



2001 ASSEMBLY BILL 861

February 26, 2002 - Introduced by Representatives POCAN, BERCEAU, BOCK, CARPENTER, LASSA, MILLER, MORRIS-TATUM, MUSSER, PLOUFF, RYBA and YOUNG, cosponsored by Senators RISSER, COWLES, DECKER, GEORGE, MOORE and PLACHE. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to create* 13.0975 of the statutes; **relating to:** prison impact
2 assessments.

Analysis by the Legislative Reference Bureau

Current law provides that a fiscal estimate be prepared for most legislative bills. A fiscal estimate for a bill is prepared by the appropriate state agency. However, current law exempts a bill containing penalty provisions from this procedure if no other provision of the bill requires a fiscal estimate.

This bill provides that the department of corrections (DOC) must provide a prison impact assessment for any bill or bill draft that creates a felony (crime punishable by imprisonment in the state prison system) or modifies the period of imprisonment for a felony. DOC has 21 days in which to prepare the assessment, beginning with the date on which DOC receives a copy of an introduced bill from the legislative reference bureau or the date on which the requester of the bill draft asks for the assessment, whichever occurs first. The assessment includes estimates of the population of prisoners, probationers, parolees, and persons on extended supervision; a fiscal estimate regarding the impact on prison construction and operation; an analysis of the impact on prosecutors, the state public defender, and the courts; and a description of the assumptions and methodologies that were used to prepare the assessment. The bill provides that no legislative action on the bill or bill draft may be taken until the assessment is prepared. In addition, DOC must prepare a yearly total prison impact assessment. The office of justice assistance in the department of administration and the director of state courts must help DOC by providing it with relevant information.

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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:

1 **SECTION 1.** 13.0975 of the statutes is created to read:

2 **13.0975 Prison impact assessments. (1)** In this section:

3 (a) "Department" means the department of corrections.

4 (b) "Prison" means a state prison described under s. 302.01.

5 **(2)** The department shall prepare a prison impact assessment for any bill or,
6 if requested, for any bill draft that creates a felony or modifies the period of
7 imprisonment for a felony. Except as otherwise provided by the joint rules of the
8 legislature, the department shall prepare the assessment within 21 calendar days
9 after the date on which the department receives a copy of a bill under sub. (4) or the
10 date on which the department receives a request to prepare the assessment from the
11 requester of the bill draft, whichever occurs first. The assessment shall contain all
12 of the following:

13 (a) Projections of the impact on statewide populations of prisoners,
14 probationers, parolees, and persons on extended supervision.

15 (b) An estimate of the fiscal impact of population changes under par. (a) on state
16 expenditures, including expenditures for the construction and operation of state
17 prisons for the current fiscal year and the 5 succeeding fiscal years.

18 (c) An analysis of any significant factor, not covered in complying with pars. (a)
19 and (b), affecting the cost of the bill or bill draft and the factor's impact on
20 prosecutors, the state public defender, and courts.

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1 (d) A statement of the methodologies and assumptions that the department
2 used in preparing the assessment.

3 (3) The legislature shall reproduce and distribute assessments under sub. (2)
4 in the same manner as it reproduces and distributes amendments.

5 (4) A bill draft that requires an assessment by the department under this
6 section shall have that requirement noted on its jacket when the jacket is prepared.
7 When a bill that requires an assessment under this section is introduced, the
8 legislative reference bureau shall submit a copy of the bill to the department.

9 (5) No public hearing before a standing committee may be held, and no
10 committee vote may be taken regarding any bill or bill draft described in sub. (2)
11 unless the assessment under sub. (2) has been prepared.

12 (6) Annually, by March 1, the department shall submit to the legislature under
13 s. 13.172 (2) a prison impact assessment reflecting the cumulative effect of all
14 relevant changes in the statutes taking effect during the preceding calendar year.

15 (7) The director of state courts and the office of justice assistance in the
16 department of administration shall provide the department with information to
17 assist the department in preparing assessments under subs. (2) and (6).

18 (8) This section applies to bills introduced or requests for assessments for bill
19 drafts made on or after July 1, 2002.

SECTION 2. Nonstatutory provisions.

20 (1) TRANSFER OF RECORDS. The department of administration shall transfer all
21 records of the sentencing commission to the department as soon as possible after the
22 effective date of this subsection.
23

24 (END)