



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3323/1
PJH:sac:rs

2013 ASSEMBLY BILL 437

October 17, 2013 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Criminal Justice.

1 **AN ACT** *to create* 20.455 (2) (kvm) and 165.945 of the statutes; **relating to:**
2 disabled offender recidivism reduction pilot programs, and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Review of Emergency Detention and Admission of Minors Under Chapter 51.

The bill creates a pilot program to assist eligible offenders in county correctional facilities. The pilot program will assist the offenders in obtaining certain benefits upon their release from the facility to help reduce recidivism after release. Under the bill, an "eligible offender" means an incarcerated person who was previously eligible for or who may, upon release, become eligible for, social security disability insurance (SSDI), supplemental security income (SSI), or medical assistance (MA), including any applicable MA-related program. Under the bill, a "county correctional facility" means a county jail, house of correction, or rehabilitation facility, whether operated by one county or more than one county. Also, under the bill, a county correctional facility may include a state-local shared correctional facility.

ASSEMBLY BILL 437

The bill directs the department of justice (DOJ) to seek funding for the pilot program and, after at least \$300,000 in funding has been obtained, to make grants to up to four counties to administer the pilot program. The bill provides that grants made to counties may not supplant existing local resources.

Under the bill, a county may be eligible for a grant award if the county's pilot program will:

1. Identify eligible offenders in county correctional facilities who wish to apply for the targeted benefit programs.

2. Provide individualized assistance to the offenders in applying for the targeted benefit programs to allow the offender to receive the benefits immediately upon the date of the offender's release.

3. Include coordination among the county, law enforcement, the department of corrections (DOC), the department of health services (DHS), and the social security administration to reduce application processing times and increase application success rates.

4. Operate for at least 2 years and include performance outcome measurements and data collection to allow for the evaluations that are required under the bill.

The bill also allows DOJ to establish additional eligibility requirements, criteria, and procedures that a county must meet in order to be eligible for the program. DOJ must collaborate with DOC and DHS in establishing eligibility criteria, selecting grantees, determining amounts awarded, and administering the grant program generally. The bill expressly provides that DOJ is not required to promulgate administrative rules in establishing criteria for the grant program.

Under the bill, a county that receives a grant for a pilot program must create an oversight committee to advise the county in administering and evaluating the pilot program, consisting of: (1) a representative of the county; (2) the county sheriff or his or her designee; (3) a representative of the county human services department, social services department, or community programs department; (4) one or more representatives from private service organizations; (5) one or more consumers with program eligibility experience; and (6) other members to be determined by the county. Under the bill, a "consumer with program eligibility experience" means an individual who previously obtained eligibility for SSDI or SSI, as applicable, and MA or an applicable MA-related program, or a member of the family of an individual who previously obtained eligibility for those programs. The bill provides that DOC and DHS may participate in the activities of the oversight committee and must provide consultation services to the oversight committee.

The bill allows 2 or more counties to administer a joint pilot program. The bill provides that counties applying jointly must submit a written agreement specifying each county department's role in the program, and if a joint pilot program is created, the oversight committee must consist of representatives from each county.

The bill requires pilot program grants to be awarded on a calendar year basis, and grantees must get notice of funding no later than September 1 of the year preceding the year for which the grant will be made.

Under the bill, a county that receives a grant for a pilot program must comply with state audits. In addition, the county, in collaboration with DOC, DHS, and the oversight committee, must conduct a preliminary evaluation of the pilot program as of the conclusion of the first year, and a comprehensive evaluation of the pilot program as of the conclusion of the second year. Both evaluations must provide an assessment of the pilot program's operations, including its success at achieving the goals of the program as

ASSEMBLY BILL 437

outlined in the bill. The preliminary evaluation must be submitted in writing to DOJ and each member of the oversight committee by the February 15 following the conclusion of the first year. The comprehensive evaluation must be submitted in writing to the same recipients by the February 28 following the conclusion of the second year.

Under the bill, by the March 15 following each year in which a pilot program is in operation, DOJ must, in collaboration with DOC and DHS, submit a report to the legislature summarizing the results of all pilot program evaluations and including recommendations regarding how the program should be structured in the future.

The bill specifies that most of its provisions would take effect the day after its publication as an act; however, the requirement that DOJ award grants to counties to administer the pilot program would not take effect until after DOJ receives at least \$300,000 in funding for the program.

1 **SECTION 1.** 20.455 (2) (kvm) of the statutes is created to read:

2 20.455 (2) (kvm) *County disabled offender recidivism reduction grants.* All
3 moneys received under s. 165.945 (2) to provide grants to one or more counties under
4 s. 165.945 (3) for a pilot program to reduce recidivism of eligible offenders who are
5 released from county correctional facilities.

6 **SECTION 2.** 165.945 of the statutes is created to read:

7 165.945 **Recidivism reduction; grants.** (1) In this section:

8 (a) “Consumer with program eligibility experience” means either of the
9 following:

10 1. An individual who is or who has been eligible for social security disability
11 insurance or supplemental security income, and who is or who has been eligible for
12 medical assistance, including any applicable medical assistance-related program.

13 2. A member of the family of an individual who is or has been eligible for social
14 security disability insurance or supplemental security income, and who is or has
15 been eligible for medical assistance, including any applicable medical
16 assistance-related program.

17 (b) “County correctional facility” means a county jail, a county house of
18 correction, or a rehabilitation facility established under s. 59.53 (8), whether

ASSEMBLY BILL 437**SECTION 2**

1 operated by one county or more than one county. A county correctional facility may
2 include a state-local shared correctional facility under s. 302.45.

3 (c) "County department" means a county department under s. 46.215, 46.22,
4 46.23, 51.42, or 51.437.

5 (d) "Eligible offender" means an incarcerated person who has been eligible for
6 or who may, upon release, become eligible for social security disability insurance,
7 supplemental security income, or medical assistance, including any applicable
8 medical assistance-related program.

9 (2) The department of justice shall seek grant moneys from the state, a political
10 subdivision of the state, the federal government, or any other source, public or
11 private, for the administration of a pilot program to reduce recidivism of eligible
12 offenders who are released from county correctional facilities, in accordance with
13 this section.

14 (3) The department of justice shall make grants to up to 4 counties to enable
15 them to establish a pilot program in accordance with this section. The department
16 of justice shall make the grants from the appropriation under s. 20.455 (2) (kvm).
17 The department of justice shall collaborate with the departments of corrections and
18 health services in establishing this grant program, including in developing criteria
19 and procedures for use in selecting grantees, in determining amounts awarded, and
20 in administering the grant program. Notwithstanding s. 227.10 (1), the criteria and
21 procedures need not be promulgated as rules under ch. 227. The grant that a county
22 receives under this section may not supplant existing local resources.

23 (4) A county shall be eligible for a grant award under sub. (3) if all of the
24 following apply to the county's pilot program:

ASSEMBLY BILL 437

1 (a) The pilot program will identify eligible offenders within county correctional
2 facilities in the pilot program's geographic area who wish to apply for social security
3 disability insurance, supplemental security income, or medical assistance, including
4 any applicable medical assistance-related programs.

5 (b) The pilot program will provide individualized assistance to offenders
6 identified under par. (a) to ensure that timely application is made for the programs
7 or benefits, prior to the offender's release, in order to allow the maximum number of
8 offenders to participate in or receive the programs or benefits immediately upon the
9 date of the offender's release from the county correctional facility.

10 (c) The pilot program is adequately structured to include coordination among
11 the county or counties involved in the program, law enforcement, the department of
12 corrections, the department of health services, and the social security
13 administration, to reduce application processing times and increase application
14 success rates.

15 (d) The pilot program is designed to operate for at least 2 years and includes
16 performance outcome measurements and data collection to allow for the evaluations
17 described in sub. (5) (b).

18 (e) The county complies with other eligibility requirements, criteria, and
19 procedures established by the office, in collaboration with the departments of
20 corrections and health services, under sub. (3).

21 **(5)** (a) A county that receives a grant under this section shall create an
22 oversight committee to advise the county in administering and evaluating its pilot
23 program. Each committee shall consist of a representative of the county, the county
24 sheriff or his or her designee, a representative of the county department, one or more
25 representatives from private service organizations, one or more consumers with

ASSEMBLY BILL 437**SECTION 2**

1 program eligibility experience, and other members to be determined by the county.
2 The departments of corrections and health services may participate in the activities
3 of and shall provide ongoing consultation services to an oversight committee created
4 under this paragraph.

5 (b) A county that receives a grant under this section shall comply with state
6 audits and shall, in collaboration with the departments of corrections and health
7 services and the oversight committee established under par. (a):

8 1. At the conclusion of the pilot program's first year, conduct a preliminary
9 evaluation of the pilot program's operations, including its success at achieving the
10 goals outlined in sub. (4); and, by February 15 following the conclusion of the first
11 year, provide the results of the preliminary evaluation in writing to the department
12 of justice and each member of the oversight committee established under par. (a).

13 2. At the conclusion of the pilot program's second year, and any subsequent
14 year, conduct a comprehensive evaluation of the pilot program's operations,
15 including its success at achieving the goals outlined in sub. (4); and, by February 28
16 following the conclusion of that year, provide the results of the comprehensive
17 evaluation in writing to the department of justice and each member of the oversight
18 committee established under par. (a).

19 (c) By the March 15 following any year in which a pilot program under this
20 section is in operation, the department of justice, in collaboration with the
21 departments of corrections and health services, shall submit a report to the chief
22 clerk of each house of the legislature, for distribution to the appropriate standing
23 committees under s. 13.172 (3), regarding the status of the grant program. The report
24 shall summarize the results of the evaluation under par. (b) and include
25 recommendations regarding how the program should be structured in the future.

