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## **WISCONSIN SHERIFFS AND DEPUTY SHERIFFS ASSOCIATION FEBRUARY 2018 BOARD MEETING LEGISLATIVE UPDATE**

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### **OVERVIEW**

The legislature is busy in its “final push” before adjournment of the 2017-18 session. The Assembly met on Jan. 16, and both the Assembly and Senate met on Jan. 23 for floor sessions. The Senate has announced it will meet once in February and once in March. The Assembly plans to be on the floor February 13, 15, 20, 21 and 22, and may not meet in March. When the legislature adjourns, absent extraordinary circumstances, we do not anticipate it will reconvene until January 2019. After adjournment, legislators will shift their focus to Fall 2018 elections and preparation for next session’s budget and legislation.

### **2017-18 WS&DSA Legislative Priorities**

#### **1. Protective Status for County Jailers ([Senate Bill 577/Assembly Bill 676](#))**

**Position: Support**

**Status: On Tentative Assembly Calendar for February 15; No Action in Senate Committee**

Rep. Mark Born (R-Beaver Dam) and Sen. Howard Marklein (R-Spring Green) introduced legislation in November to classify county jailers, detention officers, and correctional officers to be eligible as protective occupation participants under the Wisconsin Retirement System (WRS) without a requirement that their principal duties involve active law enforcement or active fire suppression or prevention.

WS&DSA has been working with the authors and the Wisconsin Counties Association on this legislation for several years. The Assembly Committee on Corrections held a public hearing on the bill on Jan. 9, 2018. Members of WS&DSA testified in support of the legislation. The committee unanimously recommended passage of the bill in executive session on Jan. 25. WS&DSA has requested that the bill be placed on the next Assembly floor calendar.

The Senate Bill was referred to the Senate Committee on Government Operations, Technology and Consumer Protection, but committee chairman Sen. Duey Stroebel (R-

Saukville) has said he will not hold a public hearing on the bill. WS&DSA will continue to discuss the importance of this legislation with other senators, despite Sen Stroebel's objections.

**2. Benefits to Survivors of Those Killed in the Line of Duty ([Senate Bill 97/Assembly Bill 150](#))**

**Position: Support**

**Status: Committee Action Pending**

One of WS&DSA's priorities is extending benefits to the families of those killed in the line of duty to all law enforcement. Under current law, a municipality that provides the payment for hospital, surgical, and other health insurance for fire fighters must continue to pay those premiums for the surviving spouse and dependent children of a fire fighter that dies in the line of duty. Enacted in 2009, this law provides Wisconsin fire fighters and their families with a level of security if the unfortunate occurs. However, this important benefit is not extended to other law enforcement officers, including sheriffs or deputies.

This session, Sen. Van Wanggaard (R-Racine) and Rep. John Spiros (R-Marshfield) introduced companion bills (Senate Bill 97/Assembly Bill 150) in March to extend health insurance coverage to families of law enforcement who are killed in the line of duty. There has not been a public hearing on the legislation in either house.

Rep. Kevin Petersen (R-Waupaca), Chair of the Assembly Insurance Committee is unwilling to hold a public hearing on this bill until Speaker Robin Vos (R-Rochester) has signed off on the bill. It is widely known that the Speaker is not supportive of this legislation; therefore, that sign-off has not occurred.

In the Senate, the bill was recently re-referred to the Committee on Insurance, Financial Services, Constitution, and Federalism.

**3. Asset Forfeiture ([Senate Bill 61/Assembly Bill 122](#))**

**Position: Neutral (with adoption of Substitute Amendment 2 and Senate Amendment 1 to Substitute Amendment 2)**

**Status: Available for Senate Vote; Assembly Committee Action Pending**

One major issue WS&DSA has been engaged in this session is legislation to change the civil asset forfeiture process. The legislation, Senate Bill 61 and the companion bill Assembly Bill 122, was introduced in March by Sen. David Craig (R-Town of Vernon) and Rep. Gary Tauchen (R-Bonduel). Immediately after the legislation began circulating, WS&DSA, along with Badger State Sheriffs' Association (BSSA), issued a memo opposing the legislation and urging legislators to not support the legislation by signing on as "co-authors."

As introduced, the legislation contained several provisions that were problematic for law enforcement, including:

- **Conviction Requirement and Exceptions:** The original bill prohibits an item from being subject to forfeiture unless a person is convicted of a criminal offense that was the basis of the forfeiture. A court may waive the conviction requirement, upon a motion

from the prosecuting attorney, if the prosecuting attorney shows by clear and convincing evidence that one of the following exceptions applies: (1) the defendant has died; (2) the defendant was deported by the U.S. government; (3) the defendant has been granted immunity in exchange for testifying or otherwise assisting law enforcement investigation or prosecution; (4) the defendant fled the jurisdiction after being arrested, charged with a crime that includes the forfeiture of property, and released on bail.

- **Limitations on federal asset program participation:** The original bill prohibits state and local participation in the federal asset forfeiture program unless one of the following situations applies: (1) the seized property is more than \$50K or (2) the property may be forfeited only under federal law.
- **Percent of Proceeds to the School Fund.** The original bill eliminates use of forfeited vehicles for official use. The original bill directs that 100 percent of proceeds from the sale of forfeitures are deposited in the school fund. (Current law requires 50 percent of proceeds to be deposited into the school fund).
- **Attorney Fees:** The original bill requires that a person who prevails in an action to return property subject to forfeiture be awarded reasonable attorney fees.
- **Legal Representation Paid by Proceeds:** The original bill modifies the timeline for the person to have his or her property returned and provided that the court must order that the property be returned if certain conditions apply. One of those conditions allows for the return of the property if it is the only reasonable way for the defendant to pay for legal representation in the forfeiture or criminal proceeding, as long the property is not needed to be held for other investigatory reasons. This provision provides for accounting to ensure only the funds or property is returned to allow for legal representation.

In May, the Senate Committee on Labor and Regulatory Reform held a public hearing on the legislation. WS&DSA testified in opposition at the hearing and raised concerns with the legislation. After the public hearing, WS&DSA and other law enforcement groups, worked with the authors over the summer on additional changes to address the concerns. In September, the authors introduced a substitute amendment, Substitute Amendment 2, replacing the bill in its entirety.

The Substitute Amendment (“sub”) makes several changes to the original bill to specifically address several issues raised by law enforcement. This includes:

- **Conviction Requirement and Exceptions:** The sub adds to exception requirements included in the original bill. In addition to the four exceptions listed above, the court may waive the conviction requirement if (5) the property has been unclaimed for a period of at least nine months; or (6) The property is contraband that is subject to forfeiture. The sub also clarifies exception (4) above to simply be “the defendant has fled.”
- **Limitations on federal asset program participation:** The limitations in the original bill were deleted. The sub generally does *not* limit a state or local law enforcement to enter an agreement or transfer property as part of the federal asset forfeiture program. The sub does require state or local law enforcement to complete and submit an itemized report to DOA. The sub also requires a state or local law enforcement may accept proceeds only if there is a state or federal criminal conviction for the crime that was the basis for the seizure. In addition, the exceptions included under the state asset forfeiture program apply to the federal conviction requirement.

- **Percent of Proceeds to the School Fund:** For vehicles, the sub allows law enforcement to retain a vehicle for one year, then, after one year, 30 percent of the value of the vehicle, as determined by state Department of Revenue, would need to be deposited into the school fund if the vehicle is retained longer. If the vehicle is sold after one year (or sooner), then 50 percent of the proceeds would be deposited into the school fund. For proceeds from property, the sub allows for law enforcement to retain a portion, not to exceed 50 percent for administrative expenses defined in current law. However, law enforcement must produce an itemized report of actual forfeiture expenses and submit it to the Department of Administration.
- **Attorney Fees:** The attorney fees provision remains in the sub. Just like the original bill, the sub allows that a person who prevails in an action to return property subject to forfeiture to be awarded reasonable attorney fees.
- **Legal Representation Paid by Proceeds:** The sub amends this provision by adding to the conditions, so that the property can be used for legal representation, only if the property is not likely needed for victim compensation, or as evidence or for other investigatory reasons. The sub also adds that the condition that the property is not *reasonably* needed as evidence or for other investigatory reasons.

After reviewing the sub, the key remaining issue identified by WS&DSA is the inclusion of the attorney fees provision in the bill. In September, the Senate Committee on Labor and Regulatory Reform voted 3-2 to adopt the Substitute Amendment 2 and pass the bill. The bill is now available to be scheduled for a vote in the full Senate. There has been no action on the bill in the Assembly.

Recently, the bill's author Sen. Craig provided WS&DSA an amendment to the sub that would revise the bill to allow for attorney fees to be awarded "if the court finds that the forfeiting agency or prosecuting attorney has arbitrarily and capriciously pursued a forfeiture action."

After reviewing this amendment and all the other changes to the sub, WS&DSA's legislative committee decided to move to a neutral position on the bill if the amendment is adopted. WS&DSA, in consultation with DOJ attorneys, found that this language is a high legal standard for the awarding of attorney fees. WS&DSA will not advocate in support of the bill but will continue monitoring its movement in both houses of the legislature.

#### 4. WRS Changes ([Senate Bill 190](#)/[Assembly Bill 324](#))

**Position: Oppose**

**Status: Committee Action Pending**

One piece of legislation that WS&DSA is actively opposing is Senate Bill 190 and Assembly Bill 324. Authored by Sen. Stroebel and Rep. Tyler August (R- Lake Geneva), this legislation is a reprisal of two bills from last session that makes changes to the WRS formula and increases the retirement age. Under the bill, the retirement age for protective occupation participants would increase to 52 (60 for general participants). For individuals who first become participating employees in WRS on or after the effective date of the bill, this bill modifies the formula method for calculating a participant's retirement annuity by calculating the participant's final average earning using the participant's five highest annual earning periods rather than three highest annual earning periods.

There has been no legislative action on the bills since the introduction in April.

**5. Collector Car Plate ([Senate Bill 458/Assembly Bill 554](#))**

**Position: Oppose**

**Status: Committee Action Pending**

Sen. Terry Moulton (R- Chippewa Falls) and Rep. Bob Kulp (R-Stratford) introduced legislation that would exempt the front license plate requirement for “Collector Cars.” The bill includes two exceptions to the front license plate requirement: (1) if the vehicle originally manufactured without a bracket or other means for displaying a registration plate on the front of the vehicle; or (2) if the vehicle will display collector’s special interest vehicle registration plates.

WS&DSA, along with BSSA, County Law Enforcement Professionals of Wisconsin, Wisconsin Chiefs of Police Association, Wisconsin Professional Police Association, and Wisconsin Troopers’ Association, issued a memo to committee members outlining our joint opposition and asked the respective committee chairs not to hold a public hearing on this bill.

In January, Rep. Kulp offered an amendment the legislation that would modify the bill to allow for the front plate exception to apply if: (a) the vehicle will display personalized registration plates; (b) the vehicle will display collector’s special interest vehicle registration plates.

WS&DSA continues to communicate with the committee chairs and members regarding concerns this legislation. So far, there has not been a public hearing held on the legislation.

**Other Legislation of Interest**

**1. Sanctuary Cities ([Senate Bill 275/Assembly Bill 190](#))**

**Position: Other**

**Status: Available for Senate Vote; Assembly Committee Action Pending**

Sen. Steve Nass (R-Whitewater) and Rep. Spiros introduced legislation again this session to prohibit a political subdivision, defined as a city, village, town, or county, from enacting an ordinance, adopting a resolution, or establishing a policy that prohibits the enforcement of a federal or state law relating to illegal aliens or ascertaining whether an individual has a satisfactory immigration status. The bill also requires a political subdivision to comply with any lawful detainer issued by Immigration and Customs Enforcement (ICE).

WS&DSA provided testimony at the Senate Committee on Labor and Regulatory Reform public hearing for information only. The testimony outlined WS&DSA’s questions relating to the ICE lawful detainer requirement. Specifically, the issue WS&DSA focused on was the inability of sheriffs to lawfully hold someone beyond what is allowed relating to their state charges and for the additional 48 hours under the bill for ICE to take physical custody of the person, without violating the person’s Constitutional rights. The Senate Committee on Labor and Regulatory Reform passed the bill 3-2 on Nov. 3. There has not been a public hearing in the Assembly.

Since the bill's introduction, WS&DSA discussed possible amendments to the bill with DOJ and Rep. Spiros. Rep. Spiros has stated that he does not have a desire to move the bill forward this session and preferred the issues be resolved on a federal level. Rep. Spiros agreed to consider possible amendments if the bill was introduced next session.

## **2. Revocation Recommendation ([Senate Bill 54/Assembly Bill 94](#))**

**Position: Other**

**Status: Passed the Senate; Available for Assembly Vote**

Introduced last February by Sen. Leah Vukmir (R- Brookfield) and Rep. Joe Sanfelippo (R- New Berlin), SB 54/AB 94 requires the Department of Corrections (DOC) to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation. Although no formal fiscal impact was included with the bill, DOC projected it would result in an increase of 5,570 revocation cases each year. This would mean 5,570 more individuals in county jails without reimbursement from DOC pending their revocation hearing.

In May, WS&DSA testified for information only in the Assembly Committee on Corrections to the fiscal impact on jails. While the WS&DSA legislative committee supported the policy, members continued to have concerns with the fiscal impact. Working with the legislative authors to develop a solution, Sen. Vukmir offered to put forth an amendment to reduce the fiscal impact by limiting the automatic revocation to if the charged crime is a felony or violent misdemeanor. WS&DSA agreed that this amendment reduces the fiscal impact on jails and DOC.

On Nov. 7, the Senate passed SB 54, as amended, 20-12. As expected, Sen. Vukmir offered an amendment to limit the automatic revocation if there is a crime to a felony and violent misdemeanor. The bill is now in the Assembly.

The Assembly Committee on Corrections passed the bill, but amended it differently than the Senate version. Although there were six amendments offered, only two were adopted by the committee (Assembly Amendment 1 and Amendment 3). Assembly Amendment 1 (AA1) puts a sunset on the bill so that it only applies to persons charged with a crime before June 30, 2020. AA1 also requires the Legislative Fiscal Bureau to submit a study concerning the costs involved in revocation requirements. Amendment 3 allows DOC to revise its recommendation to revoke a person's extended supervision, parole, or probation if the charges were dismissed or if the person is found not guilty of the crime.

The bill is now in the Assembly where it was referred to the Joint Committee on Finance. In addition, Speaker Vos requested that the Council on State Governments perform an outside analysis of the bill's fiscal impact. CSG affirmed DOC's fiscal estimate that the estimated annualized costs would be \$149 million. CSG also stated in their report that additional impacts could be assessed with county jail data.

Either way, the fiscal impact is limited from the original bill, which is what WS&DSA intended.

## **3. 911 Dispatcher CPR Training ([Senate Bill 549/Assembly Bill 654](#))**

**Position: Neutral (with the adoption of Amendment 1 and 2)**

**Status: Available for Assembly Vote; Senate Committee Action Pending**

WS&DSA has been involved in discussion with the American Heart Association (AHA) on a bill to require every public safety answering point to have their 911 dispatchers trained to provide, using an evidence-based protocol, CPR instructions over the phone. The bill also provides an option for the calls to be transferred to a PSAP or another center for CPR to be administered over the phone.

After months of discussion with AHA and the bill's authors, Sen. Jerry Petrowski (R-Mondovi) and Rep. Treig Pronschinski (R-Marathon), the bill was introduced in both houses. The bill provides \$250,000 for a grant program and allows the Department of Military Affairs (DMA) to return to the Joint Committee on Finance with a supplemental request this biennium. The bill also directs DMA to include a request/line item in its next biennial budget for this training program and includes a two-year delayed implementation.

The Assembly Committee on Criminal Justice and Public Safety on held a public hearing on the bill November 30, 2017. WS&DSA testified in opposition due to the fiscal and logistical concerns with meeting the training requirements included in the bill.

Working with the authors and AHA, WS&DSA pushed for the bill to be amended to address the group's concerns. On Jan. 14, the Assembly committee unanimously voted in support of the bill, as amended by Amendment 1, which includes liability language to protect dispatchers and PSAPs. The amendment also moves the administration of the grant program from DMA to the Department of Health Services (DHS).

After the committee vote, WS&DSA continued discussions with the authors, AHA, and DHS on how additional training supports could be provided. Due to WS&DSA efforts to advocate for more training support from the state, the authors offered Amendment 2. The amendment allows DHS to distribute funds to a contractor for training as well as provide grants to PSAPs for the cost of other training. After discussion, WS&DSA determined this amendment provides the flexibility that we requested. With the adoption of Amendment 1 and Amendment 2, WS&DSA will be neutral on the bill.

On February 8, the Joint Finance Committee approved SB 549/AB 654. Prior to the bill's passage out of JFC, the committee adopted Amendment 3, which would delay the effective date of the bill by another year.

**4. Online Sheriff Sales ([Senate Bill 621/Assembly Bill 690](#) and [Senate Bill 622/Assembly Bill 691](#))**

**Position: Support**

**Status: Passed Assembly; Senate Committee Action Pending**

Sen. Luther Olsen (R-Ripon), Rep. Evan Goyke (D-Milwaukee), and Rep. Terry Katsma (R-Oostburg) have introduced a bill package to allow for online sheriff sales. The first bill (SB 621/AB 690) specifies the procedures for online sheriff sales and requires a county to enact an ordinance to allow for online sheriff sales. The other bill (SB 622/AB 691) includes the bidder requirements, including the requirement that the purchaser must file an affidavit with

the clerk of courts that they are not delinquent on any property taxes and do not have outstanding building code violations.

The Assembly Committee on Local Government held a public hearing on the bills on Jan. 10 and on Jan. 17 unanimously recommended passage of the bills, with several amendments. The full Assembly passed the bills, as amended by the committee, on bipartisan voice votes on Jan. 23. The bills now must be passed by the Senate, where they have been referred to the Committee on Insurance, Financial Services, Constitution and Federalism. The Senate committee held a public hearing on the bills on Dec. 13, but has not yet scheduled a vote.

**5. Law Enforcement Standards Board ([Senate Bill 403/Assembly Bill 506](#))**

**Position: Support**

**Status: Available for Senate Vote; Passed Assembly**

Rep. Jim Ott (R- Mequon) and Sen. Patrick Testin (R- Stevens Point) introduced legislation to update practices of the Law Enforcement Standards Board (LESB) and streamline hiring practices for law enforcement. Prior to introduction, WS&DSA worked with DOJ on the bill draft.

The legislation extends LESB oversight to also regulate jail and juvenile detention officer training standards. It also creates an “employment file” for each law enforcement officer and requires that files can be transferred after the interviewing candidate signs a written waiver authorization to disclose the candidate’s employment files.

The Assembly Committee on Criminal Justice and Public Safety held a public hearing on the legislation on Nov. 16 and WS&DSA testified in support. The Assembly committee on Nov. 11 unanimously recommended passage of the bill, with one amendment that makes several minor clarifications. On Jan. 16, the full Assembly voted to pass the bill, as amended in committee, on a bipartisan voice vote. The bill was messaged to the Senate.

The Senate Committee on Judiciary and Public Safety held a public hearing on the bill on Jan. 16, and WS&DSA submitted testimony in support. The Senate committee voted unanimously to pass the bill, with the amendment, on Jan. 30. The bill is available to be scheduled in an upcoming Senate session day.

**6. Body Cameras on Law Enforcement Officers ([Senate Bill 279/Assembly Bill 351](#))**

**Position: Support**

**Status: Passed the Assembly; Senate Committee Action Pending**

Rep. Jesse Kremer (R-Kewaskum) and Sen. Testin introduced legislation in June to regulate the footage obtained by body cameras. WS&DSA provided feedback on early drafts of this legislation and worked closely with the authors on revisions. WS&DSA testified in support of the legislation in the Assembly Committee on Criminal Justice and Public Safety in October. The Assembly passed the bill 60-33 on Nov. 9.

The bill requires law enforcement agencies that use body cameras to have a body camera policy in place and sets parameters for those policies. The bill also sets forth a process by which law enforcement must receive written permission of release of footage if the footage

was taken in a location where an individual may have a reasonable expectation of privacy, such as a home.

AB 351 passed the bill and adopted the Assembly Substitute Amendment 1 and Assembly Amendment 1 to Assembly Substitute Amendment. The Senate Committee on Judiciary and Public Safety held a public hearing on the bill on Jan. 30. WS&DSA again testified in support. The bill is scheduled for a committee vote on February 14.

**7. Crime Reporting Requirements: [Senate Bill 611/Assembly Bill 724](#)  
Position: Other  
Status: Committee Action Pending**

Sen. Craig and Rep. Sanfelippo have authored a bill that requires DOJ to collect and publish specific information from law enforcement agencies on crimes involving firearms, distribution of marijuana, and vehicle theft. Law enforcement agencies must report the number of arrests, charges filed, charges dropped, and penalties imposed for these crimes to DOJ. DOJ relayed that this legislation will have a fiscal impact on their agency. WS&DSA is working with DOJ to relay the fiscal and administrative concerns with collecting the information required under the bill.

The Senate Committee on Judiciary and Public Safety held a public hearing on the bill on Jan. 16. WS&DSA will continue to work with DOJ and the authors to address concerns regarding this legislation.

**8. PTSD Worker's Compensation for Law Enforcement ([Senate Bill 564/Assembly Bill 434](#))  
Position: Neutral  
Status: Committee Action Pending**

Sen. Wanggaard and Rep. Andre Jacque (R-De Pere) have introduced legislation that would create a presumption that a diagnosis of PTSD in a public safety employee comes from the employment for purposes of worker's compensation. WS&DSA had some concerns about this presumption being abused inappropriately and stated a desire for the bill include some type of "check." The Worker's Compensation Advisory Council has met regarding the bill, with some of the same concerns, and is working with the authors on a possible amendment.

The Assembly Committee on Workforce Development held a public hearing on the bill on Nov. 1. The Senate Committee on Labor and Regulatory Reform held a public hearing on Jan. 17. The author, Sen. Wanggaard has offered a substitute amendment which replaces the original bill. The sub amendment: 1) Uses the definition of PTSD from the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association;(2) Sets requirements for a PTSD claim by LE or firefighter, including that PTSD diagnosis is made by a psychiatrist or psychologist and the conditions of liability under current law are proven by clear and convincing medical or psychiatric evidence; (3) Requires that the mental injury can't be a result of or first reported after the following actions by employer: disciplinary action, work evaluation, job transfer, layoff, demotion, termination; (4) Sets the employer's liability for the employee's treatment.

**9. Emergency Detention ([Senate Bill 681/Assembly Bill 815](#))**

**Position: Support**

**Status: Committee Action Pending**

Sen. Jon Erpenbach (D-Middleton) and Rep. Spiros have introduced legislation regarding emergency detention. This bill requires DHS to allow law enforcement to transport individuals in emergency detention to the most convenient mental health facility (Mendota or Winnebago). The bill also requires DHS to work with hospitals on a grant program for regional mental health crisis centers in the next budget. The legislative committee reviewed this bill and supported it – especially the grant program piece. WS&DSA joined the other law enforcement groups on a memo urging legislators to sign on to the bill.

The Assembly Committee on Mental Health held a public hearing on the bill on Jan. 16. The Senate Committee on Judiciary and Public Safety has not yet acted on the bill.

**10. Law Enforcement and Public Safety Related to Opioids ([Senate Bill 768/ Assembly Bill 906](#))**

**Position: Support**

**Status: Available for Senate/Assembly vote**

Rep. John Nygren (R-Marinette) has introduced legislation based on recommendations from the Governor’s Task Force on Opioid Abuse. The bill has not received a committee hearing yet but is expected to move quickly through the legislature. Highlights for WS&DSA include:

- a. Provides \$1.5 million GPR (\$750,000 in each year of the biennium) for nonnarcotic drug treatment grants. DHS will administer the grants.
- b. Grants will be available to counties that meet the eligibility criteria: county has a county jail, established drug court, county has identified how it will use care coordination to ensure all program participants are enrolled in Medicaid and will continue to receive treatment after the inmate leaves jail.
- c. Grant funds are limited to provide only nonnarcotic, non-addictive, injectable medication assisted treatment to inmates who voluntarily receive the treatment within five days immediately preceding release
- d. Provides \$1 million GPR (only in the second year of the biennium) for law enforcement drug trafficking response grants.
- e. Under the bill, “law enforcement agency” is defined as a “governmental unit of one or more persons employed full time by this state or a political subdivision of this state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority, and includes a task force administrated by DOJ that exists to respond to drug crimes.”
- f. DOJ will establish policies and procedures regarding the drug trafficking response grants.
- g. Wisconsin law enforcement agencies (as defined above) can apply for funds and submit plans for fund expenditures.
- h. Grants are capped at \$50,000 per application and plan and not more than \$100,000 per agency. Funds cannot supplement an existing program.

The bill unanimously passed the Joint Finance Committee on January 12.

### **2017-2019 Biennial Budget Bill**

Gov. Scott Walker signed the budget bill into law on Sept. 21 as 2017 Wisconsin Act 59, nearly two months after the end of the fiscal year.

#### **WS&DSA Budget Priorities: 911 Funding**

A top budget priority this session was funding to establish a statewide Emergency Services IP Network (ESInet) to support Next Generation (NextGen) 911. WS&DSA worked with a coalition of other organizations, including the Wisconsin Counties Association and BSSA to raise awareness of the need for modernization of 911 in Wisconsin.

The budget includes almost \$7 million in Next Generation 911 in the second year of the biennium. The budget also establishes a 19-member 911 subcommittee, attached to DMA, to oversee the implementation of a Next Generation emergency services IP network, and issues related to PSAPs.

#### **DOJ's Budget**

Another area of the budget WS&DSA closely tracked is DOJ's budget. The budget included a provision requiring the Attorney General to submit a proposed plan for how discretionary settlement funds will be spent to the Joint Committee on Finance for their review before any funds are expended. The Attorney General receives discretionary settlement revenues as a result of certain litigation and the funds are typically utilized at the discretion of the Attorney General. This year, the Attorney General received \$11.4 million in discretionary settlement funds from the Volkswagen Settlement; however, other funds from other settlements can be included in the discretionary account.

In addition to the proposed plan, the budget included \$250,000 annually to fund the Treatment Alternatives and Diversion Programs and \$2 million over the biennium for grants to cities to reimburse police overtime costs. Both programs are funded by DOJ discretionary funds from DOJ.

The budget also provided \$1.1 million dollars over the biennium, also from the DOJ discretionary funds to support overtime costs in the agency's criminal investigation unit.