

## MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections  
FROM: David Callender, Legislative Associate *DC*  
DATE: October 3, 2013  
SUBJECT: Support for Assembly Bill 251

The Wisconsin Counties Association (WCA) supports Assembly Bill 251.

Assembly Bill 251 (AB 251) gives counties additional flexibility in their attempts to reduce the financial burden of jail costs on county taxpayers.

The costs of operating jails are one of the largest expenses for Wisconsin counties. Unlike other programs, jails receive minimal revenue from outside sources, such as federal or state funding. As a result, the costs of jails are borne almost entirely by local property taxpayers.

State law requires counties to provide medical and dental care, medications and other services to inmates in county jails. The statewide average cost of jailing each inmate is \$50 per day, but these additional costs may reach tens or even hundreds of thousands of dollars.

Under current law, counties may seek to recover jail costs for offenders who are placed on probation and sentenced to jail time, or only sentenced to jail time. These expenses include per-day cost of maintaining the prisoner, including any period of pre-trial detention relating to the crime. Counties cannot, however, under current law, seek to recover jail costs from offenders who are eventually sentenced to prison.

Assembly Bill 251 eliminates the above distinction and allows counties to seek to recover costs regardless of whether an offender is sentenced to a county jail, placed on probation, or sentenced to a state prison.

WCA acknowledges that many inmates may be unable to pay the costs they have incurred, especially if those costs are large. However, WCA believes that at some point during or after completing their sentences, some inmates will seek to assume personal responsibility for the consequences of their crimes. An important part of that process would be repaying taxpayers the costs of the inmate's confinement.

WCA respectfully requests the Committee to support this legislation.

# Office of the Sheriff

311 Miner Ave. E., Suite L100  
Ladysmith, Wisconsin 54848-1896  
(715) 532-2200  
Fax: (715) 532-2175  
www.ruskcounty.org/sheriff

## Rusk County

David Kaminski, Sheriff  
Marc E. Egle, Chief Deputy

October 3, 2013

TO: Members of the Criminal Justice and Corrections Committee

FROM: David Kaminski  
Sheriff of Rusk County  
President of the Badger State Sheriff's Association

REF: AB 251 County Reimbursements for Inmate Expenses

Committee Members,

Thank you for the opportunity to speak in front of this committee in reference to AB 251 County Reimbursements for Inmate Expenses.

The issue for County Jails and the perspective county is the ability for a county to request and receive reimbursement costs from inmates being held in County Jails.

The current law allows a County to seek reimbursements from inmates sentenced to the County jail or being held as a condition of probation for expenses incurred by those inmates for their stays in County Jails. These expenses can include a daily inmate fee, medical and dental expenses, medications and costs of maintaining inmates in County Jails.

The issue is those inmates that are arrested and held in County Jails for felony offenses. The inmates are held in our county jails pending trial and sentencing. The Counties jails are required to provide medical and dental and medications as well as fees for maintaining these inmates while being held in the County Jails. If the inmate is found guilty of these offenses and are sentenced to the State Prison system, they are given credit for the time that was served in the County Jail as State Prison time and not County Jail time. As a result, the law in its current wording does not allow for a County to seek reimbursement costs from these inmates as the time served in the County jail is credited to State Prison time and not County Jail time. The County has no recourse to attempt to receive reimbursement costs for these inmates.

As a result, this expense is placed onto County Tax payers and not to those that should be held responsible for the expenses they accumulated during their stays in the County Jails.

As an example, Rusk County had arrested a subject for 1<sup>st</sup> degree intentional homicide and this subject was held in the Rusk County Jail pending trial. The inmate was found guilty of the charges and was sentenced to the State Prison system and was given credit

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for his County Jail time as State Prison Time. During the inmates stay in the Rusk County Jail, the inmate accumulated doctor visit fee's, hospital/clinic fee's, jail nurse visit fee's, medical prescription drug fee's, inmates hair cut fee's, local reimbursement cost fee's, and postage fee's. Total cost to the County for this inmate during his stay in the Rusk County Jail was \$8794.81. Rusk County billed this inmate after he was sent to the State Prison. The inmates and his family began to pay off this expense, but the inmate hired an attorney and challenged the County stating that the statute does not allow Rusk County to seek this reimbursement as the inmate in question was not sentenced to the Rusk County Jail as his time served was credited to State Prison Time. As a result, Rusk County Tax payers paid this expense.

The current statute needs to be changed so that any inmate being held in the County Jail and incurs any expenses as a result of their stay in the County Jail, Counties must have the ability to seek reimbursement costs from these inmates. This is a burden on County tax payers and this should be placed on those people that commit the crime.

I thank you for your time and attention to this issue.