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Legislative Audit Bureau

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Joe Chrisman
State Auditor

DATE: January 25, 2012

TO: Senator Robert Cowles and
Representative Samantha Kerkman, Co-chairpersons
Joint Legislative Audit Committee

FROM: Joe Chrisman
State Auditor 

SUBJECT: Proposed Audit of Crime Victim and Witness Assistance Surcharge
Funding—Background Information

At your request, we have gathered some background information the Joint Legislative Audit Committee may find useful in considering an audit of crime victim and witness assistance surcharge funding.

If a court imposes a sentence or places an individual on probation, statutes require the court to impose a crime victim and witness assistance surcharge on that individual. The surcharge is \$92 for each felony offense and \$67 for each misdemeanor offense. In addition, if an individual is initially charged with a crime in a complaint that is subsequently amended to a civil offense, a court must impose the surcharge in an amount that reflects whether the crime was initially charged as a felony or a misdemeanor.

Counties collect and pay the surcharge funds to the Department of Administration, which is statutorily required to deposit the funds in two appropriations administered by the Department of Justice (DOJ). DOJ distributes the funds to counties for crime victim and witness assistance services that they provide. The first appropriation, which receives \$20 of every surcharge imposed as a result of a felony or misdemeanor conviction, helps support counties' sexual assault victim services programs. In fiscal year (FY) 2010-11, surcharge revenue in this appropriation totaled \$1.4 million.

The second appropriation, which receives all other felony and misdemeanor surcharge funds and all civil offense surcharge funds, helps support counties' crime victim and witness assistance programs. In FY 2010-11, revenue in this appropriation totaled \$4.4 million, most of which was from the crime victim and witness assistance surcharge.

Concerns have been raised that revenues generated by the crime victim and witness assistance surcharge have decreased in recent years, even though the Legislature has increased the surcharge amount. Most recently, 2009 Wisconsin Act 28 increased both the felony and the misdemeanor surcharge by \$7.

An audit of crime victim and witness assistance surcharge funding could:

- review trends in the surcharge amounts imposed in recent years;
- determine the amount of surcharge funds that individual counties transferred to the State in recent years and ascertain any efforts the State takes to ensure the correct amounts are transferred; and
- assess the reasons why surcharge revenues have decreased in recent years, including by contacting DOJ and a number of counties.

I hope you find this information helpful. If you have any additional questions regarding this proposed audit, please contact me.

JC/DS/bm

cc: Senator Mary Lazich
Senator Alberta Darling
Senator Kathleen Vinehout
Senator Julie Lassa

Representative Kevin Petersen
Representative Robin Vos
Representative Andy Jorgensen
Representative Jon Richards

J.B. Van Hollen, Attorney General
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