



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 315
[2013 Assembly Bill 33]

**Reimbursement to Counties
for Prisoner Expenses**

2013 Wisconsin Act 315 relates to methods by which a county may seek reimbursement from prisoners for certain expenses.

Background

State law allows a county to seek reimbursement from a prisoner for certain expenses related to the crime for which the prisoner was sentenced and confined in jail. Specifically, a county may seek reimbursement for the following expenses: (a) actual per-day cost of maintaining the prisoner during the time the prisoner was confined in jail; (b) expenses to investigate the individual's financial status; and (c) any other expenses incurred by the county to collect reimbursement payments. [s. 302.372 (2) (a), Stats.]

Act 315

Act 315 makes several changes relating to the ability of a county to seek reimbursement for prisoner expenses. The Act expands the methods for seeking reimbursement to include tax intercept, expands the time period for seeking reimbursement of medical expenses, and specifies that the county may make decisions related to reimbursement methods, in addition to the jailer.

Methods for Seeking Reimbursement

Act 315 specifies that a county may seek reimbursement from a prisoner through the Department of Revenue (DOR) tax intercept program. Prior law specified two ways that a county could seek reimbursement from a prisoner: (1) by charging a prisoner while in jail through deductions to the prisoner's institutional account; or (2) by charging the prisoner after release by commencing a civil action in circuit court.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

The Act specifies that a county may also seek reimbursement through the DOR tax intercept program under s. 71.935, Stats., *Setoffs for municipalities and counties*. The program allows a county to certify an individual's debt to DOR and requires the agency to set off the debt against any state tax refund the individual is owed. The Act provides that a county may seek reimbursement through tax intercept if the county certifies the prisoner's debt to DOR within 12 months after the prisoner is released from jail, except that the period for seeking reimbursement for medical expenses is 24 months.

Expanding Time to Seek Reimbursement of Medical Expenses

Act 315 extends the time period during which a county may seek reimbursement for medical expenses from a prisoner by filing a civil action in circuit court. Under prior law, a county was required to file a civil action for reimbursement of any prisoner expenses within 12 months after the prisoner's release from jail. The Act provides that a county may commence a civil action (or certify the debt to DOR, as discussed above) seeking reimbursement of medical expenses within 24 months of the prisoner's release. Actions seeking reimbursement for any other type of prisoner expenses must still be filed within 12 months of the prisoner's release.

Authority That May Seek Reimbursement

Act 315 grants authority to "the county" to determine the method for seeking reimbursement, in addition to "the jailer." Prior law provided that "the jailer," which includes a sheriff or superintendent of a jail, had authority to decide whether to seek reimbursement from a prisoner under s. 302.372, Stats., or whether to seek reimbursement as otherwise provided in state corrections and prison labor statutes. Prior law also provided that "the jailer" could select the particular method for seeking reimbursement under s. 302.372, Stats., by choosing to deduct from the prisoner's institutional account, to commence a civil action in circuit court, or use a combination of the two methods.

The Act grants authority to either "the county" or "the jailer" to determine the method for seeking reimbursement. The county or the jailer may choose whether to seek reimbursement under s. 302.372, Stats., or whether to seek reimbursement as otherwise provided in chs. 301 to 303. If the reimbursement method under s. 302.273, Stats., is used, the county or the jailer may choose to deduct from the prisoner's institutional account, commence a civil action, certify expenses to DOR as a debt, or use a combination of methods.

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Prepared by: Katie Bender-Olson, Staff Attorney

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