



1995 ASSEMBLY BILL 508

August 14, 1995 - Introduced by Representatives R. YOUNG, KRUG, BALDWIN, HUBER, LORGE, TRAVIS, NOTESTEIN, WILDER, BOCK, SPRINGER, PLOMBON, HANSON and BOYLE, cosponsored by Senators CHVALA and MOORE. Referred to Committee on Government Operations.

1 **AN ACT to create** 13.099 of the statutes; **relating to:** prison impact assessments
2 and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law prohibits legislative action on most legislative bills until a fiscal estimate is prepared by the appropriate state agency. However, current law exempts a bill containing penalty provisions from this procedure if no other provision of the bill requires a fiscal estimate.

This bill requires the director of state courts to provide a prison impact assessment on any bill that creates a felony (crime punishable by imprisonment in the state prison system) or modifies the period of imprisonment for a felony. The director has 21 days in which to prepare the assessment, beginning with the date on which the director receives a copy of an introduced bill from the legislative reference bureau or the date on which the bill requester asks for the assessment, whichever occurs first. The assessment includes probationer, prisoner and parolee population estimates; a fiscal estimate regarding the impact on prison construction and operation; an analysis of the impact on prosecutors, the state public defender and the courts; and a description of the assumptions and methodologies that were used to prepare the assessment. The bill prohibits legislative action on the bill until the assessment is prepared. In addition, the director must prepare a yearly total prison impact assessment. The department of corrections and the circuit courts must help the director by providing him or her with relevant information.

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

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

3 **SECTION 1.** 13.099 of the statutes is created to read:

1 **13.099 Prison impact assessments. (1)** In this section, “prison” means a
2 state prison described under s. 302.01.

3 **(2)** The director of state courts shall prepare a prison impact assessment for
4 any bill that creates a felony or modifies the period of imprisonment for a felony.
5 Except as otherwise provided by the joint rules of the legislature, the director shall
6 prepare the assessment within 21 calendar days after the date on which the director
7 receives a copy of a bill under sub. (4) or the date on which the director receives a
8 request to prepare the assessment from the bill requester, whichever occurs first.
9 The assessment shall contain all of the following:

10 (a) Projections of the impact on statewide probationer, prisoner and parolee
11 populations.

12 (b) An estimate of the fiscal impact of population changes under par. (a) on state
13 expenditures, including expenditures for the construction and operation of state
14 prisons for the current fiscal year and the 5 succeeding fiscal years.

15 (c) An analysis of any significant factor, not covered in complying with pars. (a)
16 and (b), affecting the cost of the bill and the factor’s impact on prosecutors, the state
17 public defender and courts.

18 (d) A statement of the methodologies and assumptions that the director used
19 in preparing the assessment.

20 **(3)** The legislature shall reproduce and distribute assessments under sub. (2)
21 in the same manner as it reproduces and distributes amendments.

22 **(4)** A bill that requires an assessment by the director of state courts under this
23 section shall have that requirement noted on its jacket when the jacket is prepared.
24 When a bill that requires an assessment under this section is introduced, the
25 legislative reference bureau shall submit a copy of the bill to the director.

1 **(5)** No public hearing before a standing committee may be held and no
2 committee vote may be taken regarding any bill described in sub. (2) unless the
3 assessment under sub. (2) has been prepared.

4 **(6)** Annually, by March 1, the director of state courts shall submit to the
5 legislature under s. 13.172 (2) a prison impact assessment reflecting the cumulative
6 effect of all relevant changes in the statutes taking effect during the preceding
7 calendar year.

8 **(7)** The department of corrections shall provide the director of state courts with
9 information on current and past admissions and on length of time served as needed
10 by the director in order to prepare assessments under subs. (2) and (6).

11 **(8)** The circuit courts shall provide the director of state courts with information
12 to assist the director in preparing assessments under subs. (2) and (6).

13 **(9)** This section applies to bills introduced or requests for assessments made
14 on or after July 1, 1997.

15 **SECTION 2. Nonstatutory provisions.**

16 **(1) TRANSFER OF RECORDS; CONTINGENCY.**

17 (a) The department of administration shall transfer all records of the
18 sentencing commission to the director of state courts as soon as possible after the
19 effective date of this paragraph.

20 (b) Paragraph (a) is void unless 1995 Wisconsin Act (Assembly Bill 150) is
21 enacted into law before the effective date of this paragraph and 1995 Wisconsin Act
22 (Assembly Bill 150) repeals section 15.105 (17) of the statutes.

23 **SECTION 3. Appropriation changes.**

24 **(1) DIRECTOR OF STATE COURTS.** In the schedule under section 20.005 (3) of the
25 statutes for the appropriation to the supreme court under section 20.680 (2) (a) of the

1 statutes, as affected by the acts of 1995, the dollar amount is increased by \$126,700
2 for fiscal year 1995-96 and the dollar amount is increased by \$127,100 for fiscal year
3 1996-97 to increase the authorized FTE positions for the supreme court by 2.0
4 research analyst positions and 0.5 clerical position for services on behalf of the
5 director of state courts and to provide property, services and supplies for the director
6 of state courts.

7 **SECTION 4. Effective date.**

8 (1) This act takes effect on September 1, 1995, or on the day after publication,
9 whichever is later.

10 (END)