



1997 ASSEMBLY BILL 921

March 17, 1998 – Introduced by Representative GOETSCH, cosponsored by Senator FITZGERALD, by request of Department of Corrections. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *to repeal* 301.10 (1) and 301.29 (1); *to renumber and amend* 302.385
2 and 973.09 (5); *to amend* 301.32 (1); and *to create* 302.385 (1) and (2), 973.09
3 (5) (a) 1. and 973.09 (5) (b) and (c) of the statutes; **relating to:** fiscal
4 responsibilities of the department of corrections and the disposal of property
5 belonging to prisoners and inmates under the supervision of the department of
6 corrections; standards for delivery of health services in state correctional
7 institutions; and discharge of persons from probation.

Analysis by the Legislative Reference Bureau

Under current law, the steward of each institution under the control of the department of corrections (DOC) must serve as the business manager of the institution and is responsible for certain duties relating to purchasing. In current practice, however, there is no steward at these institutions, but instead the steward's functions are performed by other DOC employees who occupy the positions of business director and financial supervisor. This bill eliminates these steward duties.

Current law also requires that the steward file and execute an official bond. This bill eliminates this requirement.

Current law regulates the delivery and disposal of property belonging to prisoners and residents in institutions under the control of DOC. Under current law, if any prisoner or resident leaves property, other than money, uncalled for at an

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institution for one year, the superintendent of the institution must sell the property and deposit the proceeds in the state general fund. This bill provides that the superintendent, as an alternative to selling the property, may donate the property to a public agency or private, nonprofit organization or destroy the property.

Under current law, the standards for delivery of health services in state correctional institutions must be based on the essential standards of the American Medical Association Standards for Health Services in prisons, published in July 1979, and Standards for Health Services in Juvenile Correctional Facilities, published in August 1979. This bill provides that the standards must be based on the standards of certain professional organizations that establish standards for health services in prisons, such as the American Medical Association and the National Commission on Correctional Health Care, or on standards that are comparable to the standards established by these professional organizations.

Under current law, a person who is convicted of a crime may be placed on probation. Current law specifies that when a person who is on probation has satisfied the conditions of his or her probation, the person must be discharged from probation and DOC must issue a certificate of final discharge to the probationer and file a copy of the certificate of final discharge with the clerk of the court that placed the person on probation.

This bill makes the following changes relating to the discharge of a person who is on probation:

1. The bill provides that a person who is on probation must be discharged when the period of probation has expired, instead of when the person on probation satisfies the conditions of probation, as under current law.

2. The bill provides that DOC must issue a certificate of discharge only to a person who was placed on probation for a felony, and not to all persons on probation, as required under current law. If a person was placed on probation for a misdemeanor, the bill requires DOC to notify the person that his or her period of probation has expired.

3. The bill specifies that DOC must issue a certificate of final discharge only to a person who is discharged from probation for a felony and who, at the time of discharge, is not on probation or parole for another felony. If a person who is discharged from probation is still on probation or parole for another felony, he or she is given a certificate of discharge that relates only to the period of probation from which he or she has been discharged.

4. The bill requires DOC to notify the court that placed the person on probation that the period of probation has expired, instead of sending a copy of the certificate of discharge to the court, as required under current law.

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:

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1 **SECTION 1.** 301.10 (1) of the statutes is repealed.

2 **SECTION 2.** 301.29 (1) of the statutes is repealed.

3 **SECTION 3.** 301.32 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is
4 amended to read:

5 301.32 (1) (title) ~~PROPERTY DELIVERED TO STEWARD~~ WARDEN OR SUPERINTENDENT;
6 CREDIT AND DEBIT. All money ~~including wages~~ and other property delivered to an
7 ~~officer or~~ employe of any state correctional institution for the benefit of a prisoner or
8 resident shall be delivered to the ~~steward~~ warden or superintendent, who shall enter
9 the property upon his or her ~~books~~ accounts to the credit of the prisoner or resident.
10 The property may be used only under the direction and with the approval of the
11 superintendent or warden and for the crime victim and witness assistance surcharge
12 under s. 973.045 (4), the delinquency victim and witness assistance surcharge under
13 s. 938.34 (8d) (c), the deoxyribonucleic acid analysis surcharge under s. 973.046 or
14 the benefit of the prisoner or resident. If the money remains uncalled for for one year
15 after the prisoner's or resident's death or departure from the state correctional
16 institution, the superintendent shall deposit it in the general fund. If any prisoner
17 or resident leaves property, other than money, uncalled for at an a state correctional
18 institution for one year, the superintendent shall sell the property and deposit the
19 proceeds in the general fund, donate the property to a public agency or private,
20 nonprofit organization or destroy the property. If any person satisfies the
21 department, within 5 years after the deposit, of his or her right to the deposit, the
22 department shall direct the department of administration to draw its warrant in
23 favor of the claimant and it shall charge the same to the appropriation made by s.
24 20.913 (3) (bm).

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1 **SECTION 4.** 302.385 of the statutes is renumbered 302.385 (intro.) and amended
2 to read:

3 **302.385 Correctional institution health care.** (intro.) The standards for
4 delivery of health services in state correctional institutions governed under s. 301.02
5 shall be based on the essential standards of the American medical association
6 standards for health services in prisons, published in July 1979 and standards for
7 health services in juvenile correctional facilities, published in August 1979. for
8 health care agencies and correctional health care agencies that are formulated by
9 any of the following:

10 **SECTION 5.** 302.385 (1) and (2) of the statutes are created to read:

11 302.385 (1) The Joint Commission on Accreditation of Health Care
12 Organizations, the American Medical Association, the American Dental Association,
13 the American Correctional Association, the National Commission on Correctional
14 Health Care, the American Public Health Association or the American Nurses'
15 Association.

16 (2) Any other nationally recognized standard formulating organization, if the
17 standards are comparable to the standards formulated by an organization specified
18 in sub. (1).

19 **SECTION 6.** 973.09 (5) of the statutes is renumbered 973.09 (5) (intro.) and
20 amended to read:

21 973.09 (5) (intro.) When the period of probation for a probationer has satisfied
22 the conditions of his or her probation expired, the probationer shall be discharged
23 from probation and the department shall do all of the following:

24 (a) If the probationer was placed on probation for a felony, issue the probationer
25 a one of the following:

