

## GENERAL PROVISIONS

### Budget Change Items

#### 1. COST OF BLOOD WITHDRAWALS RELATED TO INTOXICATED AND RECKLESS FLYING VIOLATIONS

**Governor/Joint Finance:** Require municipal and circuit courts to impose any costs charged to, paid by, or expected to be charged to, a law enforcement agency for the withdrawal of a person's blood, in cases where a person is found in violation of statutes related to operating an aircraft while intoxicated, with a prohibited blood alcohol concentration, with any blood concentration of a restricted controlled substance, or in a reckless manner, upon that person. Generally, current law provides that if a person is found in violation of the statutes related to operating a motor vehicle, an all-terrain vehicle, a snowmobile, or a motorboat under the influence of an intoxicant or with a prohibited blood alcohol concentration, the court imposes on that person the law enforcement agency's cost for collecting the person's blood. By statute, following an initial test for intoxication, a person arrested for violation of operating while intoxicated laws may request a second, alternative test, which must be administered at no cost to the person arrested. The charges allowed under current law and proposed under this provision do not and would not apply to a requested, free second test. Specify that this provision would be initially applicable to blood withdrawals occurring on the general effective date of the bill.

#### 2. CRIME PREVENTION FUNDING BOARD [LFB Paper 423]

**Governor:** Create the following provisions relating to a new crime prevention funding board surcharge and county Crime Prevention Funding Boards:

*Crime Prevention Funding Board Surcharge.* Create the crime prevention funding board surcharge. Require a court to impose a crime prevention funding board surcharge whenever the court imposes a sentence or places a person on probation. The surcharge totals \$20 for each misdemeanor or felony count on which conviction occurred. Under current law, a court may grant permission for the payment of a surcharge within a time period not to exceed 60 days. This time period may be extended if the court orders payment of restitution in addition to the surcharge.

Provide that prior to paying the crime prevention funding board surcharge, an individual must first pay the following surcharges, in full, if payment of these surcharges is required by the court: (a) the penalty surcharge (26% of the total fine or forfeiture); (b) the jail surcharge (the greater of \$10 or 1% of the total fine or forfeiture); and (c) the crime victim and witness surcharge (\$92 for each felony count and \$67 for each misdemeanor count, on which conviction occurs).

Further, the new surcharge must be paid, in full, ahead of the following surcharges: (a) the

crime laboratory and drug law enforcement surcharge (\$13); (b) the DNA analysis surcharge (\$250 for each felony conviction and \$200 for each misdemeanor conviction); (c) the child pornography surcharge (\$500 for each pornographic image or copy of image associated with the crime); (d) the drug abuse program improvement surcharge (75% of the imposed fine and penalty surcharge); (e) the drug offender diversion surcharge (\$10 for each conviction of a crime against property); (f) the driver improvement surcharge (\$435); (g) the truck driver education surcharge (\$8); (h) the domestic abuse surcharge (\$100 for each offense); (i) the global positioning system tracking surcharge (\$200 for each offense); (j) the consumer protection surcharge (25% of the total fine or forfeiture); (k) various Department of Natural Resources and environmental surcharges (the surcharge amount varies depending on the offense); (l) the weapons surcharge (75% of the fine or forfeiture); (m) the uninsured employer surcharge (75% of the fine or forfeiture); (n) the supplemental food program for women, infants, and children enforcement surcharge (50% of the imposed fine, forfeiture, or recoupment); (o) the ignition interlock surcharge (\$50); and (p) payment of the fine and other costs and fees imposed.

Provide that, after the clerk of the court determines the amount owed under surcharge, the clerk must collect the surcharge payments and transmit the collected amounts to the county treasurer. Require that the county treasurer: (a) deposit all monies received from the crime prevention funding board surcharge into a crime prevention fund; and (b) make grant payments with the amounts collected from the crime prevention funding board surcharge, as directed by the Crime Prevention Funding Board.

*Crime Prevention Funding Board.* Create a Crime Prevention Funding Board in each county in which the county treasurer receives money from the crime prevention funding board surcharge. Authorize the Board to solicit applications for grants and vote on how to direct the county treasurer to distribute grants to applicants from monies in the crime prevention fund. Provide that the Board may direct the county treasurer to distribute grants to any of the following entities, in amounts determined by the Board: (a) one or more private nonprofit organization within the county with a primary purpose of preventing crime, providing a funding source for crime prevention programs, encouraging the public to report a crime, or assisting law enforcement agencies in the apprehension of criminal offenders; and (b) a law enforcement agency within the county that has a crime prevention fund, if the contribution is used for crime prevention purposes. Require that the Board direct not less than 50% of the grant payments from the crime prevention fund to one or more organization described under (a).

Require that a county Crime Prevention Funding Board consist of the following members: (a) the presiding judge of the circuit court, or his or her designee; (b) the district attorney, or his or her designee; (c) the sheriff, or his or her designee; (d) one of the following county officials, or his or her designee: (1) a county executive; (2) the county administrator, if the county does not have a county executive; or (3) the chairperson of the county board of supervisors, if the county does not have a county executive or a county administrator; (e) the chief elected official of the largest municipality in the county, as determined by population, or his or her designee; (f) a person chosen by a majority vote of the sheriff and all the chiefs of police departments that are located wholly or partly within the county; and (g) a person chosen by the public defender's office that handles cases in the county.

Provide that members of the Board must meet, and its members may receive no compensation other than reimbursement for actual and reasonable expenses incurred in the performance of their duties on the Board. Members must serve for the terms that are determined by the Board. Provide that, upon the creation of a Board, the initial members of the Board must declare that they are serving on the Board, or appoint their designees, not later than the first day of the 4<sup>th</sup> month beginning after the Board is created.

*Reporting Requirements of the Crime Prevention Funding Board and Grant Recipients.* Require that the Board annually submit a report on its activities to the following: (a) the clerk of the court for the county that distributed the funds; (b) the county board; and (c) the legislative bodies of each municipality that is located wholly or partly within the county. The report must contain the following information for the year to which the report relates: (a) the name and address of each entity that received a grant, including contact information for the leadership of the entity; and (b) a full accounting of all funds disbursed by the county treasurer at the direction of the Board, including the amount of the funds disbursed, the dates of the disbursement, and the purpose for which the grant was made.

Require that each recipient of a grant awarded from the crime prevention fund annually submit a report on its activities to the following: (a) the Crime Prevention Funding Board; (b) the clerk of the court for the county that distributed the funds; (c) the county board, and (d) the legislative bodies of each municipality that is located wholly or partly within the county. The report must contain the following information for the year to which the report relates: (a) the name and address of the grant recipient; (b) the name, address, and title of each member of the governing body of the grant recipient; (c) the purposes for which the grant award was spent; (d) a detailed accounting of all receipts and expenditures of the grant recipient that relate to the grant award; and (e) the balance of any remaining funds.

**Joint Finance:** Adjust the crime prevention funding board (CPFEB) surcharge's place in the order of precedence for surcharge payments. Specifically, provide that the CPFEB surcharge be paid after all other surcharges imposed on an individual, but before payment of the fine, fees, and other court costs assessed on the individual.

Modify the bill to allow, rather than require, county boards to create a crime prevention funding board. Further, provide that a court would be authorized and required to impose a \$20 crime prevention funding board surcharge only in counties that have established a crime prevention funding board. Further, in counties that establish a crime prevention funding board, and in which no non-profit crime prevention organization exists, authorize the crime prevention funding board to distribute all revenue generated from the crime prevention funding board surcharge to a law enforcement agency within the county.

### **3. NEW METHOD FOR TOWNS CONTIGUOUS TO A THIRD CLASS CITY TO INCORPORATE**

**Joint Finance:** Create a new method for certain towns contiguous to a third class city to incorporate as a village. The following procedures would be required: (a) the town board must adopt a resolution calling for a referendum in the town on whether the town should become a