



**STATUTORY SURCHARGES ON
FINES AND FORFEITURES**

STAFF BRIEF 88-14

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**September 13, 1988
(Revised September 19, 1988)**

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Madison, Wisconsin

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| INTRODUCTION | 1 |
| PART I - BACKGROUND INFORMATION | 3 |
| A. TYPES OF MONETARY PENALTIES IMPOSED ON VIOLATORS OF STATE STATUTES | 3 |
| B. DEVELOPMENT OF STATUTORY SURCHARGES ON FINES AND FORFEITURES | 4 |
| C. IMPLEMENTATION AND COLLECTION OF SURCHARGES | 6 |
| PART II - HISTORY AND USES OF SURCHARGES | 9 |
| A. LAW ENFORCEMENT PROGRAMS | 9 |
| 1. Penalty Assessment | 9 |
| 2. Natural Resources Assessment | 16 |
| 3. Natural Resources Restitution Payment | 16 |
| 4. Weapons Assessment | 17 |
| 5. Jail Assessment | 18 |
| 6. Crime Prevention Organization Contribution | 18 |
| B. VICTIM, WITNESS AND OFFENDER PROGRAMS | 19 |
| 1. Domestic Abuse Assessment | 19 |
| 2. Restitution Administrative Surcharge | 21 |
| 3. Driver Improvement Surcharge | 22 |
| 4. Crime Victim and Witness Assistance Surcharge | 25 |
| 5. Drug Abuse Program Improvement Surcharge | 27 |
| 6. Restitution Cost Surcharge | 28 |

LIST OF TABLES

| | <u>Page</u> |
|---|-------------|
| TABLE 1 - Surcharges to Fund Law Enforcement Programs | 5 |
| TABLE 2 - Surcharges to Fund Victims and Witnesses and Offender Programs | 6 |
| TABLE 3 - Penalty Assessment Revenues and Expenditures by Fiscal Year, 1983-84 to 1988-89 | 15 |
| TABLE 4 - Natural Resources Surcharges and Other Revenues Used for Enforcement by Fiscal Year, 1983-84 to 1988-89 | 17 |
| TABLE 5 - Domestic Abuse Assessments and Domestic Abuse Grants by Fiscal Year, 1983-84 to 1988-89 | 20 |
| TABLE 6 - Restitution Administrative Surcharges by Fiscal Year, 1983-84 to 1988-89 | 22 |
| TABLE 7 - Driver Improvement Surcharges and Program Expenditures by Fiscal Year, 1983-84 to 1988-89 | 24 |
| TABLE 8 - Driver Improvement Program Expenditures by State Agencies by Fiscal Year, 1983-84 to 1988-89 | 25 |
| TABLE 9 - Crime Victim and Witness Assistance Surcharge Revenues and Program Expenditures by Fiscal Year, 1983-84 to 1988-89 | 27 |

Wisconsin Legislative Council Staff

Madison, Wisconsin

Special Committee on Surcharges on
Fines and Forfeitures

September 13, 1988
(Revised September 19, 1988)

STAFF BRIEF 88-14*

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FINES AND FORFEITURES

INTRODUCTION

This Staff Brief was prepared for the Legislative Council's Special Committee on Surcharges on Fines and Forfeitures, which was created by the Council on May 25, 1988.

The Special Committee is directed to undertake a comprehensive review of the various statutory surcharges imposed on individuals convicted of violating civil and criminal statutes, the proceeds of which are used to fund a variety of state and local programs, including an examination of:

1. The appropriateness of surcharges as part of the overall system of penalties and offender rehabilitation;
2. The appropriateness of using the surcharges as revenue sources for the programs funded by the surcharges; and
3. The complexities of collecting and accounting for surcharges at the state level and at the local level, including the impact on clerks of court, law enforcement officers and others.

After examining these issues, the Special Committee is further directed to make its recommendations for any changes in state law to the Legislative Council.

*This Staff Brief was prepared by Gordon A. Anderson and Dan Fernbach, Senior Staff Attorneys, Legislative Council Staff.

The purpose of this Staff Brief is to provide background information on statutory surcharges on fines and forfeitures to the members of the Special Committee. The Staff Brief does not include information on statutory circuit and municipal court fees and costs authorized by ch. 814, Stats., and imposed on persons convicted of civil and criminal offenses, which may be used to defray expenses of operating the court system.

Part I provides background information on the distinction between fines and forfeitures in the Wisconsin statutes and reviews other types of monetary payments imposed on persons convicted in criminal and state forfeiture actions. The development of statutory surcharges on fines and forfeitures, including the manner in which they are imposed and collected, is summarized.

Part II contains more detailed information regarding each of the statutory surcharges on fines and forfeitures in Wisconsin, including a description of the various state and local programs and activities funded by the surcharges. Also, information is presented on the amounts collected and expended from the surcharges.

PART I

BACKGROUND INFORMATION

In Wisconsin, conduct which violates a state statute may be punishable either as a crime (which may subject the offender to imprisonment, a fine, or both) or as a civil offense (which may subject the offender to only a monetary forfeiture). Additional monetary payments may also be imposed on criminal and civil defendants, such as court costs and fees, restitution payments, surcharges and assessments.

This Part of the Staff Brief describes the various types of statutory monetary payments imposed on civil and criminal defendants in Wisconsin. This Part also reviews the development since 1977 of statutory surcharges and similar assessments on fines and forfeitures and the manner in which they are imposed and collected.

A. TYPES OF MONETARY PENALTIES IMPOSED ON VIOLATORS OF STATE STATUTES

Fines are the basic monetary penalties that are imposed by judges on defendants in criminal cases (felonies or misdemeanors) and forfeitures are the corresponding monetary penalties imposed in civil cases.

Court costs and fees are imposed by ch. 814 of the statutes and collected by clerks of court. Court costs are generally awarded to the prevailing party in a civil action. However, court costs also may be imposed in matters such as traffic violations [s. 345.26 (2) (b), Stats.] and may be taxable against the defendant in criminal cases [s. 973.06, Stats.]. Most fees are divided equally between the State Treasurer (for deposit in the general fund) and the county (for use by the county without statutory restriction).

Restitution payments may be ordered by a judge for payment to a crime victim or to a victim of some other statutorily-prohibited activity or conduct. More than 20 statutes authorize or require the court to order that restitution be paid to the victim, including s. 97.72 (1), Stats., relating to the regulation of food, s. 134.70 (15) (a), Stats., relating to fitness center contracts, and s. 973.09 (1) (b), Stats., as a general condition of probation.

Surcharges and assessments are imposed on individuals who are convicted of violating criminal or civil statutes. These surcharges and assessments are usually levied by the court as a fixed monetary amount in addition to the regular fine or forfeiture or as a specific percentage of the fine or forfeiture actually imposed. By law, the proceeds from

surcharges and assessments must be used to fund state and local programs. [Because statutory surcharges and assessments on fines and forfeitures serve the same purpose and operate in the same manner, hereafter in this Staff Brief general references to "surcharges" are also intended to include assessments.]

B. DEVELOPMENT OF STATUTORY SURCHARGES ON FINES AND FORFEITURES

Article X, section 2, of the Wisconsin Constitution, requires that the "clear proceeds" of all fines and forfeitures collected by the counties for any breach of the penal laws must be deposited in the state's common school fund. The courts have interpreted this provision of the State Constitution to prohibit the use of state revenues from statutory fines and forfeitures for any purpose other than the operation of Wisconsin's public schools. [See State ex rel. Commissioners of Public Lands v. Anderson, 56 Wis. 2d 666, 203 N.W. 2d 84 (1973), and Trustees of Village of Platteville v. Bell, 43 Wis. 488 (1878).]

In partial reaction to this limitation, surcharges on statutory fines and forfeitures have recently been used to generate revenue for specific state or local programs. The imposition of a statutory surcharge against a defendant, either as a percentage of the regular fine or forfeiture or as a fixed amount, was first enacted by the 1977 Legislature to provide revenues to fund state programs for training law enforcement officers. Since 1977, other statutory surcharges have been enacted and are being imposed against persons convicted of civil and criminal violations to provide direct funding for various state and local programs and services. [Part II of this Staff Brief contains information on each of these statutory surcharges and the various state and local programs funded by them.]

Tables 1 and 2, below, summarize the basic features of the statutory surcharges enacted by the Legislature since 1977. Table 1, Surcharges to Fund Law Enforcement Programs, summarizes, in chronological order of enactment, six statutory surcharges created primarily to raise revenues to fund programs relating to law enforcement. Table 2, Surcharges to Fund Victims and Witnesses and Offender Programs, contains a comparable summary of six statutory surcharges created primarily to raise revenues to fund programs for victims and witnesses of crimes and for offenders.

In both of the Tables, the first three columns set forth the name of the surcharge, statutory citation and applicable statutory misconduct or circumstances requiring imposition of the surcharge, respectively. The fourth column lists the initial effective date of the surcharge; the fifth column sets forth the statutory amount of the surcharge, reflected as either a flat dollar amount or a specific percentage of the underlying

fine or forfeiture imposed for the offense. The sixth column summarizes the current statutory disposition of the surcharge as revenue for one or more state or local programs.

TABLE 1
SURCHARGES TO FUND LAW ENFORCEMENT PROGRAMS

| SURCHARGE | APPLICABLE STATUTE | APPLIES TO | EFFECTIVE FOR OFFENSES COMMITTED ON OR AFTER | PERCENTAGE OR AMOUNT | CURRENT DISPOSITION OF SURCHARGE |
|--|--------------------|--|---|---|---|
| PENALTY ASSESSMENT | s. 165.87 (2) (a) | Fines or forfeitures for violation of any state law or county or municipal ordinance except nonmoving traffic violations. | January 1, 1978 July 1, 1980 July 5, 1983 August 1, 1987 July 1, 1988 | 10% of fine or forfeiture 12% of fine or forfeiture 15% of fine or forfeiture 19% of fine or forfeiture 20% of fine or forfeiture | Program revenue for law enforcement training in the Department of Justice (DOJ), 11%; correctional officer training in the Department of Health and Social Services (DHSS), 2%; alcohol and drug abuse programs in the Department of Public Instruction (DPI), 3%; matching funds for federally-funded state and local drug abuse programs, 3%; and Indian tribe-county cooperative law enforcement programs, 1%. |
| NATURAL RESOURCES ASSESSMENT | s. 29.997 | Fines or forfeitures for violating statutes relating to fish and game. | January 1, 1980 | 75% of fine or forfeiture | Program revenue for the Department of Natural Resources (DNR) to enforce natural resources statutes. |
| NATURAL RESOURCES RESTITUTION PAYMENT | s. 29.998 | Fines or forfeitures for violating statutes relating to fish and game. | January 1, 1980 | Amount of statutory fee for license which should have been obtained | Program revenue for the DNR to enforce natural resources statutes. |
| WEAPONS ASSESSMENT | s. 167.31 (5) | Fines or forfeitures for violations relating to the safe use and transportation of firearms and bows. | October 12, 1985 | 75% of fine or forfeiture | Program revenue for the DNR to enforce natural resources statutes. |
| JAIL ASSESSMENT | s. 53.46 (1) (a) | Fines or forfeitures for a violation of a state law or county or municipal ordinance, except nonmoving traffic violations. | October 1, 1987 | 1% of fine or forfeiture, or \$10.00, whichever is greater | Retained by counties to construct, remodel, repair or improve county jails. |
| CRIME PREVENTION ORGANIZATION CONTRIBUTION | s. 973.09 (1x) | As a condition of probation; at the discretion of the court. | May 3, 1988 | Determined by court, based on financial ability to pay | Contributed to a crime prevention organization. |

SOURCE: Compiled by Legislative Council Staff from information provided by the Director of State Courts.

TABLE 2
SURCHARGES TO FUND VICTIMS AND WITNESSES AND OFFENDER PROGRAMS

| SURCHARGE | APPLICABLE STATUTE | APPLIES TO | EFFECTIVE FOR OFFENSES COMMITTED ON OR AFTER | PERCENTAGE OR AMOUNT | CURRENT DISPOSITION OF SURCHARGE |
|---|--------------------|---|--|--|---|
| DOMESTIC ABUSE ASSESSMENT | s. 973.055 | Fines imposed for criminal conduct involving domestic abuse. | May 1, 1980 August 1, 1987 | 10% of fine \$50 | Program revenue for the DHSS to make grants to organizations providing domestic abuse services. |
| RESTITUTION ADMINISTRATIVE SURCHARGE | s. 973.20 (11) (a) | When the court orders restitution in criminal cases; as a condition of probation or parole. | July 1, 1980 May 7, 1982 | 10% of total restitution, costs, attorney fees, fines and applicable surcharges imposed. 5% of above total imposed. | Paid to clerk of circuit court or DHSS to defray administration costs of restitution program. |
| DRIVER IMPROVEMENT SURCHARGE | s. 346.655 | Judgments in which a fine or forfeiture is imposed for offenses related to driving while intoxicated. | January 1, 1982 October 1, 1985 July 1, 1988 | \$150 \$200 \$250 | Program revenue for the DHSS, Department of Transportation (DOT), DPI, DOJ and the University of Wisconsin (UW) System for various state programs related to driving while intoxicated; OCA Secretary allocates funds among agencies. |
| CRIME VICTIM AND WITNESS ASSISTANCE SURCHARGE | s. 973.045 (1) (a) | Each offense or count, if the court imposes a sentence or places the person on probation. | October 1, 1983 August 1, 1987 | Misdemeanor-\$20 Felony-\$30 Misdemeanor-\$30 Felony-\$50 | Program revenue for the DOJ to fund services for victims and witnesses of crimes. |
| DRUG ABUSE PROGRAM IMPROVEMENT SURCHARGE | s. 161.41 (5) | Violations of s. 161.41, prohibiting the manufacture, delivery and possession of controlled substances. | July 1, 1988 | 50% of fine and penalty assessment imposed. | Program revenue for the DHSS to fund alcohol and other drug abuse programs. |
| RESTITUTION COST | s. 973.06 (1) (f) | When the court orders restitution in criminal cases; as a condition of probation or parole. | September 1, 1988 | 10% of any restitution ordered. | Paid to county treasurer for use by the county. |

SOURCE: Compiled by Legislative Council Staff from information provided by the Director of State Courts.

C. IMPLEMENTATION AND COLLECTION OF SURCHARGES

Whenever the Legislature establishes a surcharge or increases the amount of an existing surcharge, it takes effect either: (1) immediately upon the effective date of the law creating or increasing the surcharge; or (2) on a specific date following the effective date of the law, as set forth in the legislation itself. For example, the weapons assessment, created by 1985 Wisconsin Act 36, applies to certain offenses committed on or after October 12, 1985, the effective date of the Act. The drug abuse

program improvement surcharge, created by 1987 Wisconsin Act 339, took effect on July 1, 1988, although the Act itself became effective on April 28, 1988.

Whenever a circuit or municipal court levies a fine or forfeiture for a civil or criminal offense, any applicable surcharge is imposed by the court and collected by the clerk of court. Also, whenever there is a surcharge on a fine or forfeiture levied through a citation procedure, the law enforcement officer issuing the citation must include the amount of each applicable surcharge on the citation form.

When new or increased surcharges are established, law enforcement and court personnel determine when the new monetary penalties will be imposed and calculate the appropriate amount of the surcharge when the citation is issued or at the time of sentencing. Except for the restitution cost and administrative surcharges, discussed in Part II of this Staff Brief, none of the money collected as surcharge revenue is currently available to local clerks of court to defray the costs of collection, recordkeeping and reporting.

Clerks of court are currently required to prepare a report and submit the state's portion of all surcharges to the State Treasurer on a monthly basis, utilizing reporting forms provided by the State Treasurer. In addition, there are other administrative duties relating to surcharges that clerks of court are required to perform.

For example, s. 973.05 (2), Stats., establishes the order in which partial payments are applied if a defendant in a criminal case is sentenced to pay a fine and is also placed on probation. Persons required by their sentences to pay monetary penalties often make arrangements to make payments in instalments. Clerks of court use s. 973.05 (2) as guidance for the distribution of all payments which are received in instalments, not just those from individuals who are sentenced to pay a fine and placed on probation.

When a partial payment is received, it is applied, in order of statutory enumeration, to the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, the driver improvement surcharge, the domestic abuse assessment and so forth. Thus, the clerk of court must not only establish a separate account for each individual who makes instalment payments, but must allocate the instalment payments to the proper surcharge as payments are received.

Also, circuit and municipal court judges impose surcharges based on the statutory amounts which were in effect when the violation occurred. Because several years may elapse between the time of the violation and actual sentencing, many defendants are required to pay surcharges for

amounts which existed prior to recent changes. For example, although the penalty assessment was increased to 20% on July 1, 1988, many defendants will continue to pay a 10%, 12%, 15% or 19% penalty assessment, depending on when the violation occurred. Because these outdated statutory surcharges continue to be imposed, in effect there are many more surcharges than the 12 currently set forth in the statutes.

PART II

HISTORY AND USES OF SURCHARGES

This Part of the Staff Brief presents the legislative history of, and describes the programs funded by, the 12 surcharges created since 1977 which provide funds for a number of programs. These programs are primarily directed towards either: (a) enforcing state laws; or (b) providing services to offenders or to victims and witnesses of crimes.

A. LAW ENFORCEMENT PROGRAMS

The surcharges for law enforcement programs described in this section mainly provide funds for the costs of: (1) personnel and equipment used to enforce state laws; (2) training of personnel to enforce the laws; (3) educational programs to prevent or deter crime; and (4) jails for those convicted of crimes.

The six surcharges discussed in this section include: (1) penalty assessment; (2) natural resources assessment; (3) natural resources restitution payment; (4) weapons assessment; (5) jail assessment; and (6) crime prevention organization contribution.

1. Penalty Assessment

The 1977-79 Budget Act [Ch. 29, Laws of 1977] established a 10% penalty assessment on all fines and forfeitures imposed for violations of state laws or local ordinances, except laws or ordinances involving nonmoving traffic violations, committed on or after January 1, 1978. The proceeds of this assessment were to be used to fund the Department of Justice's (DOJ) law enforcement training programs.

Since the 1977 enactment, the penalty assessment has been increased from the original 10% to 20% by various enactments, as described below:

a. An additional 2% was allocated to the Department of Health and Social Services (DHSS) for correctional officer training by Ch. 331, Laws of 1979;

b. An additional 2% was allocated to the Department of Public Instruction (DPI) for alcohol and drug abuse programs in the public schools by 1983 Wisconsin Act 27;

c. An additional 1% was allocated to the DOJ for increased funding for law enforcement training programs by 1983 Wisconsin Act 27;

d. An additional 3% was allocated to the Department of Administration (DOA) for matching funds for federally-funded state and local drug abuse programs (\$250,000 of this amount shall be provided annually to DHSS to fund a youth diversion program) by 1987 Wisconsin Act 27;

e. An additional 1% was allocated to the DPI for increased funding for alcohol and drug abuse programs in the public schools by 1987 Wisconsin Act 27; and

f. An additional 1% was allocated to the DOJ to fund county-tribal law enforcement programs by 1987 Wisconsin Act 326.

The funds collected from the penalty assessment are used to fund five separate programs, which are described below.

• Law enforcement training and crime laboratory equipment: Of the amounts collected under the penalty assessment, 11% goes to the DOJ for law enforcement training programs, reimbursement of local training costs, crime laboratory equipment and state administrative costs.

Under s. 165.87, Stats., no person may be appointed as a law enforcement officer (except on a temporary or probationary basis), unless the person has completed a preparatory program of law enforcement training approved by the DOJ's Law Enforcement Standards Board (the Board) and has been certified by the Board as a qualified law enforcement officer. The program must contain at least 240 hours of conventional law enforcement training. A "competency-based" variation of the program, which may not exceed 320 hours of training, is also required by law to be available to law enforcement officers. The "competency-based" variation requires a student to achieve performance objectives, approved by the Board for specific tasks, through demonstrations.

The statutes also provide that no person may be appointed as a jail officer (except on a temporary or probationary basis), unless the person has completed a preparatory program of jail officer training approved by the Board and has been certified [s. 165.85 (4) (b) 2, Stats.]. The jail officer training program must include at least 80 hours of training.

The Board authorizes and approves law enforcement and jail officer training programs. The Board authorizes reimbursement to political subdivisions (counties, cities, villages and towns) of salary and

allowable tuition for, as well as living and travel expenses incurred by, officers who satisfactorily complete their approved training. The penalty assessment funds these reimbursable expenses.

Reimbursement of expenses includes:

a. 100% for the first 240 hours of conventional or competency-based law enforcement training;

b. 60% for the next 80 hours of conventional law enforcement recruit training, up to 320 hours, or 100% for additional competency-based law enforcement recruit training; and

c. 100% for the first 80 hours of conventional or competency-based jail officer training.

Reimbursement is also available for attendance at other training programs or courses, based on a priority system determined by DOJ. The Board may provide grants to cover the reimbursement of expenses incurred by state agencies or political subdivisions for providing training programs to officers from other jurisdictions within the state. These activities are funded from the penalty assessment [s. 865.85 (4) and (5), Stats.].

The regional crime laboratories in Madison and Milwaukee provide technical and scientific assistance to state and local law enforcement officers in analyzing physical evidence. The Milwaukee laboratory provides services to an eight-county area in southeastern Wisconsin, while the Madison laboratory serves the remaining 64 counties. Under the appropriation created by s. 20.455 (2) (i), Stats., of the amounts received from the penalty assessments by the DOJ, \$130,000 in each fiscal year must be transferred to this appropriation for the maintenance, repair and replacement costs of the laboratory equipment in the regional crime laboratories of the DOJ.

⊙ Correctional officer training: Of the amounts collected under the penalty assessment, 2% is allocated to the DHSS for correctional officer training. Under s. 46.05, Stats., any correctional officer employed by the state, whose principal duty is the supervision of inmates at a state prison, must have satisfactorily completed a pre-service training program approved by the DHSS. Completion of training is required prior to permanent appointment. Any correctional officer serving under a permanent appointment made prior to July 31, 1981 is not required to meet the training requirement as a condition of continued employment.

◦ Alcohol and drug abuse programs: Of the amounts collected under the penalty assessment, 3% is allocated to the DPI for alcohol and drug abuse programs in the public schools. Of the funds allocated to DPI under this provision, s. 165.87 (1) (c), Stats., requires that:

a. 62.2% must be used by DPI for grants to local school districts for demonstration projects on alcohol and other drug abuse by minors; and

b. 37.8% must be used by DPI for alcohol and other drug abuse training programs for school district staffs, consultation services and other DPI activities related to alcohol and drug abuse.

The grants to school districts must be for demonstration projects that are designed to assist minors who are experiencing problems resulting from the use of alcohol or other drugs or to prevent alcohol or other drug abuse by minors. Grants for these projects may be made only where matching funds "from the local area" are contributed in an amount equal to 20% of the amount of the grant [s. 115.36 (3), Stats.].

Under s. 115.36 (2), Stats., the DPI is directed to:

a. Develop and conduct training programs for professional staff of public and private schools in alcohol and other drug abuse prevention, intervention and instruction programs.

b. Provide consultation to public and private schools for development and implementation of such programs.

c. Provide fellowship grants to support advanced training in comprehensive school health and alcohol and other drug abuse education programs.

d. Provide access to informational resources for alcohol and other drug abuse education programs and services.

e. Create a council to advise the DPI concerning the administration of the law.

◦ Anti-drug and youth diversion programs: Of the amounts collected under the penalty assessment, 3% is allocated to the DOA, of which \$250,000 must be transferred to the DHSS to fund a youth diversion program [s. 20.505 (6) (g), Stats.]. Under s. 46.42, Stats., the DHSS may enter into a contract with an organization to provide services in Milwaukee County for the diversion of youths from gang activities into productive

activities. The program includes placement in appropriate educational, recreational and employment programs.

The amount remaining after the \$250,000 deduction is: (a) to fund state operations for anti-drug enforcement programs; and (b) to match federal funds available to state agencies for planning programs and for administration of anti-drug abuse law enforcement assistance.

◦ County-tribal law enforcement: Of the amounts collected under the penalty assessment, 1% is allocated to the DOJ to fund the county-tribal law enforcement program. The county-tribal law enforcement program, which became effective on July 1, 1988, provides funds for any county board that enters into an agreement with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. To be eligible to receive these funds, a county board and a tribe must develop and submit a joint program plan, by September 1 of the year prior to the year for which funding is sought, to the DOJ for approval.

Under s. 165.90 (2), Stats., the joint program plan must contain or identify:

a. A description of the program for which funding is sought, including information on population and the geographic area or areas to be served.

b. The program's need for funding.

c. The government unit that will administer aid received and the method of disbursement of the aid.

d. The types of law enforcement services to be performed on any reservation included in the area to be served and who will perform those services.

e. The person who will exercise daily supervision and control over law enforcement officers participating in the program.

f. The method by which county and tribal input into program planning and implementation will be assured.

g. The program's policies regarding deputization, training and insurance of law enforcement officers.

h. The recordkeeping procedures and types of data to be collected by the program.

i. Any other information that is required by the DOJ or that is determined to be relevant by the county and tribe.

If the DOJ approves the joint plan, the DOJ certifies the program as eligible to receive funding. Each program may not receive more than a total of \$20,000 per fiscal year, from assessment receipts and from the state program of aids to counties for law enforcement, and all funds received must be used only for law enforcement operations.

The funds received from the assessment for the county-tribal programs are estimated to provide, during fiscal year 1988-89, \$300,000 for local programs and \$36,200 to fund one DOJ position to administer the program.

No data is yet available on the revenues which have been collected to support this program.

It should be noted that this program replaced a similar program, created by 1983 Wisconsin Act 27, under which counties and Indian tribes which had a cooperative county-tribal law enforcement program prior to January 1, 1983 could receive up to \$20,000 per fiscal year, for a period of not more than three consecutive fiscal years. The program was funded from state general purpose tax revenues. Under the program, \$40,000 was appropriated annually for fiscal years 1983-84 and 1985-86. The program was abolished effective July 1, 1986.

Table 3, Penalty Assessment Revenues and Expenditures by Fiscal Year, 1983-84 to 1988-89, provides information on the revenues allocated to, and expenditures made by, each of the four agencies that receive allocations from the penalty assessment collections, for fiscal years 1983-84 to 1987-88.

TABLE 3
PENALTY ASSESSMENT REVENUES AND EXPENDITURES
BY FISCAL YEAR, 1983-84 TO 1988-89

| PROGRAM | 1983-84 | | 1984-85 | | 1985-86 | | 1986-87 | | 1987-88 1/ | | 1988-89 2/ | | TOTAL | |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|---------------------|-----------------------|
| | Revenues | Expenditures | Revenues | Expenditures |
| Department of Justice (DOJ): | | | | | | | | | | | | | | |
| Law Enforcement Training: | | | | | | | | | | | | | | |
| Local Assistance | \$3,462,328 | 2,045,731 | \$4,142,354 | 2,549,416 | \$4,453,912 | 2,286,000 | \$4,788,510 | 2,419,810 | \$4,637,631 | 2,024,161 | \$4,700,000 | 2,766,000 | \$26,184,735 | 14,091,118 |
| State Operations | | 1,277,302 | | 1,516,130 | | 1,418,709 | | 1,783,795 | | 1,620,334 | | 1,751,900 | | 9,368,170 |
| Crime Laboratory Equipment | | -- | | -- | | -- | | -- | | 112,861 | | 130,000 | | 242,861 |
| County-Tribal Law Enforcement | | -- | | -- | | -- | | -- | | -- | | -- | | -- |
| SUBTOTAL - DOJ | \$3,462,328 | \$3,323,033 | \$4,142,354 | \$4,065,546 | \$4,453,912 | \$3,704,709 | \$4,788,510 | \$4,203,605 | \$4,637,631 | \$3,757,356 | \$4,700,000 | \$4,647,900 | \$26,184,735 | \$23,702,149 |
| Department of Health and Social Services (DHSS): | | | | | | | | | | | | | | |
| Correctional Officer Training | 711,548 | 580,950 | 758,977 | 568,511 | 809,874 | 857,305 | 864,736 | 1,019,619 | 843,515 | 828,946 | 850,000 | 994,200 | 4,838,650 | 4,849,531 |
| SUBTOTAL - DHSS | \$711,548 | \$580,950 | \$758,977 | \$568,511 | \$809,874 | \$857,305 | \$864,736 | \$1,019,619 | \$843,515 | \$828,946 | \$850,000 | \$994,200 3/ | \$4,838,650 | \$4,849,531 3/ |
| Department of Public Instruction (DPI): | | | | | | | | | | | | | | |
| Anti-Drug Programs: | | | | | | | | | | | | | | |
| School Anti-Drug Program | 391,391 | 237,393 | 468,223 | 494,576 | 503,476 | 239,358 | 541,305 | 390,117 | 734,952 | 513,229 | 745,000 | 774,300 | 3,384,347 | 2,643,973 |
| State Administration | 237,950 | 208,595 | 284,662 | 273,264 | 306,094 | 215,166 | 329,168 | 290,226 | 448,144 | 351,834 | 455,000 | 493,800 | 2,061,018 | 1,832,885 |
| SUBTOTAL - DPI | \$629,341 | \$445,988 | \$752,885 | \$767,840 | \$809,570 | \$454,524 | \$870,473 | \$680,343 | \$1,183,096 | \$865,063 | \$1,200,000 | \$1,268,100 | \$5,445,365 | \$4,481,858 |
| Department of Administration (DOA): | | | | | | | | | | | | | | |
| Anti-Drug Programs: | | | | | | | | | | | | | | |
| Local Assistance | -- | -- | -- | -- | -- | -- | -- | -- | 1,015,573 | 58,649 | 1,200,000 | 449,600 | 2,215,573 | 508,249 |
| State Operations | | | | | | | | | | 112,588 | | 596,100 | | 708,688 |
| Youth Diversion Program (to DHSS) | | | | | | | | | | 250,000 | | 250,000 | | 500,000 |
| SUBTOTAL - DOA | 0 | 1,015,573 | 421,237 | 1,200,000 | 1,295,700 | \$2,215,573 | \$1,716,937 |
| TOTAL | \$4,803,217 | \$4,349,971 | \$5,654,216 | \$5,401,897 | \$6,073,356 | \$5,016,538 | \$6,523,719 | \$5,903,567 | \$7,679,815 | \$5,872,602 | \$7,950,000 | \$8,205,900 | \$38,684,323 | \$34,750,475 |

1/ Revenue and expenditure amounts for 1987-88 are preliminary.

2/ Revenues for 1988-89 are estimates based on discussions with the affected agencies' staffs; expenditures for 1988-89 are taken from the appropriations schedule, as contained in 1987 Wisconsin Act 399.

3/ Expenditures may not exceed the total of revenues in 1988-89 and balance carried forward from prior years; expenditures will be reduced if actual revenues in 1988-89 are insufficient to fund this amount of expenditures.

SOURCE: Compiled by Legislative Council Staff from data provided by the Legislative Fiscal Bureau, DOJ, DHSS, DPI and DOA staff.

The expenditures are not equal to the revenues in each year or for the six-year period covered by Table 3. Unexpended revenues are carried forward and may be expended in subsequent fiscal years.

The Table shows that the penalty assessments will have generated approximately \$38 million in revenues during the period from 1983-84 to 1988-89 for the four agencies that currently share the revenues. Of the three agencies that have received penalty assessment revenues throughout the period covered by Table 3, the DOJ has been the principal beneficiary of the assessment; it will have received approximately 67.7% of all of the revenues for the period. The DHSS will have received approximately 12.5%, and the DPI, 14.1%. [The DOA, which has participated in the program only since fiscal year 1987-88, will have received 5.7%.]

2. Natural Resources Assessment

Chapter 34, Laws of 1979, the 1979-81 Budget Act, created the natural resources assessment. The assessment is imposed by a court in addition to the regular fine or forfeiture for violations of ch. 29, Stats., Wisconsin's fish and game laws, that occur on or after January 1, 1980.

Under s. 29.997, Stats., the natural resources assessment is equal to 75% of the regular fine or forfeiture for the violation. Revenues collected from the natural resources assessment are deposited in s. 20.370 (3) (mu), Stats., the fish and wildlife account of the Conservation Fund and used for Department of Natural Resources (DNR) law enforcement operations and environmental impact statement analysis.

The funds are used for the DNR's law enforcement and related activities under ss. 23.09 to 23.11, Stats. These statutes relate to conservation, regulation of recreation areas, malicious waste of natural resources and the general powers of the DNR to care for all state parks, state fish hatcheries, state forests and all lands owned by the state. The funds are also used for enforcement of ch. 29 (fish and game laws), ch. 30 (regulation of navigable waters and navigation in general, development and operation of harbors and regulation of boating) and for the administration of ss. 1.11 and 23.40, Stats. (review of environmental impact statements) and s. 166.04, Stats. (conservation wardens' duties during civil disorders).

3. Natural Resources Restitution Payment

The Natural Resources restitution payment was created by Ch. 34, Laws of 1979, the 1979-81 Budget Act. The restitution payment is imposed by a court in addition to the regular fine or forfeiture, for violations that

occur on or after January 1, 1980, that relate to failure to obtain a required license for a fish- or game-related activity. The amount of the payment is equal to the statutory fee for the required license.

Revenues from the restitution payment are also deposited in s. 20.370 (3) (mu), Stats., the fish and wildlife account of the Conservation Fund. The revenues are used for law enforcement operations and environmental impact statement analysis, as described previously.

4. Weapons Assessment

1985 Wisconsin Act 36 established a weapons assessment, which is imposed in addition to any fine or forfeiture for a violation of state law relating to the safe use and transportation of firearms and bows. The weapons assessment, which applies to offenses committed on or after October 12, 1985, is equal to 75% of the fine or forfeiture imposed.

The revenues from the assessment are deposited in s. 20.370 (3) (mu), Stats., and used for the law enforcement operations and environmental impact statement analysis, as described previously.

Table 4, Natural Resources Surcharges and Other Revenues Used for Enforcement by Fiscal Year, 1983-84 to 1988-89, shows the revenues received from the three DNR surcharges, the other DNR revenues from the fish and wildlife account used for its enforcement activities and the total revenues from the account used for enforcement. [This account also receives substantial revenues from other sources, such as license sales.]

TABLE 4
NATURAL RESOURCES SURCHARGES AND
OTHER REVENUES USED FOR ENFORCEMENT
BY FISCAL YEAR, 1983-84 TO 1988-89

| REVENUES USED FOR GENERAL CONSERVATION LAW ENFORCEMENT | 1983-84 | 1984-85 | 1985-86 | 1986-87 | 1987-88 1/ | 1988-89 2/ | TOTAL |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| SURCHARGE REVENUES: | | | | | | | |
| --Natural Resources Assessment | \$345,000 | \$356,800 | \$320,800 | \$353,900 | \$395,001 | \$395,000 | \$2,166,501 |
| --Restitution Payment | 38,600 | 53,000 | 36,100 | 28,400 | 21,660 | 22,000 | 199,760 |
| --Weapons Assessment | 0 | 0 | 0 | 0 | 38,776 | 39,000 | 77,776 |
| SUBTOTAL: Surcharge Revenues | \$383,600 | \$409,800 | \$356,900 | \$382,300 | \$455,437 | \$456,000 | \$2,444,037 |
| OTHER REVENUES | \$6,462,949 | \$7,018,728 | \$7,437,887 | \$7,808,406 | \$8,002,899 | \$8,113,400 | \$44,844,269 |
| TOTAL REVENUES | \$6,846,549 | \$7,428,528 | \$7,794,787 | \$8,190,706 | \$8,458,336 | \$8,569,400 | \$47,288,306 |

1/ The amounts shown as revenues for fiscal year 1987-88 are preliminary.

2/ The estimates of fiscal year 1988-89 revenues are based on fiscal year 1987-88 revenues and the appropriations schedule contained in 1987 Wisconsin Act 399.

SOURCE: Compiled by Legislative Council Staff from data provided by the Legislative Fiscal Bureau and the DNR.

Table 4 shows that, during the period from fiscal year 1983-84 to 1988-89, the three surcharges will have raised approximately \$2.4 million (5.1%) of the fish and wildlife account revenues used for DNR's law enforcement and environmental impact analysis activities.

5. Jail Assessment

1987 Wisconsin Act 27 established a jail assessment to be levied on all fines and forfeitures imposed for violations, occurring on or after October 1, 1987, of a state law or local ordinance, except those involving nonmoving traffic violations. Under s. 53.46, Stats., as created by Act 27, the amount of the assessment is 1% of the fine or forfeiture imposed or \$10, whichever is greater.

The assessment revenues in each county are transmitted to the county treasurer, who deposits the amount in a county jail fund to be used for the construction, remodeling, repair or improvement of the county's jail. The law also provides that if a deposit of bail is made for a noncriminal offense, the person making the deposit must also include a sufficient amount to cover the jail assessment for forfeited bail. If bail is forfeited, the deposited assessment is transmitted to the county treasurer.

Due to the recent implementation of the assessment, no information is available either on the programs established by counties to use the funds or on the revenues from the assessment.

6. Crime Prevention Organization Contribution

1987 Wisconsin Act 347 created s. 973.09 (1x), Stats., to provide that, on or after May 3, 1988, a court, as a condition of probation and in addition to any payment of restitution, may require a probationer to make a "contribution" to a crime prevention organization. The court must determine that the person has the financial ability to make the contribution.

The Act contains no definition of a "crime prevention organization" but, presumably, the term would include neighborhood crime watch organizations and other local "crime stopper" programs.

Due to the recent implementation of this surcharge, no information is available either on the revenues generated by the surcharge or on the programs which will receive funds from this surcharge.

B. VICTIM, WITNESS AND OFFENDER PROGRAMS

The victim, witness and offender programs funded by the surcharges that are described in this section provide funds for the costs of: (1) grants to organizations to provide services to victims, witnesses or offenders; and (2) training and education programs or materials to prevent or deter certain conduct.

The proceeds of the following surcharges are used in victim, witness and offender programs: (1) domestic abuse assessment; (2) restitution administrative surcharge; (3) driver improvement surcharge; (4) crime victim and witness assistance surcharge; (5) drug abuse program improvement surcharge; and (6) restitution cost surcharge.

1. Domestic Abuse Assessment

Chapter 111, Laws of 1979, created a domestic abuse assessment to be imposed on any person convicted of any crime that a court determines constitutes domestic abuse if that crime was committed on or after May 1, 1980. The assessment was an amount equal to 10% of the regular fine imposed or, if multiple offenses are involved, 10% of the total fine for all offenses.

1987 Wisconsin Act 27, the 1987-89 Budget Act, changed the amount of the assessment from 10% of the total fine imposed to \$50 for each offense committed on or after August 1, 1987, in addition to the regular fine and other applicable assessments. Act 27 further modified the law to allow a court to waive all or part of the assessment if its imposition would have a negative impact on the offender's family.

Section 971.37 (1m) (c), Stats., also created by Act 27, provides that a deferred prosecution agreement may require, as one of its conditions, that the person entering into the agreement pay the domestic abuse assessment. The district attorney may determine the amount due and may authorize less than a full assessment if he or she believes that full payment would have a negative impact on the offender's family. If prosecution is subsequently resumed because the person does not comply with the deferred prosecution agreement and the person is convicted, any amount paid will be credited against the domestic abuse assessment amount imposed under s. 973.055, Stats.

All of the revenues collected from the domestic abuse assessment are transferred to the DHSS and used for DHSS grants to organizations that provide domestic abuse services. The DHSS makes domestic abuse grants from assessment receipts and from another appropriation created for that purpose.

Under s. 46.95, Stats., the Secretary of DHSS may make a grant to a nonprofit corporation or a public agency which proposes to provide the following domestic abuse services:

- a. Shelter facilities or private home shelter care.
- b. Advocacy and counseling for victims.
- c. A 24-hour telephone service.
- d. Community education.

The following table, Table 5, Domestic Abuse Assessments and Domestic Abuse Grants by Fiscal Year, 1983-84 to 1988-89, shows the revenues from domestic abuse assessments for fiscal years 1983-84 to 1988-89. It also shows the total expenditures for domestic abuse grants in each of those fiscal years.

TABLE 5
DOMESTIC ABUSE ASSESSMENTS AND
DOMESTIC ABUSE GRANTS BY FISCAL YEAR,
1983-84 TO 1988-89

| FISCAL YEAR | ASSESSMENTS | GRANTS |
|-------------|-------------|--------------|
| 1983-84 | \$4,775 | \$1,202,002 |
| 1984-85 | 1,014 | 1,490,646 |
| 1985-86 | 7,581 | 1,754,011 |
| 1986-87 | 8,834 | 1,784,996 |
| 1987-88 | 5,862 1/ | 1,829,869 1/ |
| 1988-89 | 5,862 2/ | 1,931,600 3/ |
| TOTAL | \$33,928 | \$9,993,124 |

1/ Fiscal year 1987-88 amounts are preliminary.

2/ Fiscal year 1988-89 is based on fiscal year 1987-88.

3/ The grant amount shown does not include the grants that will be made from estimated assessments in 1988-89, since there has been no estimate of these grants.

SOURCE: Compiled by Legislative Council Staff from data provided by the Legislative Fiscal Bureau.

Table 5 shows that the domestic abuse assessments will have raised approximately 1/3rd of 1% of the total expenditures for domestic abuse grants in fiscal years 1983-84 to 1988-89.

2. Restitution Administrative Surcharge

Chapter 238, Laws of 1979, created s. 973.09 (1), Stats. (now s. 973.20 (1) (a), Stats.), to impose an administrative surcharge, effective July 1, 1980, on a criminal defendant if the court issues a restitution order. The amount of the original surcharge was 10% of the total amount of any restitution, costs, attorney fees, fines and related surcharges and assessments imposed by the court. Chapter 352, Laws of 1981, lowered the amount of the surcharge to 5% of the total amount imposed, effective May 7, 1982.

Revenues from the administrative surcharge are used to defray administrative expenses incurred by DHSS in collecting restitution payments and distributing them to victims of crime. The revenues have been used primarily to: (a) support four staff positions in the Cashiers Unit within the Division of Corrections, DHSS for receiving, recording and disbursing restitution payments to victims; and (b) pay debt service on the computer equipment and programs used to administer the restitution program.

Although data on total computer and other costs of administration are not available for the period from 1983-84 to the present, according to DHSS staff, the revenues have been insufficient to pay the entire cost of administration of the restitution program. For example, in fiscal year 1987-88, approximately \$145,000 in non-salary computer costs associated with the program were incurred; all but \$12,000 of the \$145,000 was funded through state general purpose (tax-supported) revenues. The \$12,000 was from the surcharge revenues.

Table 6, Restitution Administrative Surcharges by Fiscal Year, 1983-84 to 1988-89, shows the total surcharge revenues received by DHSS in each fiscal year from 1983-84 to 1988-89.

TABLE 6
RESTITUTION ADMINISTRATIVE
SURCHARGES BY FISCAL YEAR, 1983-84 TO 1988-89

| FISCAL YEAR | SURCHARGES |
|-------------|-------------|
| 1983-84 | \$148,200 |
| 1984-85 | 163,607 |
| 1985-86 | 161,778 |
| 1986-87 | 176,597 |
| 1987-88 | 185,369 |
| 1988-89 | 195,000 1/ |
| TOTAL | \$1,030,551 |

1/ Fiscal year 1988-89 amount is an estimate by DHSS staff.

SOURCE: Compiled by Legislative Council Staff from data provided by the DHSS.

The table shows that surcharge revenues during the six fiscal-year period from 1983-84 to 1988-89 will exceed \$1 million.

3. Driver Improvement Surcharge

Chapter 20, Laws of 1981, the 1981-83 Budget Act, established a \$150 driver improvement surcharge on any fine or forfeiture imposed for a violation, on or after January 1, 1982, of Wisconsin's "operating while intoxicated" (OWI) laws or conforming local ordinances. 1985 Wisconsin Act 29, the 1985-87 Budget Act, increased the surcharge to \$200 for all offenses committed on or after October 1, 1985. 1987 Wisconsin Act 399 increased the surcharge to \$250, effective on July 1, 1988.

All revenues from the driver improvement surcharge are initially credited to a DHSS revenue appropriation and then may be transferred by the Secretary of Administration to other appropriations under the control of: (a) DHSS; (b) DPI; (c) University of Wisconsin (UW) System; (d) Department of Transportation (DOT); and (e) DOJ. These agencies utilize the revenues to enforce Wisconsin's OWI laws, operate preventive educational programs and provide services for OWI offenders and their victims.

The funds collected from the surcharge are used to fund five separate programs, which are described below.

• DHSS treatment programs: The DHSS's surcharge revenues are distributed to community mental health, alcoholism and drug abuse treatment [s. 51.42, Stats.] boards for assessment and, if necessary, treatment of persons who are convicted of OWI-related offenses.

If a person is convicted of an OWI offense, he or she is assessed by the s. 51.42 board. If the person has an alcohol or drug dependency, the funds are used to offset the costs of the outpatient and inpatient treatment provided to the person by the s. 51.42 board.

Also, surcharge revenues are used to finance the DHSS's operational costs related to the administration of services to drivers.

• DPI training and education programs: The DPI's surcharge revenues are used to provide consultant services and assistance to schools in developing the schools' curricula relating to alcohol and driving and in-service training of teachers and to provide grants to school districts to educate students about the hazards of driving while intoxicated.

• UW's State Laboratory of Hygiene programs: The UW's surcharge revenues are allocated to the State Laboratory of Hygiene for its activities in testing laboratory specimens for alcohol and drug abuse. The Laboratory distributes test kits which are used by other laboratories in alcohol and drug analysis, establishes standards and procedures for those tests and meets with medical law enforcement personnel to train them on testing procedures. Also, staff of the Laboratory participate in trials and provide expert testimony on tests for OWI.

• DOT programs: The DOT's surcharge revenues are used to distribute materials describing the consequences of operating a vehicle while intoxicated and coordinating media campaigns to increase public awareness of the law. Also, the DOT maintains, tests and certifies breath analyzers used by local law enforcement agencies and trains and certifies local law enforcement officers in the use of these instruments. The DOT monitors OWI convictions and court-ordered assessments to ensure that the convicted drivers are complying with the requirements of the driver improvement plan.

• DOJ crime victim claim processing program: The DOJ's surcharge revenues are used to employ a person in the DOJ to process crime victim compensation claims.

The following table, Table 7, Driver Improvement Surcharges and Program Expenditures by Fiscal Year, 1983-84 to 1988-89, shows the total

surcharge revenues and the program expenditures from those appropriations for fiscal years 1983-84 to 1988-89.

TABLE 7
DRIVER IMPROVEMENT SURCHARGES AND
PROGRAM EXPENDITURES BY FISCAL YEAR,
1983-84 TO 1988-89

| FISCAL YEAR | SURCHARGES | PROGRAM EXPENDITURES |
|-------------|--------------|----------------------|
| 1983-84 | \$3,670,655 | \$3,179,500 |
| 1984-85 | 3,969,546 | 4,611,500 |
| 1985-86 | 4,628,423 | 4,677,300 |
| 1986-87 | 5,355,831 | 5,057,900 |
| 1987-88 | 5,461,500 1/ | 5,363,952 1/ |
| 1988-89 | 5,500,000 2/ | 6,113,900 3/ |
| TOTAL | \$28,585,955 | \$29,004,052 |

1/ Fiscal year 1987-88 amounts are preliminary.

2/ Fiscal year 1988-89 amounts are based on fiscal year 1987-88.

3/ The fiscal year 1988-89 amount is the total of the amount shown in each agency's appropriations schedule, as contained in 1987 Wisconsin Act 399; however, expenditures may not exceed the total of revenues and any amounts carried forward from prior years.

SOURCE: Compiled by Legislative Council Staff from data provided by the Legislative Fiscal Bureau.

During the six-year period, the surcharge will have provided approximately \$28.6 million for the programs of the five agencies.

Table 8, Driver Improvement Program Expenditures by State Agencies by Fiscal Year, 1983-84 to 1988-89, contains the expenditures by each agency during the same six-year period.

TABLE 8
DRIVER IMPROVEMENT PROGRAM
EXPENDITURES BY STATE AGENCIES
BY FISCAL YEAR, 1983-84 TO 1988-89

| AGENCY/PROGRAM | 1983-84 | 1984-85 | 1985-86 | 1986-87 | 1987-88 1/ | 1988-89 2/ | TOTAL |
|--|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| DEPARTMENT OF HEALTH AND SOCIAL SERVICES: | | | | | | | |
| --Treatment and Services | \$2,429,400 | \$3,060,900 | \$3,279,700 | \$3,714,700 | \$3,902,900 | \$4,632,900 | \$21,020,500 |
| --Administration | 89,500 | 64,500 | 61,200 | 82,500 | 84,000 | 91,000 | 472,700 |
| DHSS SUBTOTAL | \$2,518,900 | \$3,125,400 | \$3,340,900 | \$3,797,200 | \$3,986,900 | \$4,723,900 | \$21,493,200 |
| DEPARTMENT OF PUBLIC INSTRUCTION: | | | | | | | |
| --Education and Training Services | \$0 | \$212,100 | \$245,800 | \$220,300 | \$198,352 | \$225,000 | \$1,101,552 |
| UNIVERSITY OF WISCONSIN: | | | | | | | |
| --Laboratory of Hygiene Services | 178,200 | 240,000 | 274,500 | 308,400 | 375,300 | 362,600 | 1,739,000 |
| DEPARTMENT OF TRANSPORTATION: | | | | | | | |
| --Regulation, Licensing and Public Awareness | 482,400 | 1,013,300 | 790,400 | 702,500 | 771,800 | 773,200 | 4,533,600 |
| DEPARTMENT OF JUSTICE: | | | | | | | |
| --Crime Victim Compensation Services | 0 | 20,700 | 25,700 | 29,500 | 31,600 | 29,200 | 136,700 |
| TOTAL | \$3,179,500 | \$4,611,500 | \$4,677,300 | \$5,057,900 | \$5,363,952 | \$6,113,900 | \$29,004,052 |

1/ Fiscal year 1987-88 amounts are preliminary.

2/ Fiscal year 1988-89 amounts are from each agency's appropriations schedule, as contained in 1987 Wisconsin Act 399.

SOURCE: Compiled by Legislative Council Staff from data provided by Legislative Fiscal Bureau.

The table shows that the DHSS expends approximately 74% of the total, while DOT expends 15.5%; UW, 6.0%; DPI, 3.8%; and DOJ, 0.7%, of the total.

4. Crime Victim and Witness Assistance Surcharge

1983 Wisconsin Act 27, the 1983-85 Budget Act, established a crime victim and witness assistance surcharge of \$20 for each misdemeanor offense or \$30 for each felony offense to be imposed by the court at the time of sentencing. The surcharge applies to all defendants sentenced on or after October 1, 1983. 1987 Wisconsin Act 27 increased the surcharge to \$30 for misdemeanors and \$50 for felonies, beginning August 1, 1987 [see s. 973.045, Stats.].

The funds generated by the surcharge are appropriated to the DOJ to reimburse counties who are operating victim and witness assistance programs under ch. 950, Stats. The DOJ reimburses counties from surcharge revenues and from another appropriation created for that purpose.

Under ch. 950, counties are responsible for the enforcement of the rights of victims and witnesses and for providing services to victims and witnesses. A county may seek state reimbursement for services provided and is eligible to receive reimbursement of not more than 90% of the costs in providing services. The DOJ determines the level of services for which a county may be reimbursed. If a county chooses not to administer the victim/witness rights program and to provide services, the only penalty to the county is the loss of reimbursement. If a county intends to provide such services and seek reimbursement, the county board must submit a program plan to the DOJ. The county is eligible for reimbursement only if the DOJ has approved the plan.

Among the services that can be provided for victims and witnesses are:

- a. Victim compensation and social service referrals;
- b. Court appearance notification services;
- c. Escort and other transportation services related to investigation or prosecution of the case, if necessary and advisable;
- d. Case progress notification services;
- e. Assistance in providing the court with information pertaining to the economic, physical and psychological effect of the crime on the victim of the felony;
- f. Employer intercession services;
- g. Expedited return of property services;
- h. Protection services;
- i. Family support services, including child and other dependent care services; and
- j. Waiting facilities.

The following table, Table 9, Crime Victim and Witness Assistance Surcharge Revenues and Program Expenditures by Fiscal Year, 1983-84 to

1988-89, shows the amounts received by the DOJ and the total expenditures for the program for fiscal years 1983-84 to 1988-89.

TABLE 9
CRIME VICTIM AND WITNESS ASSISTANCE
SURCHARGE REVENUES AND PROGRAM EXPENDITURES
BY FISCAL YEAR, 1983-84 TO 1988-89

| FISCAL YEAR | CRIME VICTIM AND WITNESS PROGRAM | |
|-------------|----------------------------------|----------------------|
| | SURCHARGE REVENUES | PROGRAM EXPENDITURES |
| 1983-84 | \$235,946 | \$765,935 |
| 1984-85 | 432,167 | 962,179 |
| 1985-86 | 469,865 | 1,230,759 |
| 1986-87 | 637,970 | 1,475,231 |
| 1987-88 | 773,806 1/ | 1,415,441 1/ |
| 1988-89 | 800,000 2/ | 1,387,200 2/ |
| TOTAL | \$3,349,754 | \$7,236,745 |

1/ Fiscal year 1987-88 amounts are preliminary.

2/ Fiscal year 1988-89 amounts are estimates based on fiscal year 1987-88 and on the DOJ appropriations schedule as contained in 1987 Wisconsin Act 399.

SOURCE: Compiled by Legislative Council Staff from data provided by the Legislative Fiscal Bureau and the DOJ.

During the six fiscal-year period covered by Table 9, the surcharge will have provided approximately \$3.35 million (46%) of expenditures for crime victim and witness assistance programs.

5. Drug Abuse Program Improvement Surcharge

1987 Wisconsin Act 339 created s. 161.41 (5), Stats., to establish a drug abuse program improvement surcharge for violations of s. 161.41, Stats., occurring on or after July 1, 1988. That statute prohibits the possession, manufacture and delivery of controlled substances (i.e., drugs). The amount of the surcharge is 50% of the fine and penalty assessment imposed for the violation.

All funds collected from drug surcharges must be utilized in accordance with s. 20.435 (4) (gb), Stats., which provides that such moneys are to be expended by the DHSS on programs "providing prevention, intervention and treatment for alcohol and other drug abuse problems."

Due to the recent implementation of this surcharge, information is not available on the programs to be funded by the surcharge or on revenues generated by the surcharge.

6. Restitution Cost Surcharge

1987 Wisconsin Act 398 created s. 973.06 (1) (f), Stats., which provides that, beginning September 1, 1988, if a court orders a criminal defendant to pay restitution to the victim, the defendant shall also pay restitution costs equal to 10% of the amount of restitution ordered. Restitution cost revenues are payable to the county treasurer for use by the county.

Due to the recent implementation of this surcharge, no information is available on revenues generated by this surcharge or on use of the revenues.

GAA:DF:las:kja:ksa:wu;las