

JUSTICE

| Budget Summary | | | | | | FTE Position Summary | | | | |
|----------------|--------------------------|---------------------|---------------------|------------------------------------------|--------------|----------------------|---------------|---------------|-------------------------|-------------|
| Fund | 2006-07 Adjusted Base | Request | | 2007-09 Change Over Base Year Doubled | | 2006-07 | Request | | 2008-09 Over 2006-07 | |
| | | 2007-08 | 2008-09 | Amount | % | | 2007-08 | 2008-09 | Number | % |
| GPR | \$34,775,000 | \$39,255,300 | \$40,102,500 | \$9,807,800 | 14.1% | 324.08 | 338.83 | 344.83 | 20.75 | 6.4% |
| FED | 7,984,300 | 8,120,000 | 8,127,500 | 278,900 | 1.7 | 30.85 | 31.60 | 31.60 | 0.75 | 2.4 |
| PR | 38,825,400 | 43,226,500 | 42,683,600 | 8,259,300 | 10.6 | 183.31 | 189.81 | 183.81 | 0.50 | 0.3 |
| SEG | <u>336,200</u> | <u>348,200</u> | <u>348,200</u> | <u>24,000</u> | 3.6 | <u>2.75</u> | <u>2.75</u> | <u>2.75</u> | <u>0.00</u> | 0.0 |
| TOTAL | \$81,920,900 | \$90,950,000 | \$91,261,800 | \$18,370,000 | 11.2% | 540.99 | 562.99 | 562.99 | 22.00 | 4.1% |

Major Request Items

1. STANDARD BUDGET ADJUSTMENTS

Request standard adjustments to the base budget totaling \$1,781,800 GPR, \$88,300 FED, \$1,266,100 PR, \$12,000 SEG, -4.5 GPR positions and -0.5 PR positions in 2007-08 and \$1,781,800 GPR, \$88,300 FED, \$1,270,100 PR, \$12,000 SEG, -4.5 GPR positions and -0.5 PR positions in 2008-09. Adjustments are for:

| | Funding | Positions |
|-------|---------------|-------------|
| GPR | \$3,563,600 | - 4.50 |
| FED | 176,600 | 0.00 |
| PR | 2,536,200 | - 0.50 |
| SEG | <u>24,000</u> | <u>0.00</u> |
| Total | \$6,300,400 | - 5.00 |

(a) turnover reduction (-\$467,500 GPR and -\$119,700 PR annually); (b) removal of noncontinuing elements from the base (-4.5 GPR positions and -\$20,600 PR and -0.5 PR positions annually); (c) full funding of continuing salaries and fringe benefits (\$2,062,000 GPR, \$88,300 FED, \$812,600 PR, and -\$1,100 SEG annually); (d) reclassifications (\$14,300 GPR, \$26,700 PR, and \$1,600 SEG in 2007-08 and \$14,300 GPR, \$30,700 PR, and \$1,600 SEG in 2008-09); (e) overtime (\$158,200 GPR, \$561,500 PR, and \$11,500 SEG annually); (f) night and weekend differential (\$10,200 GPR and \$2,300 PR annually); (g) full funding of lease costs and directed moves (\$4,600 GPR and \$3,300 PR annually); and (h) minor offsetting transfers within the same appropriation.

2. DNA ANALYSIS RESOURCES

Request \$533,500 GPR and 9.0 GPR positions and \$704,900 PR and 6.0 PR positions in 2007-08, and \$1,224,000 GPR and 15.0 GPR positions and \$140,000 PR in 2008-09 to: (a) expand the

| | Funding | Positions |
|-------|----------------|-------------|
| GPR | \$1,757,500 | 15.00 |
| PR | <u>844,900</u> | <u>0.00</u> |
| Total | \$2,602,400 | 15.00 |

Wausau Crime Laboratory to provide DNA analysis; (b) create a DNA analysis night shift at the Madison Crime Laboratory; and (c) provide 1.0 DNA laboratory technician for both the Madison and Milwaukee Crime Laboratories. Department of Justice (DOJ) staff indicates that

the DNA analysis caseload for the state crime laboratories has increased from 1,239 cases in calendar year 2004 to a projected 2,264 cases in calendar year 2006.

The request would provide \$704,900 PR and 6.0 PR positions in 2007-08 and \$568,100 GPR, \$140,000 PR and 6.0 GPR positions in 2008-09 to expand the Wausau Crime Laboratory to provide DNA analysis. The PR positions would exist in 2007-08 only. Funding is intended to pay: (a) salary and fringe benefits costs for 5.0 additional DNA analysts and 1.0 additional DNA technician; (b) rent for 4,000 additional square feet at the Wausau Crime Laboratory; and (c) one-time and ongoing supplies and services costs. The PR funding would come from criminal history search fees deposited to the criminal history searches; fingerprint identification appropriation. Under current law, these fees may only be utilized to: (a) offset the cost of providing criminal history searches of the state's criminal history database; and (b) pay for an automated fingerprint identification system which permits the Department to store and retrieve electronic fingerprint records. The criminal history searches; fingerprint identification appropriation would have to be amended to permit these fees to be utilized for this request.

The request would also provide \$437,000 GPR in 2007-08 and \$554,600 GPR in 2008-09, and 7.0 GPR positions annually to create a DNA analysis night shift at the Madison Crime Laboratory. The positions would include 6.0 DNA analysts and 1.0 DNA technician.

Finally, the request would provide \$96,500 GPR in 2007-08 and \$101,300 GPR in 2008-09, and 2.0 GPR positions annually to provide 1.0 additional DNA laboratory technician to both the Madison and Milwaukee Crime Laboratories. The intent of creating these additional laboratory technician positions would be to permit the DNA analysts to work more efficiently by having the laboratory technicians: (a) screen cases and handle bulk evidence; (b) collect biological samples and prepare them for DNA analysis; and (c) prepare serology reports and testify in court. As a result, DNA analysts could concentrate efforts on testing prepared DNA samples.

3. CRIME VICTIM COMPENSATION AWARD FUNDING

Request \$1,000,000 GPR and \$300,000 PR annually to provide increased funding for the crime victim compensation program. In addition, request the following changes to the crime victim compensation program:

| | |
|---------|----------------|
| GPR-REV | -\$600,000 |
| PR-REV | \$600,000 |
| GPR | \$2,000,000 |
| PR | <u>600,000</u> |
| Total | \$2,600,000 |

a. *Restitution Payment Revenues from the General Fund.* Request that restitution payments received by the state from defendants to offset awards made to victims under the crime victim compensation program would no longer be deposited to the general fund but instead would be credited to a new, PR appropriation created under DOJ. Currently, the Department estimates that \$300,000 annually is credited to the general fund from restitution payments. The proposed crediting of these funds to the new program revenue account would result in a corresponding general fund decrease of \$300,000 annually.

b. *Victim Compensation Restitution/Subrogation Appropriation Created.* Create a PR continuing victim compensation restitution/subrogation appropriation to receive these

restitution payments and provide expenditure authority of \$300,000 annually. Authorize DOJ to expend these funds to pay for crime victim compensation awards.

Under current law, the crime victim compensation program compensates victims and their dependents for the cost of medical treatment (both physical and mental), lost wages, funeral and burial expenses, loss of support to dependents of a deceased victim, and replacement costs of any clothing or bedding that is held for evidentiary purposes. In addition, victims who are homemakers may be compensated for expenses related to securing homemaker services when someone must be hired to perform these services. The maximum award for any one injury or death is \$40,000. This amount is in addition to a \$2,000 maximum reimbursement of burial expenses that may be awarded. In 2006-07, \$2,390,700 (\$1,258,000 GPR, \$643,900 FED and \$488,800 PR) is budgeted under this program to make awards to victims of crime. The program is funded from GPR, from part "A" of the crime victim and witness assistance surcharge and from federal grants awarded under the 1984 Victims of Crime Act (VOCA), as amended.

4. TRANSACTION INFORMATION FOR THE MANAGEMENT OF ENFORCEMENT (TIME) SYSTEM UPGRADE

| | |
|-----|-------------|
| GPR | \$1,085,000 |
|-----|-------------|

Request \$510,000 in 2007-08 and \$575,000 in 2008-09 for hardware, software, and development costs associated with the second phase of a projected three-phase upgrade to the Transaction Information for the Management of Enforcement (TIME) System. Upon completion of the upgrade project, the TIME System will be accessible over the Internet by authorized users.

The Department has identified a budget totaling \$1,965,000 in 2007-09 to fund the second phase of the TIME System upgrade, including: (a) \$450,000 PR in base level resources supported by the penalty surcharge; (b) \$430,000 PR in base level resources supported by criminal history search fees; and (c) \$1,085,000 GPR that would be provided under this request. The penalty surcharge is imposed whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance. The penalty surcharge equals 26% of the total fine or forfeiture. Criminal history search fees are imposed for non-criminal justice related requests to search the state criminal history database.

The Department has further identified that the budgeted funds of \$1,965,000 in 2007-09 would be utilized to purchase: (a) the services of three contractors for web-based development, user identity management planning and implementation, and technical support (\$876,000); (b) hardware, including servers, platform upgrades, user identity management hardware, additional disk space, firewalls, intrusion prevention, and miscellaneous network equipment (\$693,000); (c) specialized services (\$280,000); and (d) software and licensing (\$110,000).

Under current law, Wisconsin law enforcement agencies have access to the TIME System, which gives them access to information on state and national wanted, missing, and unidentified

persons; national criminal history record information; stolen motor vehicle records; driver and vehicle registration data; and identifiable stolen property listings.

5. WISCONSIN STATEWIDE INTELLIGENCE CENTER

| | Funding | Positions |
|-----|-------------|-----------|
| GPR | \$1,035,500 | 7.00 |

Request \$482,600 in 2007-08 and \$552,900 in 2008-09 and 7.0 positions annually to support the operation of the Wisconsin Statewide Intelligence Center at DOJ's Division of Criminal Investigation. The funding would be utilized to fund a 1.0 special agent in charge, 2.0 special agents, and 4.0 intelligence analysts, as well supplies and services funding.

The system is intended to: (a) build a database of threats and intelligence compliant with federal law; (b) link state information technology systems, wherever possible, to permit the sharing of data stored in these separate systems; (c) permit DOJ to conduct threat assessments in cooperation with Wisconsin Emergency Management (at the Department of Military Affairs) and establish a risk analysis database; (d) establish a law enforcement query capability to provide timely and complete background information on persons of interest or criminal investigations; and (e) establish 24-hour per day web access to the system for law enforcement.

While federal homeland security funding is being utilized to provide initial funding for the system, the federal government has indicated that the federal fiscal year 2007 homeland security award may no longer permit the states to utilize this funding to pay for staff.

6. REIMBURSEMENT FOR COUNTY VICTIM AND WITNESS ASSISTANCE PROGRAMS

| | |
|--------|-------------|
| PR-REV | \$1,320,000 |
| PR | \$2,920,000 |

Request \$1,460,000 annually to increase the amounts available to reimburse counties for up to 90% of their victim and witness assistance program costs. Under the agency's request, \$1,460,000 annually would be funded from additional crime victim and witness assistance surcharge revenues. The Department requests that the crime victim and witness assistance surcharge no longer be imposed in the specific situation where: (a) a criminal complaint is issued charging a person with a crime for an offense that could subject the person to a forfeiture or to prosecution for a crime; (b) the prosecutor decides to defer or suspend the criminal prosecution; and (c) as a result the person agrees to pay a forfeiture. Instead, DOJ requests that the crime victim and witness assistance surcharge be imposed if: (a) a person is charged with one or more crimes in a complaint; (b) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes; and (c) the court finds that the person committed the civil offense on or after the effective date of this change to the surcharge. Request that the amount of the surcharge be based on whether the original underlying charge was a felony charge (in which case an \$85 surcharge would be assessed), or a misdemeanor charge (in which case a \$60 surcharge would be assessed). Further, request that all revenue generated under these new provisions be allocated for victim and witness assistance programs and for crime victim compensation awards ("Part A" of the surcharge). The

Department estimates that these surcharge amendments would generate \$660,000 annually in additional revenue during 2007-09.

Under current law, when a court imposes a sentence or places a person on probation, the court also imposes the crime victim and witness assistance surcharge (\$60 for each misdemeanor offense and \$85 for each felony offense). The initial \$40 of the surcharge for a misdemeanor and \$65 for a felony is termed the "Part A" portion of the surcharge and is allocated for victim and witness assistance programs and for crime victim compensation awards.

Under 2005 Wisconsin Act 25 (the 2005-07 biennial budget act), "Part A" of the crime victim and witness assistance surcharge was increased from \$30 for each misdemeanor offense to \$40, and from \$50 for each felony offense to \$65 (approximately a 30% increase). The Department estimates that this surcharge change under Act 25 will generate \$800,000 in additional revenue annually during 2007-09.

In 2005-06, \$5,161,700 was distributed to counties as reimbursement for crime victim and witness assistance program costs. The 2005-06 distribution included \$1,422,200 GPR and the following PR-funded amounts: (a) \$2,515,600 from "Part A" of the crime victim and witness assistance surcharge and from the delinquency victim and witness surcharge; (b) \$885,300 from penalty surcharge revenues; and (c) \$338,600 from federal Byrne Justice Assistance Grant funds administered by the Department of Administration's Office of Justice Assistance. In 2005-06, counties reported incurring \$9,558,600 in victim and witness assistance program costs.

7. COUNTY-TRIBAL LAW ENFORCEMENT GRANT PROGRAM

| | |
|----|-----------|
| PR | \$700,000 |
|----|-----------|

Request \$350,000 annually to provide additional grant funding from tribal gaming receipts under the agency's county-tribal law enforcement grant program. Base level funding for the grant program is currently \$708,400 annually, funded from tribal gaming receipts.

Under current law, in order for a county to receive grant funding under the program, the county must have one or more federally-recognized Indian reservations within or partially within its boundaries and must enter into an agreement with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. Under the grant program, the county and tribe must develop and annually submit a joint plan and funding request to DOJ. The plan must also report on the performance of law enforcement activities on the reservation in the previous fiscal year.

8. PENALTY SURCHARGE FUNDING RESTORATION

| | |
|----|-----------|
| PR | \$651,000 |
|----|-----------|

Request \$325,500 annually to restore penalty surcharge funding to the following four DOJ appropriations supported by the surcharge: (a) \$159,600 annually to the law enforcement training fund, local assistance appropriation; (b) \$106,100 annually to the law enforcement training fund, state operations appropriation; (c) \$48,500 annually to the drug enforcement

intelligence operations appropriation; and (d) \$11,300 annually to the crime laboratory equipment and supplies appropriation. The Law Enforcement Training Fund provides funding for the preparatory training of law enforcement recruits, as well as recertification training for certified law enforcement officers and specialized law enforcement training. The drug enforcement intelligence operations appropriation provides funding for drug enforcement tactical and strategic intelligence units. Finally, the crime laboratory equipment and supplies appropriation provides funding for the maintenance, repair, upgrading, and replacement of crime laboratory equipment.

Under 2005 Wisconsin Act 25 (the 2005-07 biennial budget act), appropriations supported by the penalty surcharge were reduced by 3% annually to address a deficit in the penalty surcharge account. This request would restore penalty surcharge expenditure authority to these four DOJ appropriations that was deleted under Act 25 to address the penalty surcharge deficit.

The penalty surcharge is imposed whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance. The penalty surcharge equals 26% of the total fine or forfeiture.

9. HANDGUN PURCHASER RECORD CHECK PROGRAM DEFICIT REDUCTION

Request that one of the following three alternatives be adopted to address an increasing deficit in the handgun purchaser record check program (the "handgun hotline"). [The Department's request does not indicate which alternative the agency prefers.] The handgun purchaser record check appropriation is projected to conclude the 2006-07 state fiscal year with a deficit of \$1,299,300.

Increase the Handgun Purchaser Record Check Fee. Request that the handgun purchaser record check fee be increased from \$8 to \$16, effective October 1, 2007. It is estimated that the fee increase would generate additional revenue of \$448,000 in 2007-08 and \$512,000 in 2008-09. Department staff estimates that under this alternative, the deficit could be eliminated by 2011-12.

Extend Record Checks to Other Types of Gun Purchases. Request the extension of DOJ's purchaser background check responsibilities to include purchasers of long guns and lower the current purchaser record check fee from \$8 to \$5. The FBI currently processes these types of long gun purchaser background checks. It is estimated that the combined effects of the increased background check volume and the fee decrease would generate additional revenue of \$727,800 in 2007-08 and \$885,000 in 2008-09. The Department's request indicates that under this alternative, an additional 3.0 criminal history records specialist positions would be required to handle the additional background check volume. Department staff estimates that under this alternative, the deficit could be eliminated by 2010-11.

Modify the Hours of Operation of the Handgun Hotline. Request a reduction in the hours of operation of the current handgun hotline by an unspecified amount in order to limit the growth of the current deficit in the handgun purchaser record check appropriation account.

Under current law, when a firearms dealer sells a handgun, the dealer may not transfer possession of that handgun until: (a) the dealer has inspected photographic identification from the purchaser; (b) the purchaser has completed a notification form with the purchaser's name, date of birth, gender, race and social security number so that DOJ may perform an accurate record search; (c) the dealer has submitted the information to DOJ and has requested a firearms restrictions record search; and (d) 48 hours have lapsed (subject to certain extensions) and DOJ has not notified the dealer that the transfer would be a violation of state or federal law. An \$8 fee is assessed on the dealer (who may pass the charge on to the purchaser) for each background check. The fee revenues are remitted to DOJ and are intended to fund the cost of operating the record check program.

Under current federal law, states may individually determine whether they will process background checks on purchasers prior to the transfer of handguns and long guns. States processing these background checks must ensure that such guns are not transferred in violation of federal or state law. If a state does not process background checks, either in whole or in part, the FBI processes the background checks. In Wisconsin, DOJ processes background checks on purchasers of handguns, but the FBI is currently responsible for background checks on purchasers of long guns. States which process background checks are also permitted to extend their background checks beyond the requirements under federal law. According to DOJ, Wisconsin handgun background checks include a review of such matters as adjudications of mental illness, certain juvenile convictions, and certain domestic abuse restraining orders that are not reviewed as part of a federal background check. Under DOJ's second alternative above, the agency would assume the responsibility for long gun background checks currently conducted by the FBI.