



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-4121/1  
MLJ:cdc

## 2021 SENATE BILL 558

September 15, 2021 - Introduced by Senators BALLWEG, FELZKOWSKI, COWLES, FEYEN and WANGGAARD, cosponsored by Representatives PETERSEN, CALLAHAN, EDMING, JAMES, MOSES, MURSAU, OLDENBURG, PENTERMAN, SPIROS, STEFFEN, THIESFELDT, KNODL and SINICKI. Referred to Committee on Transportation and Local Government.

1     **AN ACT to amend** 16.51 (7), 20.410 (1) (c), 20.410 (3) (c) and 62.03 (1); and **to**  
2             **create** 60.33 (10p), 61.25 (11) and 62.09 (11) (m) of the statutes; **relating to:**  
3             law enforcement investigative services and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Corrections must reimburse counties for certain expenses related to an action or proceeding involving a prisoner in a state prison or a juvenile in a juvenile correctional facility in the county. This bill adds that DOC must also reimburse any county, city, village, or town that provides law enforcement investigative services for an incident involving a prisoner in a state prison or a juvenile in a juvenile correctional facility.

Under current DOC practice in accordance with memoranda of understanding, DOC reimburses the village of Allouez and Dodge County specific amounts at specific intervals during the year for law enforcement investigative services. This bill provides that, notwithstanding the statutory changes contained in the bill, the village of Allouez and Dodge County may continue to be reimbursed in accordance with their MOUs. This bill also decreases DOC's general operations appropriation in the amounts currently spent annually under these MOUs to be reallocated to law enforcement investigative services reimbursement.

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

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

1           **SECTION 1.** 16.51 (7) of the statutes is amended to read:

2           16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND  
3 JUVENILES IN JUVENILE CORRECTIONAL FACILITIES. Receive, examine, determine, and  
4 audit claims, duly certified and approved by the department of corrections, from the  
5 ~~county clerk of any county in, city, village, or town, on behalf of the county, city,~~  
6 ~~village, or town,~~ which are presented for payment to reimburse the county  
7 reimbursement for certain expenses incurred or paid by it in reference to all matters  
8 ~~growing out of actions and proceedings~~ involving prisoners in state prisons, as  
9 defined in s. 302.01, or juveniles in juvenile correctional facilities, as defined in s.  
10 938.02 (10p), including prisoners or juveniles transferred to a mental health  
11 institute for observation or treatment, ~~when the.~~ The department shall reimburse  
12 a county under this subsection for expenses relating to actions or proceedings that  
13 are commenced in counties in which the prisons or juvenile correctional facilities are  
14 located by a district attorney or by the prisoner or juvenile as a postconviction remedy  
15 or a matter involving the prisoner's status as a prisoner or the juvenile's status as  
16 a resident of a juvenile correctional facility and for certain expenses incurred or paid  
17 by it ~~the county~~ in reference to holding those juveniles in secure custody while those  
18 actions or proceedings are pending. The department shall reimburse a county, city,  
19 village, or town under this subsection for expenses relating to law enforcement  
20 investigative services that it provided for an incident involving a prisoner in a state  
21 prison or a juvenile in a juvenile correctional facility within its jurisdiction.

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1 Expenses shall only include the amounts that were necessarily incurred and actually  
2 paid and shall be no more than the legitimate cost would be to any other county  
3 jurisdiction had the offense or crime occurred therein.

4 **SECTION 2.** 20.410 (1) (c) of the statutes is amended to read:

5 20.410 (1) (c) *Reimbursement claims of counties or municipalities containing*  
6 *state prisons.* A sum sufficient to pay all valid claims made by county clerks of  
7 counties, cities, villages, and towns containing state prisons as provided in s. 16.51  
8 (7).

9 **SECTION 3.** 20.410 (3) (c) of the statutes is amended to read:

10 20.410 (3) (c) *Reimbursement claims of counties or municipalities containing*  
11 *juvenile correctional facilities.* A sum sufficient to pay all valid claims made by  
12 county clerks of counties, cities, villages, or towns containing state juvenile  
13 correctional facilities as provided in s. 16.51 (7).

14 **SECTION 4.** 60.33 (10p) of the statutes is created to read:

15 60.33 (10p) CLAIMS IN TOWNS CONTAINING STATE INSTITUTIONS. Make a certified  
16 claim against the state, without direction from the board, in all cases in which the  
17 reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department  
18 of administration. The forms shall contain information required by the clerk and  
19 shall be filed annually with the department of corrections on or before June 1.

20 **SECTION 5.** 61.25 (11) of the statutes is created to read:

21 61.25 (11) To make a certified claim against the state, without direction from  
22 the board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon  
23 forms prescribed by the department of administration. The forms shall contain  
24 information required by the clerk and shall be filed annually with the department  
25 of corrections on or before June 1.

**SENATE BILL 558****SECTION 6**

1           **SECTION 6.** 62.03 (1) of the statutes is amended to read:

2           62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j)  
3           and, (k), and (m), 62.175, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st  
4           class cities under special charter.

5           **SECTION 7.** 62.09 (11) (m) of the statutes is created to read:

6           62.09 (11) (m) The clerk of any city that is entitled to reimbursement under s.  
7           16.51 (7) shall make a certified claim against the state, without direction from the  
8           council, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms  
9           prescribed by the department of administration. The forms shall contain  
10          information required by the clerk and shall be filed annually with the department  
11          of corrections on or before June 1.

12          **SECTION 8. Fiscal changes.**

13          (1) LAW ENFORCEMENT INVESTIGATIVE SERVICES. In the schedule under s. 20.005  
14          (3) for the appropriation to the department of corrections under s. 20.410 (1) (a), the  
15          dollar amount for fiscal year 2021-22 is decreased by \$142,000 to reallocate those  
16          funds to reimburse law enforcement investigative services as provided under s. 16.51  
17          (7). In the schedule under s. 20.005 (3) for the appropriation to the department of  
18          corrections under s. 20.410 (1) (a), the dollar amount for fiscal year 2022-23 is  
19          decreased by \$142,000 to reallocate those funds to reimburse law enforcement  
20          investigative services as provided under s. 16.51 (7).

21          **SECTION 9. Nonstatutory provisions.**

22          (1) VILLAGE OF ALLOUEZ REIMBURSEMENTS FOR LAW ENFORCEMENT INVESTIGATIVE  
23          SERVICES. Notwithstanding ss. 16.51 (7) and 61.25 (11), the Village of Allouez may be  
24          reimbursed for law enforcement investigative services in accordance with the

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1 memorandum of understanding that is in effect on the effective date of this  
2 subsection.

3 (2) DODGE COUNTY REIMBURSEMENTS FOR LAW ENFORCEMENT INVESTIGATIVE  
4 SERVICES. Notwithstanding s. 16.51 (7), Dodge County may be reimbursed for law  
5 enforcement investigative services in accordance with the memorandum of  
6 understanding that is in effect on the effective date of this subsection.

7 (END)