

Van H. Wanggaard

Wisconsin State Senator

August 30, 2017

Testimony on Senate Bill 230

Thank you committee members for hearing Senate Bill 230 (SB 230) today. This bill makes changes to procedures that the Department of Corrections (DOC) must follow when an inmate dies and is not claimed. This bill was brought forth by the Department of Corrections as a cost-saving measure last session, but was introduced late in the session and therefore did not pass due to time constraints.

Under current law, when an incarcerated inmate dies the DOC must notify the relatives and allow them the opportunity to claim the body so they may arrange funeral services. If a body is not claimed, the DOC can provide it to a medical college, school of mortuary science, or bury it, but is prohibited from cremating it. The costs of these measures are incurred by the department, even when money is left in the inmate's canteen account or estate. Instead, these funds must be disbursed to their next of kin.

Under SB 230, the Department of Corrections and other government officials would be given the option of cremating unclaimed deceased inmates, and would be able to do so using the funds from the canteen account and estate. If the inmate was paying restitution, however, the funds must be applied to the remainder first until it is paid in full. Cremation, on average, is roughly \$750 cheaper than burial. This change could result in savings of \$8,600 annually as estimated by the DOC.

The bill clarifies that this cremation process is strictly prohibited in order to retain important evidence in cases of homicide.

These changes will maintain the integrity of the deceased inmate while generating savings for the department. I encourage you to support its passage.

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Rob Hutton

STATE REPRESENTATIVE • 13TH ASSEMBLY DISTRICT

Thank you Chairman Wanggaard and members of the Committee on Judiciary and Public Safety for the public hearing on SB 230. This legislation was crafted with the collaborative effort of the Department of Corrections (DOC), Milwaukee Medical Examiner, and Waukesha Medical Examiner. SB 230 updates our statutes to reflect current needs by allowing for the option of cremation instead of burial in cases of unclaimed persons in our prisons or local governments.

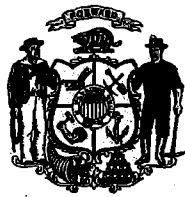
Under current law, if an inmate passes while incarcerated DOC must notify the family and allow for the family to claim the body for final disposition. If the deceased is not claimed, DOC may deliver the body to a medical college, school of mortuary science, or bury the body. Similarly, if a deceased person is claimed by County Medical Examiners they must make a reasonable attempt to identify and notify the deceased's family. Current law also states that a public officer is prevented from cremating the deceased. In both of these scenarios, which comprise a majority if not all cases of unclaimed persons, if the agency is unable to identify a relative to notify or the relatives do not want to claim the deceased then each agency must absorb all costs associated with the transportation and burial. Any funds in the deceased's estate are then written to the relative or next of kin.

This legislation repeals the statute that prohibits public officers from cremating unclaimed persons. Further, it clarifies that any funds in the estate of the deceased may be used to cover any associated costs provided no restitution is owed. This will allow public officers to handle unclaimed persons as they deem appropriate to meet departmental needs. We have also provided safeguards in this legislation by creating a prohibition of cremating unclaimed persons due to homicide to prevent potential destruction of evidence.

I appreciate your time in hearing my testimony. The Department of Corrections has people here to help answer any technical questions surrounding this issue. I am happy to address any questions you have at this time.

Scott Walker
Governor

Jon E. Litscher
Secretary



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Senate Bill 230 / Assembly Bill 294

Speaking in favor

Mr. Chairman, Committee members. Thank you for holding a hearing on SB230/AB294 and thank you for allowing the Department of Corrections to provide testimony and answer questions relating to the proposed legislation.

I want to thank the authors, Senator Wanggaard and Representative Hutton for drafting this legislation and allowing the agency to work with them as it came together.

The bill allows the DOC to utilize cremation as an option for unclaimed bodies of deceased inmates. It also allows DOC to charge the prisoners account to recover the cost of cremation and/or burial.

All deaths occurring while in DOC custody require an outside agency investigation and an autopsy to be performed and the proposal prohibits the cremation if the death was a result of a homicide.

Under current law the department is responsible for the cost of burial and the deceased inmate's money is given to their next of kin. Current law has allowed family members of a deceased inmate too refuse to claim the body of a deceased inmate relative, attended the burial and receive a check from the inmates account leaving the tax payer to cover the expense of the internment, this bill would allow at least some of that expense to be recovered.

The fiscal impact of the bill is as follows;

- DOC has approximately 15 unclaimed deceased inmates per year at a cost of \$34,500 annually.
- The bill gives DOC the authority to offset the cost of cremation/burial by using the money remaining in the inmates account to cover the expenses of the cremation or burial.
- DOC estimates a cost avoidance of \$4500 annually by using cremation instead of traditional burial.
- The average inmate account contained \$650 upon death allowing a recovery of an estimated \$9,750 annually.

Overall DOC estimates a cost avoidance of between \$4,500 and \$14,250 annually

Again, thank you for holding a hearing on this proposal and I look forward to answering any questions committee members may have.


Donald R Friske
Director, Legislative Affairs
Wisconsin Department of Corrections