

1993 Assembly Bill 208

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## 1993 WISCONSIN ACT 89

AN ACT to amend 46.18 (1), 46.18 (8), 46.18 (9), 46.18 (10), 46.20 (1), 46.20 (8), 302.18 (2), 302.27, 302.31, 303.08 (12), 303.16, 303.17, 303.20, 304.06 (1) (b) and 304.06 (4) (a); and to create 303.16 (3) of the statutes, relating to: county houses of correction.

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

**SECTION 1.** 46.18 (1) of the statutes is amended to read:

46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis hospital or sanatorium, or similar institution, ~~or house of correction established by any county whose population is less than 500,000~~ shall, subject to regulations approved by the county board, be managed by a board of trustees, electors of the county, chosen by ballot by the county board. At its annual meeting, the county board shall appoint an uneven number of trustees, from 3 to 9 at the option of the board, for staggered 3-year terms ending the first Monday in January. Any vacancy shall be filled for the unexpired term by the county board; but the chairperson of the county board may appoint a trustee to fill the vacancy until the county board acts.

**SECTION 2.** 46.18 (8) of the statutes is amended to read:

46.18 (8) BOOKKEEPING. ~~The department of corrections shall formulate a system of keeping the books, accounts and records for houses of correction, and shall furnish blanks for reports, and reports shall be made accordingly.~~ For the other institutions listed in sub. (1), the department of health and social services shall formulate a system of keeping the books, accounts and reports, and shall furnish blanks for reports, and reports shall be made accordingly.

**SECTION 3.** 46.18 (9) of the statutes is amended to read:

46.18 (9) REPORTS; ACCOUNTS. The trustees shall install a system of accounting and reporting, under the supervision of the department of health and social services ~~or, in the case of houses of correction, the department of corrections, and the trustees~~ shall conduct its business in conformity ~~therewith~~ with that system. The department of health and social services may from time to time audit the books, records, documents, accounts and transactions of each institution ~~other than a house of correction and the department of corrections may from time to time audit the books, records, documents, accounts and transactions of each house of correction.~~

**SECTION 4.** 46.18 (10) of the statutes is amended to read:

46.18 (10) ANNUAL REPORT. On July 1 of each year the trustees shall prepare a report for the preceding fiscal year and shall transmit a copy to the department of health and social services ~~or, in the case of houses of correction, the department of corrections,~~ and a copy to the county clerk, and keep a copy on file at the institution. The report shall be accompanied by an inventory of all properties on hand on the last day of the fiscal year, an estimate of the receipts and expenditures for the current fiscal year, and the reports of the superintendent and visiting physician, of the institution.

**SECTION 5.** 46.20 (1) of the statutes is amended to read:

46.20 (1) Any 2 or more counties may jointly, by majority vote of all the members of each county board, provide for a county home, infirmary, hospital, tuberculosis hospital or sanatorium, or similar institution, ~~house~~

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of correction or juvenile detention home, which shall be established, maintained and operated pursuant to all the statutes relating to the establishment, maintenance and operation of similar institutions, respectively, by any single county whose population is less than 250,000, except as otherwise provided in this section; and in all respects, except as herein specified, each such institution shall be the county institution of each of the counties so joining.

**SECTION 6.** 46.20 (8) of the statutes is amended to read:

46.20 (8) The trustees shall transmit one copy of their annual report of the tuberculosis sanatorium to the department of health and social services. The trustees shall transmit one copy of the report of other county institutions to the department of health and social services ~~or, in the case of houses of correction, the department of corrections,~~ and one copy to the clerk of each joint county, and shall file one copy at the institution. The report shall be itemized with respect to the several counties and shall, in addition to the requirements of s. 46.18 (7) to (10), include an itemized statement showing the amounts of the receipts and profits credited and expenditures charged to the several counties for the past fiscal year, and an estimate of those amounts for the ensuing fiscal year; and each county board shall provide for meeting its estimated share of the expenditures.

**SECTION 7.** 302.18 (2) of the statutes is amended to read:

302.18 (2) Inmates of ~~the Milwaukee~~ a county house of correction may be transferred to a state prison. If any county discontinues its house of correction, inmates at the time of ~~such~~ the discontinuance may be transferred to the state prison or to the county jail of the county as the commitment indicates.

**SECTION 8.** 302.27 of the statutes is amended to read:

**302.27 Contracts for temporary housing for prisoners.** The department may contract with local governments for temporary housing in county jails or ~~the Milwaukee county house~~ houses of correction for persons sentenced to imprisonment in state prisons or to the intensive sanctions program. The rate under any such contract may not exceed \$60 per person per day. Nothing in this section limits the authority of the department to place persons in jails under s. 301.048 (3) (a) 1.

**SECTION 9.** 302.31 of the statutes is amended to read:

**302.31 Use of jails.** The county jail may be used for the detention of persons charged with crime and committed for trial; for the detention of persons committed to secure their attendance as witnesses; to imprison persons committed pursuant to a sentence or held in custody by the sheriff for any cause authorized by law; for the detention of persons sentenced to imprisonment in state penal institutions or ~~the Milwaukee~~ a county house of correction, until they are removed to ~~said~~ those institutions; for the detention of persons participating in the intensive

sanctions program; for the temporary detention of persons in the custody of the department; and for other detentions authorized by law. The county jail may be used for the temporary placement of persons in the custody of the department, and persons who have attained the age of 18 years but have not attained the age of 25 years who are in the legal custody of the department of health and social services under s. 48.355 (4) or 48.366 and who have been taken into custody pending revocation of aftercare under s. 48.357 (5) or 48.366 (5).

**SECTION 10.** 303.08 (12) of the statutes is amended to read:

303.08 (12) In counties having a ~~population of 500,000 or more~~ house of correction, any person violating the privilege granted under sub. (1) may be transferred by the county jailer to the house of correction for the remainder of the term of the person's sentence.

**SECTION 11.** 303.16 of the statutes is amended to read:

**303.16 (title) County house of correction.** (1) The county board of any county ~~whose population is 500,000 or more~~ may, pursuant to s. 301.37, establish, relocate and maintain within the county a house of correction for the reformation and employment of persons sentenced to confinement therein.

(2) The expenses of maintaining ~~said~~ a house of correction under sub. (1), above all receipts for the labor of persons confined therein and for the support of prisoners therein whose support is not chargeable to ~~said~~ the applicable county, shall be audited by the county board at its annual meeting, and paid out of the county treasury, and shall be raised, levied and collected as part of the ordinary expenses of ~~said~~ the county.

**SECTION 12.** 303.16 (3) of the statutes is created to read:

303.16 (3) Any 2 or more counties may jointly provide for one county house of correction if each of the counties has a population of less than 500,000. Any jointly established house of correction is the county house of correction of each of the counties so joining. All of the county boards must agree before any action is taken under this section or s. 303.17.

**SECTION 13.** 303.17 of the statutes is amended to read:

**303.17 Administration and management.** (1) The county board of supervisors shall control the management of a house of correction under s. 303.16, pursuant to such regulations and under the direct supervision and control of such officers as the county board of supervisors prescribes. No such regulation may be finally adopted on the day on which it is first presented to the county board of supervisors for consideration, nor until it has been considered and reported upon by the proper committee of the county board of supervisors. The county board of supervisors may by ordinance place the management of the house of correction under the control of the county

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department under s. 46.21 or 46.23, whichever is applicable, and in that event s. 46.21 or 46.23, so far as applicable, shall control. The county board of supervisors may by ordinance resume control of the management of the house of correction. The county board of supervisors shall, in accordance with the civil service law, prescribe the number and compensation of all personnel needed for the administration of the house of correction, and fix their duties.

(2) The chief judge of the judicial administrative district and his or her designees, district attorney and sheriff for the county and the mayor or other chief executive officer and ~~city~~ the municipal attorney of its most populous city, village or town shall constitute a board of visitors, who shall investigate the affairs of the house of correction on the first Monday of August in each year, and ~~thereupon~~ report in writing to the county board of supervisors at its annual meeting, or to the county department under s. 46.21 or 46.23 if the county department is in charge of the institution, setting forth its condition, and suggesting such alterations, improvements or other matters respecting the management, discipline and government of the institution as may promote the purposes thereof and the interests of the county.

**SECTION 14.** 303.20 of the statutes is amended to read:

**303.20 United States convicts.** The A county of Milwaukee may contract with the United States for the keeping and support, within its house of correction, of all prisoners who are sentenced to imprisonment by the courts of the United States within this state, upon such terms as may be agreed upon by the county board and the officers of the United States having authority for that purpose.

**SECTION 15.** 304.06 (1) (b) of the statutes is amended to read:

304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or 973.032 (5), the parole commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year

or more in ~~the Milwaukee~~ a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. Except as provided in s. 973.014, the parole commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension using the formulas under s. 302.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the parole commission shall not provide any convicted offender or other person sentenced to the department's custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

**SECTION 16.** 304.06 (4) (a) of the statutes is amended to read:

304.06 (4) (a) If any person convicted of a misdemeanor or traffic offense, any person convicted of a criminal offense ~~in the circuit court for a county having a population of 500,000 or more~~ and sentenced to 2 years or less ~~in the a~~ house of correction or any person committed to ~~the a~~ house of correction for treatment and rehabilitation for addiction to a controlled substance under ch. 161, during the period of confinement or treatment appears to have been rehabilitated or cured to the extent, in the opinion of the superintendent of the house of correction or the person in charge of treatment and rehabilitation of a prisoner at that institution, that the prisoner may be released, the prisoner may be released upon conditional parole. Before a person is released on conditional parole under this paragraph, the superintendent or person in charge of treatment and rehabilitation shall so notify the municipal police department and county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department or county sheriff submits to the department a written statement waiving the right to be notified.