



## 2023 SENATE BILL 461

September 29, 2023 - Introduced by Senators JAMES, CABRAL-GUEVARA and TAYLOR, cosponsored by Representatives SORTWELL, TITTL, ARMSTRONG, BALDEH, BRANDTJEN, DONOVAN, GOEBEN, GUNDRUM, MICHALSKI, MOSES, MURSAU, PENTERMAN, SCHMIDT and STEFFEN. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT to amend** 20.410 (1) (gi); and **to create** 303.066 of the statutes; **relating**  
2             **to:** creating an immersive work opportunity program for persons incarcerated  
3             in the state prisons.

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### *Analysis by the Legislative Reference Bureau*

This bill creates an immersive work opportunity program for prison inmates in this state. Under the program, inmates approaching their release date may apply to participate in the program, which would allow them to work for certain employers at the market wage for the position and be treated as any other employee, including wearing regular clothing to his or her work placement. Program participants may be housed in county facilities closer to work sites and transported to and from work sites by the Department of Corrections.

To be eligible to participate in the immersive work opportunity program, an inmate must have been sentenced to a bifurcated sentence and be within six months of his or her release to extended supervision; be of low or moderate security risk and have a behavioral history while incarcerated that indicates that he or she will not be a danger to the community while released for work; have previously obtained a high school diploma or a high school equivalency diploma or equivalent general education development credential; and agree to follow all DOC and program rules while participating in the program. Additionally, in selecting applicants for the program, DOC must consider whether the applicant has strong work history or job skills; an applicant's level of education; an applicant's behavioral history; an applicant's history of mental health challenges, substance abuse issues, or anger management need; and the proximity of the work site to the applicant's crime victim.

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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.** 20.410 (1) (gi) of the statutes is amended to read:

2           20.410 (1) (gi) *General operations.* The amounts in the schedule to operate  
3 institutions and provide field services and administrative services. All moneys  
4 received under s. 303.01 (8) that are attributable to moneys collected from earnings  
5 of inmates and residents under s. 303.01 (2) (em) and all moneys received under ss.  
6 302.386 (2m) and (3) (d) ~~and, 303.065 (6), and 303.066 (6) (c)~~ shall be credited to this  
7 appropriation account.

8           **SECTION 2.** 303.066 of the statutes is created to read:

9           **303.066 Immersive work opportunity program.** (1) PROGRAM  
10 DESCRIPTION. In addition to any work release under s. 303.065, the department shall  
11 operate an immersive work opportunity program, the purpose of which is to place  
12 well-qualified persons who are incarcerated within the state prisons into jobs in the  
13 community in which they will be released. Under the program, the department shall  
14 identify private employers that are interested in employing incarcerated persons to  
15 aid in their transition back into society.

16           (2) ELIGIBILITY FOR PARTICIPATION. (a) *Minimum qualifications.* To be eligible  
17 for participation in the immersive work opportunity program, an applicant shall, at  
18 a minimum:

19           1. Have been sentenced to a bifurcated sentence under s. 973.01 and be within  
20 6 months of his or her release to extended supervision under s. 302.113.

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1           2. Be of low or moderate security risk as determined by the department and  
2           have a behavioral history while incarcerated that indicates that he or she will not be  
3           a danger to the community while released for work.

4           3. Have previously obtained a high school diploma or a high school equivalency  
5           diploma or equivalent general education development credential.

6           4. Agree to follow all department and program rules while participating in the  
7           program.

8           (b) *Additional factors to be considered.* In selecting applicants for participation  
9           in the immersive work opportunity program, the department shall also consider all  
10          of the following factors:

11          1. Whether the applicant has strong work history or job skills. Factors such  
12          as a strong work history, letters of recommendation from past employers, and  
13          specialized experience in an in-demand industry or trade shall be favored for  
14          program admission.

15          2. An applicant's level of education. A postsecondary degree or technical  
16          certificate shall be favored for program admission.

17          3. An applicant's behavior while incarcerated. Demonstrated progression, good  
18          behavior, and other positive proof points as determined by the department shall be  
19          favored for program admission.

20          4. An applicant's history of mental health challenges, substance abuse issues,  
21          or anger management needs. The presence of any of these challenges, issues, or  
22          needs may not bar the applicant from the program, but unresolved or ongoing  
23          challenges, issues, or needs shall be disfavored for program admission.

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1           5. The geographic proximity of the work site to the crime victim. An applicant  
2 whose crime victim lives within the geographic scope of employment may be  
3 disfavored for program admission.

4           **(3) SELECTION PROCESS FOR PROGRAM PARTICIPATION.** An incarcerated person  
5 interested in participating in the immersive work opportunity program shall apply  
6 to the department. Applications shall be reviewed in 2 stages. In the first stage,  
7 department staff shall screen an application to ensure that the applicant meets the  
8 mandatory qualifications under sub. (2) (a). In the 2nd stage, a selection committee  
9 that consists of one representative of the department's reentry unit and such other  
10 appropriate division of adult institutions and department personnel shall screen the  
11 application by using the factors under sub. (2) (b). If a person's application is selected  
12 after both stages of screening, the department shall notify the person, and the person  
13 may join the program's pool of prospective employees. From this pool, participants  
14 may submit applications, attend interviews, and be hired by participating  
15 employers.

16           **(4) EMPLOYERS.** (a) The department shall identify private employers interested  
17 in employing incarcerated individuals under the immersive work opportunity  
18 program that agree to meet all of the following criteria:

19           1. The employer shall treat the program participant as a typical employee while  
20 also abiding by the unique requirements for hiring an incarcerated person.

21           2. The employer shall be responsible for supervising the program participant  
22 while on the work site and ensuring they do not leave the site or violate any condition  
23 established by the department.

24           (b) Private employers identified under par. (a) may join the program's pool of  
25 participating employers. Such employers may solicit applications or resumes from

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1 program participants, interview program participants, and hire program  
2 participants under an agreement with the department.

3 (5) TREATMENT OF EMPLOYED PROGRAM PARTICIPANTS. A participant who is  
4 employed under the immersive work opportunity program shall be treated as a  
5 regular employee when he or she is on duty at the work site. He or she shall be  
6 permitted to wear the regular uniform of an employee at that work site and be paid  
7 the market wage for the work he or she is performing.

8 (6) DISBURSEMENT OF WAGES. Wages earned by program participants under this  
9 section shall be disbursed by the department as follows:

10 (a) Payment of applicable federal, state, and local taxes.

11 (b) Twenty percent of what remains after payment of taxes under par. (a) shall  
12 be applied to any fines, fees, or restitution owed by the program participant.

13 (c) Ten percent of what remains after payment of taxes under par. (a) shall be  
14 credited to the appropriation account under s. 20.410 (1) (gi).

15 (d) The remaining balance after disbursement under pars. (a) to (c) shall be  
16 deposited into the program participant's department account.

17 (7) HOUSING AND TRANSPORTATION FOR EMPLOYED PROGRAM PARTICIPANTS. (a)  
18 *Housing.* The department shall designate and adapt facilities of the state prisons for  
19 the purpose of quartering program participants under this section or it may arrange  
20 and contract for other facilities, including portions of county jails, for inmates  
21 employed in the area at the department's expense. No program participant under  
22 this section may begin employment until such suitable quarters have been provided  
23 in the area of accepted or proffered employment.

24 (b) *Transportation.* Transportation to and from the work site shall be  
25 conducted by and at the expense of the department.

