

# State of Wisconsin



2013 Senate Bill 648

Date of enactment: **April 23, 2014**  
Date of publication\*: **April 24, 2014**

## 2013 WISCONSIN ACT 376

AN ACT *to renumber and amend* 302.44 and 800.095 (1) (b) 3.; and *to create* 302.44 (2) and 800.095 (1) (b) 3. b. of the statutes; **relating to**: allowing county and municipal prisoners to be imprisoned in a bordering county within or outside of the state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 302.44 of the statutes is renumbered 302.44 (1) and amended to read:

302.44 (1) Two or more counties within the state may agree under s. 66.0301 for the cooperative establishment and use of the jails and rehabilitation facilities of any of them for the detention or imprisonment of prisoners before, during and after trial and for sharing the expense without reference to s. 302.34. The sheriffs of the counties shall lodge prisoners in any jail or rehabilitation facility authorized by the agreement and shall endorse the commitment, if any, under s. 302.35 in case detention or imprisonment is in the jail or rehabilitation facility of another county. Only jails and rehabilitation facilities approved by the department for the detention of prisoners may be used under the agreement. The sheriff of the county of arrest shall transport the prisoner to and from court and to any other institution whenever necessary.

**SECTION 2.** 302.44 (2) of the statutes is created to read:

302.44 (2) A county in this state may enter into a contract with a receiving county outside of the state to pay the receiving county to detain or imprison prisoners who are not in the custody of the department before, during, and after trial if the receiving county borders the county in

which the prisoner would otherwise be detained or imprisoned, and the monthly expenses charged to the county in this state by the receiving county to detain or imprison the prisoner are at least 25 percent less than the monthly expenses charged by the county in this state. Any such contract shall provide for all of the following:

- (a) A termination date.
- (b) A requirement that an equivalent agency or department to the department of corrections in the receiving state approve the jail or facility in the receiving county to receive prisoners from the county in this state.
- (c) Provisions concerning the costs of prisoner maintenance, extraordinary medical and dental expenses, and any participation in or receipt by prisoners of rehabilitative or correctional services, facilities, programs, or treatment, including those costs not reasonably included as part of normal maintenance.
- (d) Provisions concerning any participation in programs of prisoner employment, if any, the disposition or crediting of any payments received by prisoners on account of employment, and the crediting of proceeds from or disposal of any products resulting from employment.
- (e) Delivery and retaking of prisoners.
- (f) Waiver of extradition by Wisconsin and the state to which the prisoners are transferred.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(g) Retention of jurisdiction of the prisoners transferred by Wisconsin.

(h) Regular reporting procedures concerning Wisconsin prisoners by officials of the receiving county.

(i) Provisions concerning procedures for probation, parole, extended supervision, and discharge.

(j) The same standards of reasonable and humane care as the prisoners would receive in an appropriate Wisconsin institution.

(k) Any other matters as are necessary and appropriate to fix the obligations, responsibilities and rights of the state of Wisconsin, the county within the state, and the receiving state and county.

**SECTION 3.** 800.095 (1) (b) 3. of the statutes is renumbered 800.095 (1) (b) 3. a. and amended to read:

800.095 (1) (b) 3. a. The Except as provided in subd. 3. b., the defendant shall be committed to a jail or a house

of correction in the county in which the cause of action arose.

c. The defendant shall be eligible for privileges under s. 303.08. ~~or a similar program in the other county if committed under subd. 3. b.~~ The municipality shall pay the expenses incurred by the county to imprison the defendant.

**SECTION 4.** 800.095 (1) (b) 3. b. of the statutes is created to read:

800.095 (1) (b) 3. b. The defendant may be committed to the jail in another county within or outside of the state if the other county borders the county in which the cause of action arose, and the monthly expenses charged to the municipality by the other county to imprison the defendant are at least 25 percent less than the monthly expenses charged by the county in which the cause of action arose, and the other county agrees to having the defendant committed to the jail in that county.