

## Fiscal Estimate - 2013 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>13-4304/1</b>	<b>Introduction Number</b> <b>SB-648</b>	
<b>Description</b> Allowing county and municipal prisoners to be imprisoned in a bordering county within or outside of the state		
<b>Fiscal Effect</b>		
<b>State:</b>		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
<b>Local:</b>		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b>		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Affected Ch. 20 Appropriations</b>		
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DOC/ Robert Wimmer (608) 240-5415	Melissa Roberts (608) 240-5055	3/6/2014

## Fiscal Estimate Narratives

DOC 3/6/2014

LRB Number	13-4304/1	Introduction Number	SB-648	Estimate Type	Original
<b>Description</b> Allowing county and municipal prisoners to be imprisoned in a bordering county within or outside of the state					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, counties may enter into cooperative agreements with other counties within the state regarding the building, maintenance, and use of the jails and rehabilitation facilities to detain prisoners before, during, and after trial as long as the jails and rehabilitation facilities are approved by the Department of Corrections (DOC) for the detention of prisoners. Current law allows DOC to enter into contracts with other states to send prisoners who are in DOC custody to the other states. This is limited with certain provisions including a termination date, provisions regarding the treatment, care, and transfer of prisoners, prisoner participation in employment programs, reporting requirements, and retention of jurisdiction in this state over prisoners transferred.

Under this bill, a county may enter into an agreement with a receiving county outside of the state as long as many similar provisions are met. Moreover, the Department of Corrections is required to approve the facility where the inmate would be transferred.

Under current law, if the court orders that the person is to be imprisoned, the person is required to be committed to a jail or house of correction in the county in which the cause of action arose. Under this bill, if the court orders imprisonment, the person may be committed to a jail in a different county within or outside of the state if all of the following requirements are met:

1. The other county borders the county in which the cause of action arose.
2. 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.
3. The other county agrees to having the defendant committed to a jail in that county.

Due to the approval requirement, if the DOC is responsible for the inspection of out-of-state facilities in order to determine if they are fit to house Wisconsin prisoners, there would be significant increases in costs and workloads. Depending on how often the DOC would be required to inspect the out-of-state facilities, in order to determine if they meet the Wisconsin provision of the standard of reasonable and humane care, there could be significant long term costs. Moreover, due to the limited and voluntary nature of the agreements, and then the subsequent inspections and approvals, the DOC is not able to estimate the costs that this bill would have on the Department.

Finally, the Department cannot predict the fiscal impact of this bill on the local jails. Since the requirements for the prisoner transfer would be considered voluntary between both county and municipal governments, they would have their own discretion in anticipating the costs. Because of the local knowledge required for such a decision, it is not possible to estimate the local fiscal impact.

### Long-Range Fiscal Implications