



2023 ASSEMBLY BILL 401

September 6, 2023 - Introduced by Representatives CALLAHAN, KRUG, BALDEH, DONOVAN, MOSES, MURSAU, SCHMIDT and STUBBS, cosponsored by Senators WIMBERGER and KNODL. Referred to Committee on Corrections.

1 **AN ACT to create** 301.096 of the statutes; **relating to:** performance grants based
2 on improving employment rates for individuals on probation, parole, or
3 extended supervision.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to award performance grants to adult probation and parole offices for increases in employment rates for individuals on probation, parole, or extended supervision in the regions the offices serve.

The bill provides a formula to determine the amount of funds each adult probation and parole office is eligible to receive under this performance grant program. Under the formula, DOC must calculate a baseline employment rate for individuals on probation, parole, or extended supervision who reside in the region the office serves by averaging the annual employment rate for those individuals in fiscal years 2019-20, 2020-21, and 2021-22. Then, on July 1 of each fiscal year, DOC must calculate the employment rate for individuals on probation, parole, or extended supervision who reside in the region the office serves for the fiscal year that just ended. DOC must subtract the baseline employment rate from the employment rate for the fiscal year that just ended. If the difference is negative, the office is not eligible for a performance grant in the fiscal year that just began. If the difference is positive, the office is eligible for a performance grant in the fiscal year that just began that is equal to that difference multiplied by the number of individuals on probation, parole, or extended supervision who reside in the region the office serves, multiplied again by \$2,500.

ASSEMBLY BILL 401

Under the bill, an office that receives a grant may spend up to 15 percent of the funds on data collection and administration for the grant and must spend at least 85 percent of the funds to improve supervision and rehabilitative services for individuals on probation, parole, or extended supervision who reside in the office's region. The bill specifies that the services may include implementing evidence-based practices for risk and needs assessments; implementing intermediate sanctions such as community service, home detention, or work furlough programs; expanding the availability of evidence-based practices for rehabilitation programs such as drug and alcohol treatment, anger management, and vocational training; hiring personnel to implement evidence-based practices for rehabilitative and vocational programming; procuring new technologies or equipment to supervise or rehabilitate or provide vocational training; and evaluating the effectiveness of programs.

The bill requires DOC to develop and publish outcome-based measures for each region such as the employment rate and the average length of employment for individuals on probation, parole, or extended supervision; the percentage and employment status of individuals on probation, parole, or extended supervision who are convicted of a crime while on the supervised status; the number and employment status of individuals on probation, parole, or extended supervision who complete their period of supervised status; the programs for individuals on probation, parole, or extended supervision that were created or eliminated; and an estimate of savings to the state as a result of reduced correctional costs due to lower crime rates among individuals on probation, parole, or extended supervision.

The bill requires DOC to work with the offices to prepare annual reports for the legislature. The reports must be available to the public and must include information about the effectiveness of the performance grants based on outcome-based measures and recommendations regarding resource allocations or collaboration with other state, regional, or local entities or other regions for improvements to the performance grant program.

For further information see the state and local 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.** 301.096 of the statutes is created to read:

2 **301.096 Improving community supervision outcomes; employment.**

3 **(1) DEFINITIONS.** In this section:

4 (a) "Baseline employment rate" means the average of the employment rates for
5 the fiscal years 2019-20, 2020-21, and 2021-22.

ASSEMBLY BILL 401

1 (b) “Documentation of wage-earning hours” means employment records, pay
2 stubs, employment letters, contracts, or similarly reliable methods of employment
3 verification, as determined by the department.

4 (c) “Eligible employment” means an occupation or combination of occupations
5 for which an individual can provide documentation of wage-earning hours in the
6 amount of at least 130 hours in a 30-day period.

7 (d) “Employment rate” means the proportion of individuals who held eligible
8 employment for at least 9 months if at least part of the 9 months was in a given fiscal
9 year.

10 (e) “Evidence-based practices” means supervision policies, procedures,
11 programs, and technology demonstrated by scientific research to reduce recidivism
12 among individuals on probation, parole, or extended supervision.

13 (f) “Marginal cost of incarceration” means the sum of all short-term variable
14 costs associated with incarcerating an individual in a state facility. “Marginal cost
15 of incarceration” includes only correctional costs that marginally change in
16 proportion to the inmate population of a facility.

17 (g) “Region” means each jurisdiction that is covered by a regional office.

18 (h) “Regional office” means an adult probation and parole office that supervises
19 individuals who reside under the office’s jurisdiction who are on probation, parole,
20 or extended supervision.

21 **(2) GRANTS.** The department shall award grants to regional offices for
22 improving community supervision outcomes. The amount that each regional office
23 receives is based on the calculations under sub. (7).

ASSEMBLY BILL 401**SECTION 1**

1 **(3) ALLOCATION OF GRANT MONEYS RECEIVED.** (a) A regional office may use up to
2 15 percent of the funds awarded under this section for administrative and
3 data-collection purposes that are related to this section.

4 (b) A regional office shall use at least 85 percent of funds awarded under this
5 section to improve supervision and rehabilitative services for individuals on
6 probation, parole, or extended supervision in its region. The services may include
7 any services, including any of the following:

8 1. Implementing and expanding evidence-based practices for risk and needs
9 assessments for individualized programming.

10 2. Implementing and expanding intermediate sanctions that include, but are
11 not limited to, mandatory community service, home detention, day reporting,
12 restorative justice programs, and work furlough programs.

13 3. Expanding the availability of evidence-based practices for rehabilitation
14 programs including, but not limited to, drug and alcohol treatment, mental health
15 treatment, anger management, cognitive behavior programs, and vocational
16 training and employment services.

17 4. Hiring additional officers, contractors, or other personnel to implement
18 evidence-based practices for rehabilitative and vocational programming.

19 5. Purchasing and adopting new technologies or equipment that are relevant
20 and enhancing to the task of supervision, rehabilitation, or vocational training.

21 6. Evaluating the effectiveness of rehabilitation and supervision programs and
22 ensuring program fidelity.

23 **(4) OVERSIGHT AND REPORTING.** (a) The department shall provide oversight of
24 the grant moneys awarded to ensure that the disbursed funds are being used in

ASSEMBLY BILL 401

1 accordance with the grant program under this section. The department shall
2 maintain an accounting of all moneys awarded under this section.

3 (b) Beginning no later than the first day of the 19th month beginning after the
4 effective date of this paragraph ... [LRB inserts date], and on each July 1 thereafter,
5 the department shall work with regional offices to prepare and submit to the joint
6 committee on finance a comprehensive, publicly available report on the
7 implementation of the grant program under this section. The report shall include
8 at the minimum all the following information:

9 1. The effectiveness of the grant payments based on the reports of
10 outcome-based measures under sub. (5).

11 2. Any recommendations regarding resource allocations or additional
12 collaboration with other state, regional, or local entities or other regions for
13 improvements to the grant program under this section.

14 **(5) OUTCOME-BASED MEASURES.** The department shall develop, track, and, in a
15 publicly available report, publish the outcome-based measures for each fiscal year,
16 including all of the following:

17 (a) The employment rate and average length of employment for individuals on
18 probation, parole, or extended supervision in each region and statewide.

19 (b) The percentage of individuals on probation, parole, or extended supervision
20 who are convicted of a new crime while on that supervised status for each region and
21 statewide and whether the individuals who are convicted are employed or not.

22 (c) The number and percentage of individuals on probation, parole, or extended
23 supervision who successfully complete their period of supervised status for each
24 region and statewide and whether the individuals who complete their period are
25 employed or not.

ASSEMBLY BILL 401**SECTION 1**

1 (d) The number and types of programs for individuals on probation, parole, or
2 extended supervision that were created, modified, replaced, or eliminated in each
3 region.

4 (e) An estimate of any savings to the state as a result of reduced correctional
5 costs due to lower crime rates among individuals on probation, parole, or extended
6 supervision, using the marginal cost of incarceration and the number of individuals
7 convicted of a new crime while on supervised status.

8 **(6) DATA COLLECTION REQUIREMENTS.** (a) The department shall calculate for each
9 region and statewide the baseline employment rates for individuals on probation, for
10 individuals on parole, and for individuals on extended supervision.

11 (b) On July 1 of each fiscal year, the department shall calculate for each region
12 and statewide the employment rates for the preceding fiscal year for individuals on
13 probation, for individuals on parole, and for individuals on extended supervision.

14 **(7) DISTRIBUTING INCENTIVE GRANTS FOR PERFORMANCE.** The department shall
15 calculate the amount that each regional office is eligible to receive in the current
16 fiscal year as a grant under this section for increasing probation, parole, and
17 extended supervision employment rates for its region in the immediate past fiscal
18 year as follows:

19 (a) Add the employment rates for individuals on probation, individuals on
20 parole, and individuals on extended supervision for the region as determined under
21 sub. (6) (b).

22 (b) Subtract from the sum under par. (a) the sum of the baseline employment
23 rates for the region for individuals on probation, individuals on parole, and
24 individuals on extended supervision determined under sub. (6) (a).

ASSEMBLY BILL 401

1 (c) 1. If the difference determined under par. (b) is positive, multiply the
2 difference by the total number of individuals on probation, parole, and extended
3 supervision in the region. Multiply that product by \$2,500 to determine the amount
4 that the regional office is eligible to receive under this section in the current fiscal
5 year.

6 2. If the difference determined under par. (b) is negative, the regional office is
7 not eligible for a grant under this section in the current fiscal year.

8 (d) If the moneys available for grants under this section in a fiscal year are
9 insufficient to pay all amounts determined under par. (c) 1., the department shall
10 establish a system to prorate the grants.

11 (e) If the department determines that the data required under sub. (6) are not
12 of sufficient quality or are not the correct type, the department shall use the best
13 available data to estimate probation, parole, and extended supervision employment
14 rates using a method that is as consistent with that described in sub. (6) as is
15 reasonably possible.

16 (f) Notwithstanding par. (c) 1., no regional office may be awarded a grant under
17 this section if, in the previous fiscal year, its region had an increase in revocations
18 based on the commission of new crimes.

19 (END)