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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Corrections and Courts (AC-CC)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

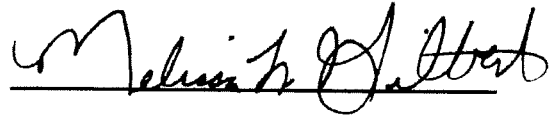
Moved by Representative Suder, seconded by Representative Friske, that **Assembly Bill 418** be recommended for passage.

Ayes: (8) Representatives Walker, Suder, Friske, Skindrud, Underheim, Balow, Poca and Colon.

Noes: (0) None.

Absent: (2) Representatives Owens and Coggs.

PASSAGE RECOMMENDED, Ayes 8, Noes 0, Absent 2

A handwritten signature in black ink, appearing to read "Melissa K. Albert", is written over a horizontal line.

Committee Clerk

Vote Record

Assembly - Committee on Corrections and the Courts

Date: 5/30/01
 Moved by: Suder Seconded by: Friske

AB: 418 SB: _____
 Clearinghouse Rule: _____
 Appointment: _____
 Other: _____
 AJR: _____ SJR: _____
 AR: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

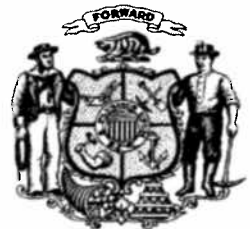
- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Friske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Rick Skindrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gregg Underheim	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 8 _____ 2 _____



WISCONSIN STATE LEGISLATURE



Gilbert, Melissa

From: Margolies, Robert S. DOC
Sent: Tuesday, May 08, 2001 11:07 AM
To: Gilbert, Melissa; Jahr, Dave
Subject: Legislative Proposal LRB 2909/1--Probation Confinement Time
Importance: High

AB 418

Missy/Dave:

Please let me know if Senator Jauch and Rep. Walker would like to be the co-sponsors of this legislation. Thank you.

Bob

Attached is a draft legislative proposal (LRB 2909/1) relating to the place of confinement of a person on probation.

The proposed change will allow courts and the Department of Corrections to utilize alcohol and other drug abuse treatment programs for felony probationers at the probation and parole holding facility and minimum security prisons located in the City of Milwaukee.

Background

"Felony Drug Offender Alternative To Prison Program" (FDOATP).

In collaboration with the Milwaukee County Judiciary, the District Attorney's Office, State Public Defender office, House of Correction, local labor officials, community representatives, and others, the Department of Corrections has been operating since March 2000 a 48 bed comprehensive, pilot, program designed to supervise and correct offenders convicted of drug trafficking offenses.

The goals and purpose of the program are:

- o To enhance public safety by eliminating criminal behaviors committed by young felony drug offenders;
- o To eliminate illicit substance use by felony drug offenders;
- o To improve educational functioning;
- o To secure and maintain full-time employment.

Target Population

Prison Bound males between the ages of 17 to 25

- No prior adult or juvenile prison commitment
- Current offense committed on or after 12-31-99
- Current conviction is for Delivery and/or Possession of Controlled Substance With Intent to Deliver of Cocaine, Cocaine Base, or Marijuana
- Current offense does not involve the use of or the threat of a weapon

Proposal

The Milwaukee secure detention facility will have 210 beds out of the 1048 devoted to AODA treatment. The Department of Corrections is planning on using up to 70 of the AODA beds for this drug alternative program instead of using the Milwaukee House of Corrections.

However, in order to allow a court the legal authority to use a state facility for confinement time of a probationer, a statutory change is required. Under this legislation, when the department makes a recommendation in the presentence investigation that a felony offender is a suitable candidate, the sentencing court will have the flexibility to impose probation condition time at a designated facility for a period of time not to exceed one year or until completion of the treatment program.

Since the Milwaukee Secure Detention Facility will open in October, the goal is to get this legislation enacted by then.



Gilbert, Melissa

AB 418

From: Gilbert, Melissa
Sent: Monday, May 14, 2001 9:12 AM
To: Clark, Jessica; *Legislative Assembly Democrats; *Legislative Assembly Republicans; *Legislative Senate Democrats; *Legislative Senate Republicans
Subject: RE: Co-sponsor/May 18 deadline/LRB 2909/1 /Walker & Jauch/drug program placement

We welcome Sen. Moore's support of LRB 2909/1, which we are introducing at the request of DOC. While we would support inclusion of these statutory changes in the budget, we believe it is also wise to pursue these changes in separate legislation, since we do not know when the budget will be passed.

-----Original Message-----

From: Clark, Jessica
Sent: Friday, May 11, 2001 3:06 PM
To: Gilbert, Melissa; *Legislative Assembly Democrats; *Legislative Assembly Republicans; *Legislative Senate Democrats; *Legislative Senate Republicans
Subject: RE: Co-sponsor/May 18 deadline/LRB 2909/1 /Walker & Jauch/drug program placement

To: All Legislators

From: State Senator Gwendolynne S. Moore

Date: May 11, 2001

Re: LRB 2909

In July 2000, I sent a letter to then-Governor Tommy Thompson recommending seven alternatives to incarceration for his consideration in crafting the 2001-2003 biennial budget. Department of Corrections Secretary Jon Litscher was sent a copy of this letter at that time, as well.

In light of LRB 2909, the second of my proposed alternatives may be of particular interest:

2.) Expansion of the Felony Drug Offender Alternative to Prison Program (FDOATP)

In your January 26, 2000, State of the State Address, you advocated support for prison rehabilitation programs by encouraging the creation of an alternative treatment program for felony drug offenders. This 48 bed program is now underway at Milwaukee County's House of Corrections. The program targets prison bound males between the ages of 17 and 25 who have no prior adult or juvenile prison commitment and whose current conviction involves a non-violent drug trafficking or possession offense.

The FDOATP allows the sentencing Court to stay a prison sentence and place the offender on three to five years of probation. As a condition of probation, the offender must complete the three-phase FDOATP which gradually returns the offender to the community under close supervision and with necessary support services such as AODA treatment, cognitive behavioral restructuring, and education. This is a very promising effort because it has had the input and support of the Milwaukee County Judiciary, the DA's office, the State Public Defender's office, the House of Correction, and the Department of Corrections.

*Aside from the allocation of funding, the greatest obstacle to the expansion of this program is likely finding a facility to house additional beds. With your continued support, it is possible that we can expand FDOATP to include more offenders and subsequently reduce pressures on prison beds. It is my understanding that the Department of Corrections is considering building another pre-release center in the Milwaukee area. **I urge you to recommend that some of the beds at a new pre-release center be reserved for the FDOATP. Alternatively, it may be more viable to construct a 100-120 bed facility for the sole purpose of housing additional beds for this program.***

This July 2000 recommendation was incorporated in the Governor's 2001-2003 budget bill (Senate Bill 55). According to the Legislative Fiscal Bureau:

"The executive budget book indicates that Corrections will utilize the 210-bed AODA unit at the Milwaukee Secure Correctional Facility for this program. Funding under the bill is intended to provide purchase of

services support at \$2,000 per offender in the program". (Summary of Governor's Budget Recommendations, pg. 222)

The bipartisan support for the FDOATP encompassed in LRB 2909 is very encouraging. While the statutory language changes specified in LRB 2909 may be necessary to implement the Governor's proposal, **the appropriate place to implement these changes is in the 2001-2003 budget bill.**

-----Original Message-----

From: Gilbert, Melissa
Sent: Friday, May 11, 2001 12:11 PM
To: *Legislative Assembly Democrats; *Legislative Assembly Republicans; *Legislative Senate Democrats; *Legislative Senate Republicans
Subject: Co-sponsor/May 18 deadline/LRB 2909/1 /Walker & Jauch/drug program placement

TO: All Legislators
FROM: Rep. Scott Walker and Sen. Bob Jauch
DATE: May 11, 2001
RE: LRB 2909/1 (placement of probationers for AODA treatment)

In order to help steer young felony drug offenders away from further criminal activity, the Department of Corrections last year began operating the "Felony Drug Offender Alternative to Prison Program." This pilot program targets males between the ages of 17 and 25 who have been convicted of certain nonviolent drug offenses and who have not previously been incarcerated. Instead of being sentenced to prison, program participants are given probation and housed in the Milwaukee County House of Corrections, where they receive drug treatment and educational programming.

The department now wishes to expand the program by utilizing the Milwaukee Secure Detention Facility that opens in October. About one-fifth of the 1,048 beds at this facility will be devoted to AODA treatment, and the department wants to use 70 of those beds for the FDOATP program. Consequently, the state would no longer need to contract with the House of Corrections for space. Since state law does not currently allow probationers to be housed in prisons, however, legislation is needed to permit operation of the alternative program at the new detention facility.

This bill specifies that offenders may be placed in a probation and parole holding facility or minimum security prison in Milwaukee established by DOC for the purpose of drug treatment.

If you wish to co-sponsor LRB 2909/1, please contact Missy in Rep. Walker's office at 6-9180 or Dave in Sen. Jauch's office at 6-3510 by Friday, May 18.

Analysis by the Legislative Reference Bureau

Under current law, a court, as part of the sentence of a felon, may withhold a sentence, or impose a sentence and stay execution of that sentence, and place the offender on probation. As a condition of probation, the court may order that the offender be confined in a county or tribal facility. Current law allows the court to grant the offender the privilege of leaving the facility during the hours of employment or to delegate that decision to the sheriff.

This bill also allows the court, when recommended in the pre-sentence investigation and with the

consent of the department of corrections (DOC), to order the offender confined to a facility located in the city of Milwaukee for the purpose of allowing the offender to complete an alcohol and other drug abuse treatment program. The bill requires the court to place the offender in a probation and parole holding facility for alcohol and other drug abuse treatment established by DOC or in a DOC minimum security correctional institution in the city of Milwaukee.

For further information, see the state fiscal estimate, which will be printed as an appendix to this bill.

Melissa Gilbert
Research Assistant
Office of Rep. Scott Walker





THE STATE OF WISCONSIN
STATE PUBLIC DEFENDER

AB 418
Folder

Nicholas L. Chiarikas
State Public Defender

Virginia A. Pomeroy
Deputy State Public Defender

Michael Tobin
Trial Division Director

819 North 6th Street, 9th Floor
Milwaukee, WI 53203-1606
(414) 227-4130
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Milwaukee Criminal Trial Office

Thomas H. Reed
First Assistant

Kim Heller-Marotta
Principal Deputy First Assistant

Mary C. Cayon
Regional Office Administrator

May 15, 2001

Mr. Bill Grosshans

FAX: 608-267-1739

Dear Mr. Grosshans:

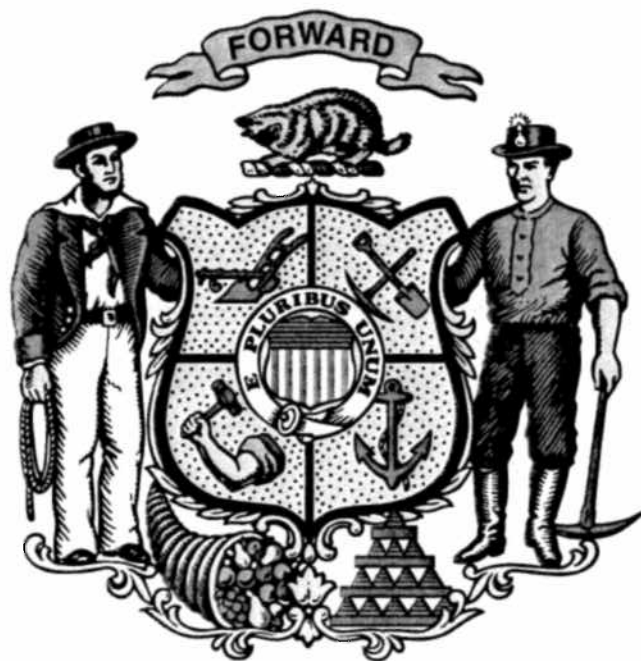
I write to express our support for this proposed statutory change allowing prison bound drug offenders to be placed at the new Milwaukee Secure Detention Facility. Many young drug offenders can be saved from the most destructive consequences of substance abuse and its related activities e.g. selling drugs, stealing, involvement with gangs etc. if they receive treatment interventions early in their substance abusing career. There are numerous studies that show this clearly. The existing FDOATP program has had early success in helping this group of offenders. The movement of this program to the Milwaukee Secure Detention Facility and it's expansion to 210 beds offers the continued hope that successful help can be given to this group. Without this programming many young men will be needlessly in prison. I therefore strongly support the necessary statutory changes incorporated in LRB2909/1.

Please let me know if I can be of any further assistance in this issue.

Sincerely,

Thomas H. Reed
First Assistant
State Public Defender

THR/rls



AB 418
folder

May 15, 2001

By eMail

Rep. Scott K. Walker
Room 308 North State Capitol
P.O. Box 8953
Madison, WI 53708

Re: Legislation Permitting Offenders to Serve Condition
Time in State Prison Facilities

Dear Scott:

I understand from representatives of the Department of Corrections that you may be introducing or co-sponsoring legislation to permit offenders to serve time in State prison facilities as a condition of probation. I am hoping my information is correct and I am writing in support of this concept.

As you know, under current law (§ 973.09(4), Stats.), if a judge orders a convicted offender to be confined as a condition of probation, the condition time must be spent in a county jail or Huber facility. Thus, a judge does not have the authority to order the time to be spent in a state correctional facility, despite the fact that the person would otherwise be under the supervision of a state agency, the Division of Community Corrections.

We know that this "condition time" can be used quite productively. We have substantial evidence of this in the form of an innovative program administered here in Milwaukee County, the Felony Drug Offender Alternative to Prison Program ("FDOATP"). I am familiar with the program because I currently preside over a calendar consisting entirely of felony drug cases. Through this program, offenders who are otherwise bound for prison are given intensive education, drug treatment and job training while confined as a condition of probation. Thus far, the Department of Corrections has had considerable success in working a change in youthful offenders without having to set aside prison beds for them.

Milwaukee County Circuit Court
Branch 29
May 15, 2001

The legislation I understand you to support will advance the usefulness of this program by permitting the Department of Corrections to operate it in state prison facilities in addition to county jail and Huber facilities. For example, the FDOATP program in Milwaukee County could be operated in whole or in part out of the new probation and parole offender facility which is due to open shortly at 10th and State Streets, kitty-corner from the courthouse complex. Permitting such a program to be operated in a state facility would be a boon to such programs because such facilities are specifically designed for such programs (as opposed to county facilities, where teaching and learning space needs to be gerrymandered out of space typically used for other purposes). Further, permitting such a program to be operated in a state facility would enable DOC to combine such programs with similar programming if offers to offenders who are not confined as a condition of probation, and also to centralize its administration of such programs. Such combination and centralization would help DOC squeeze more benefit out of the same pool of limited resources.

Please call me if you have questions about how this proposed legislation would improve the administration of justice in our State.

Sincerely,

Richard J. Sankovitz
Circuit Court Judge

cc: Mr. William Grosshans (by eMail)
Mr. John Barian (by eMail)



Assembly Bill 418
Testimony of Robert Margolies
Department of Corrections
May 30, 2001

The Department of Corrections is in support of Assembly Bill 418 relating to the place of confinement of a person on probation.

The proposed change will allow courts and the Department of Corrections to utilize alcohol and other drug abuse treatment programs for felony probationers at the probation and parole holding facility and minimum security prisons located in the City of Milwaukee.

Background

"Felony Drug Offender Alternative To Prison Program" (FDOATP).

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- o To eliminate illicit substance use by felony drug offenders;
- o To improve educational functioning;
- o To secure and maintain full-time employment.

Target Population

Prison Bound males between the ages of 17 to 25

- No prior adult or juvenile prison commitment

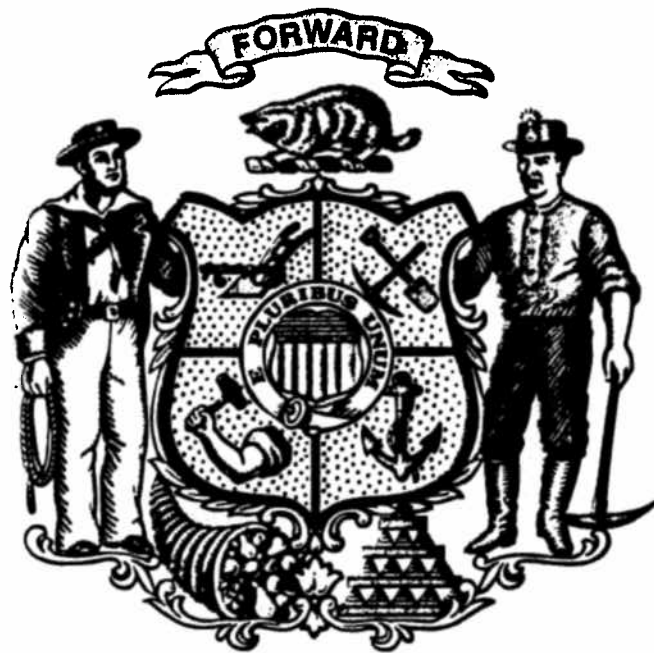
- Current offense committed on or after 12-31-99
- Current conviction is for Delivery and/or Possession of Controlled Substance With Intent to Deliver of Cocaine, Cocaine Base, or Marijuana
- Current offense does not involve the use of or the threat of a weapon

Proposal

The Milwaukee secure detention facility will have 210 beds out of the 1048 devoted to AODA treatment. The Department of Corrections is planning on initially using up to 70 of the AODA beds for this drug alternative program instead of the Milwaukee House of Corrections.

However, in order to allow a court the legal authority to use a state facility for confinement time of a probationer, a statutory change is required. Under this legislation, when the department makes a recommendation in the presentence investigation that a felony offender is a suitable candidate, the sentencing court will have the flexibility to impose probation condition time at a designated facility for a period of time not to exceed one year or until completion of the treatment program.

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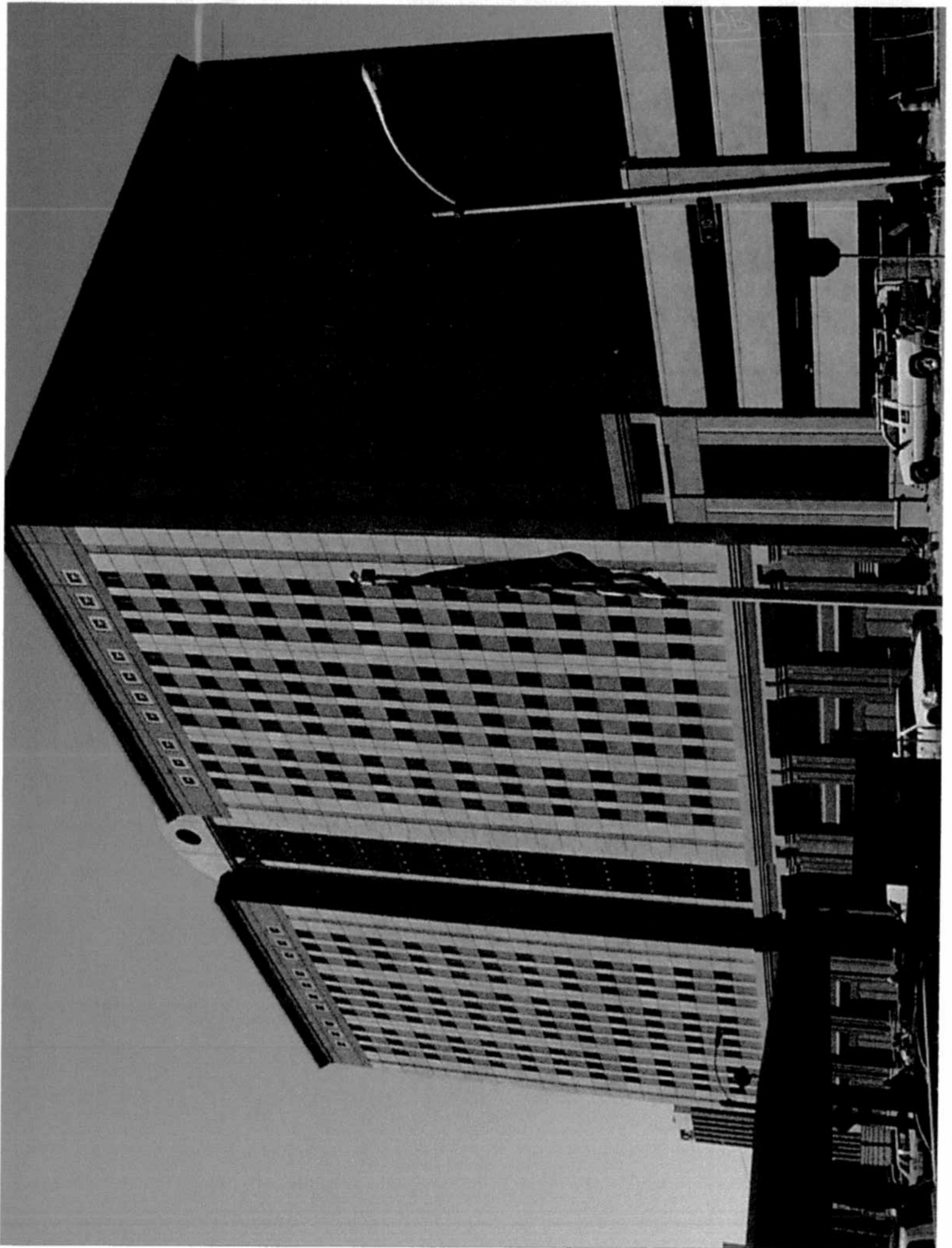


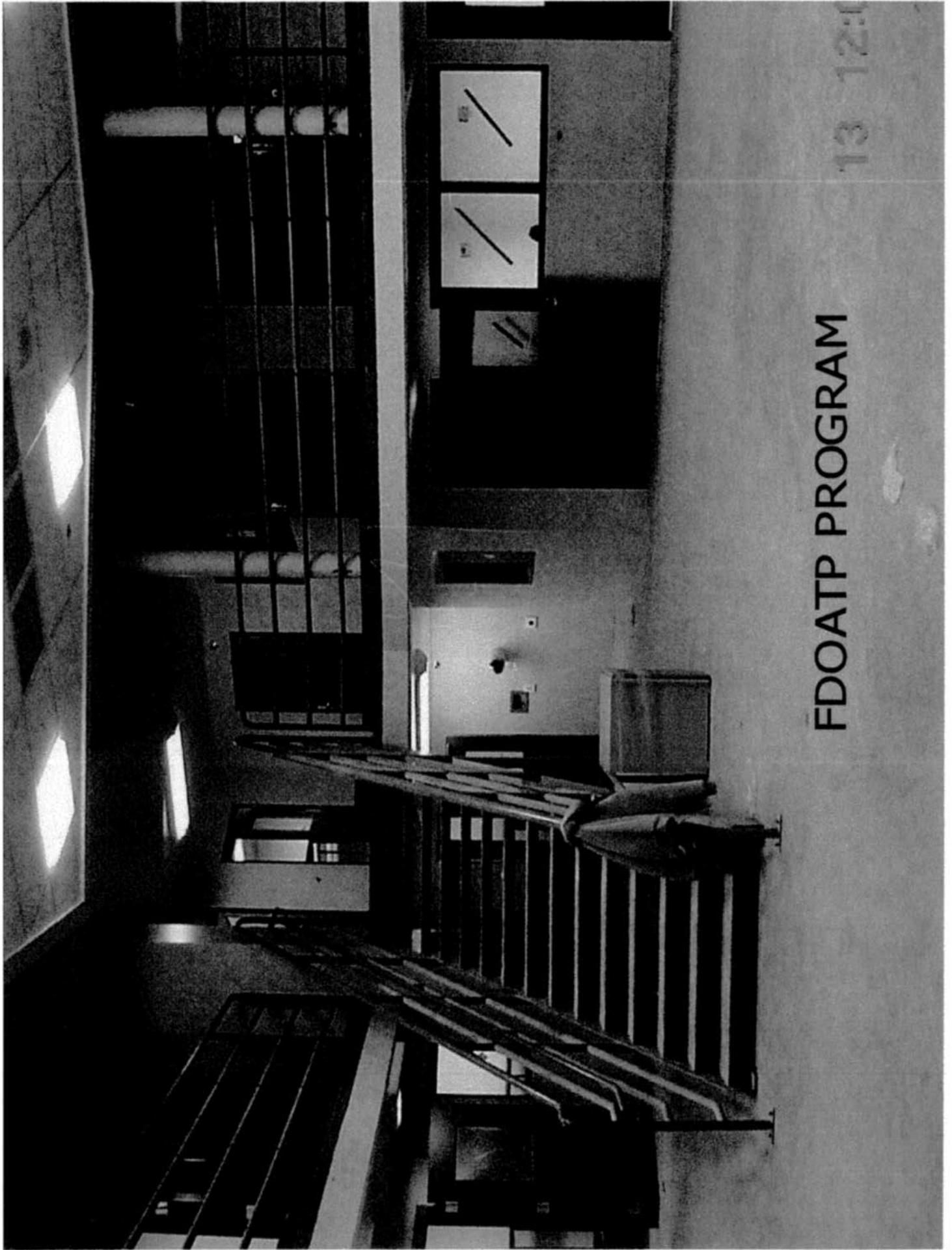
AB 418 folder

Milwaukee Secure Detention Facility

Date ?







FDOATP PROGRAM

13 12:00