




MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections

FROM: David Callender, Legislative Associate 

DATE: April 4, 2013

SUBJECT: Support for Assembly Bill 33

The Wisconsin Counties Association supports Assembly Bill 33, relating to the time period for counties to seek reimbursement from prisoners for expenses associated with confinement in jail.

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.

AB 33 extends the period that counties can seek reimbursement from former inmates for the cost of their confinement from one year to two years. This additional period would give counties more time to seek to recover the costs of incarceration, and would give former inmates more time to find jobs and begin the process of repaying their debts to taxpayers.

WCA acknowledges that some 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, many 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 an inmate's confinement.

WCA respectfully requests that the Committee consider expanding the bill to include the costs of confinement while an inmate is awaiting trial, and not just the period of an inmate's sentence. Many of an inmate's costs are incurred prior to when an individual is tried and sentenced, and it would be helpful if counties are able to recover these costs as well.

WCA respectfully urges the Committee to support AB 33.

Please feel free to contact WCA if you need additional information.

STATEMENT OF SHEBOYGAN COUNTY CORPORATION COUNSEL ON SB 24
March 28, 2013

My name is Carl Buesing and I serve as Sheboygan County's Corporation Counsel.

Thank you for giving me the opportunity to testify on Senate Bill 24.

In 1996, the Legislature created Wis. Stat. § 302.373 which provided a mechanism under which county jail inmates may be required to reimburse counties for the expense of their incarceration. In 2001, the Sheboygan County Board enacted an ordinance to implement this inmate reimbursement law. I'd like to tell you about Sheboygan County's experience with this law and how it can be tweaked to make it work a little better.

Under Sheboygan County's ordinance, convicted persons who serve sentences in the Sheboygan County Jail are assessed the cost of maintenance in the amount of \$20 a day if they are on Huber work-release, \$23 a day if they are on the electronic monitoring program, and \$20 a day if they are confined to ordinary confinement. If the inmate is engaged in voluntary non-court ordered community service, at the discretion of the sheriff, the daily fee may be waived. We do not charge detainees awaiting trial, probation holds, or persons awaiting transport to other institutions.

Currently, the revenues received by the Sheriff from inmate reimbursement comes to something over \$200,000 of the annual departmental budget. That means \$200,000 less that Sheboygan County property tax payers must pay to support the Sheriff Department. The lion's share of the \$200,000 is collected while the inmate is working and is out on the bracelet or Huber. It is much harder to collect after the person is released from jail.

The statute of limitations for collection is currently 12 months. If we are unable to collect against the inmate within the 12 months after release from jail, we are barred from ever collecting from the inmate.

Many inmates are uncollectible for a variety of reasons including but not limited to subsequent long-term incarceration, mental health issues, chronic unemployment, family support obligations, fines and restitution obligations, or bankruptcy. For these persons, extending the statute of limitations will not make a difference. In many instances, however, persons might be most uncollectible within the first 12 months after they are released from jail but become much more collectible later on after they get back on their feet. Unfortunately, the 12-month statute of limitations precludes us from capturing this opportunity unless we commence a collection action within the 12-month period, something we are disinclined to do since it requires that we advance \$94.50 per small claims filing with no certainty that even the costs will be recouped. It should also be noted that inmates are familiar with the fact that they only need to wait us out for 12-months and then they can walk away from the liability.

A simple improvement would be to double the statute of limitations from 12 months to 24 months as proposed in Senate Bill 24. We collect about \$3,000 to \$4,000 a year through the TRIP tax intercept program through the Department of Revenue and net another \$2,000 to \$3,000 a year through the judgments we take in small claims court. If the tax intercepts remain viable for an extra 12 months and we sue some more people who are collectable one year out, we estimate that we could bring in at least \$5,000 to \$7,000 more a year.

I am aware that many other corporation counsels and sheriffs throughout the state utilize the statutory authority to collect fees from county jail inmates. If each of the 72 counties could get \$5,000 a year more in revenue as result of this modest statutory change, it would yield over \$350,000. That doesn't seem like a bad day's work on your part if you can make it happen.

For further information, please contact Attorney Carl K. Buesing, Hopp Neumann Humke LLP, 2124 Kohler Memorial Drive, Suite 110, Sheboygan, WI 53081 920-459-3093.



Joe Leibham

STATE SENATOR

April 4, 2013

Dear Chairman Bies and Members of the Assembly Corrections Committee,

Thank you for holding this hearing today and for providing me the opportunity to submit written testimony in support of Assembly Bill (AB) 33.

This proposal, which was suggested by the leadership of Sheboygan County, would make a simple change to current law in regard to how long they are able to seek reimbursement from an individual who has spent time in a county jail.

Presently, counties have 12 months after an inmate is released from jail to commence a civil action in circuit court or enter judgments into the Tax Refund Intercept Program (TRIP). AB 33 extends the 12 month time limit to 24 months. The county maintains their discretion as to which individuals they will pursue.

Individuals who break the law should cover the costs of their jail time - not general taxpayers. AB 33 provides a more reasonable amount of time to allow counties to seek ensure reimbursement for these costs.

In our continuing efforts to promote individual responsibility and ease the burden on taxpayers, I encourage you to support AB 33.

Thank you for considering my testimony today.

Sincerely,

Joe Leibham
State Senator
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