **(3)** (g) 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, if applicable, 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.

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

165.95 **(3)** (h) The program provides substance abuse ~~and~~ or mental health treatment services through providers that are certified by the department of health services.

SECTION 11. 165.95 (5) (a) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

165.95 **(5)** (a) A county that receives a grant under this section 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 if the program meets the criteria set forth in sub. (3) (a) 1., and other members to be determined by the county.

SECTION 12. 165.95 (6m) of the statutes is created to read:

165.95 **(6m)** From the appropriation under s. 20.455 (2) (em), the department shall allocate at least $750,000 to grants for counties with programs that meet the needs of persons who meet the criteria set forth in sub. (3) (a) 2.

SECTION 13. Fiscal changes.

(1) TREATMENT AND DIVERSION PROGRAMS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (em) of the statutes, as affected by the acts of 2013, the dollar amount is increased by $750,000 for the first fiscal year of the fiscal biennium in which this subsection takes effect to provide grants for counties that establish alternatives to prosecution and incarceration for persons with mental illnesses.

(END)