

1983 Assembly Bill 233

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1983 Wisconsin Act 332

AN ACT *to amend 53.01; and to create 46.053, 53.02 (4t), 53.18 (6), 53.45 and 973.035 of the statutes, relating to state and county shared correctional facilities.*

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

PREFATORY NOTE: This proposal creates a specific statutory provision governing establishment and use of joint correctional facilities by the state and counties. It also establishes clear authority for inmates to be transferred to a state-local shared correctional facility from the state prisons or from a county correctional facility.

Current law: Under ss. 59.07 (11) and 66.30, stats., the state and counties may contract for joint exercise of their authority to construct and operate buildings and facilities. This could include joint construction and operation of correctional facilities. However, the statutes do not explicitly provide for transfer of inmates sentenced to the state prisons, a county jail, a county reforestation camp or a county house of correction to a shared state-local correctional facility.

Proposed changes: This proposal creates a statutory provision that gives specific authority to the department of health and social services (department) and to counties to contract for the establishment and joint use of correctional facilities to house offenders sentenced to prison, a county jail, a county reforestation camp or the Milwaukee county house of correction. The cost of establishing and using a shared correctional facility is to be borne in accordance with terms set in the contract. Provision for administering the facility and for dissolution of the agreement must also be included in the contract. The contract could provide for county, state or joint county and state administration of any shared facility or make other arrangements for administration agreed upon by the parties.

Inmates may not be sentenced by a court directly to the shared facility. However, they may be transferred to the shared facility from the Wisconsin state prisons by the department; from a county jail, reforestation camp or rehabilitation facility by the sheriff or superintendent; and from the Milwaukee county house of correction by the superintendent. All transfers are subject to provisions governing use of the facility which must be set forth in the contract.

Any correctional facility of the department and any county jail, reforestation camp, rehabilitation facility or house of correction may be made a state-local shared correctional facility. New shared correctional facilities may also be established.

For good time computation and other purposes, inmates in a shared facility are considered to be serving time in the prison, jail, reforestation camp or house of correction to which they were sentenced. However, separate rules governing inmates at a shared facility could be included in the state-county contract.

SECTION 1. 46.053 of the statutes is created to read:

46.053 State-local shared correctional facilities. In cooperation with any county or group of counties, the department may contract for the establishment and operation of state-local shared correctional facilities under s. 53.45. Except as provided in s. 53.45 (4), the secretary may allocate and reallocate existing and future facilities as state-local shared correctional facilities. The shared facilities shall be institutions under s. 46.03 (1) and shall be prisons under s. 53.01. Inmates from Wisconsin state prisons may be transferred to these facilities and, except as to any separate rules established in the contract governing a shared facility, shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the facilities shall be subject to the same laws as pertain to other penal institutions. Inmates may not be received on direct commitment from the courts.

SECTION 2. 53.01 of the statutes is amended to read:

53.01 Names of prisons. The penitentiary at Waupun is named "Waupun Correctional Institution". The correctional treatment center at Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay is named "Green Bay Correctional Institution". The medium security penitentiary near Fox Lake is named "Fox Lake Correctional Institution". The penitentiary at Taycheedah is named "Taycheedah Correctional Institution". The medium security penitentiary at Plymouth is named "Kettle Moraine Correctional Institution". The resource facility at Oshkosh is named "Wisconsin Resource Center". The minimum security penitentiary at Oregon is named "Oakhill Correctional Institution". The institutions named in this section, the Wisconsin correctional camp system, the correctional institutions authorized under s. 46.05, ~~and~~ community correctional residential centers when established under s. 46.045, and state-local shared correctional facilities when established under s. 46.053, are state prisons.

SECTION 3. 53.02 (4t) of the statutes is created to read:

53.02 (4t) **STATE-LOCAL SHARED CORRECTIONAL FACILITIES.** For all purposes of discipline and judicial proceedings, the state-local shared correctional facilities and their precincts shall be deemed, as to each inmate, to be in the county in which the facility to which the inmate is assigned is located, and the courts of that county shall have jurisdiction over all crimes committed within the facility. Every activity conducted under the jurisdiction of and by the state-local shared correctional facility wherever located is, as to each inmate, a precinct of the facility to which he or she is assigned.

SECTION 4. 53.18 (6) of the statutes is created to read:

53.18 (6) Inmates may be transferred under ss. 53.45 and 973.035.

SECTION 5. 53.45 of the statutes is created to read:

53.45 State-local shared correctional facilities. (1) The department and any county or group of counties may contract for the cooperative establishment and use of state-local shared correctional facilities. Inmates sentenced to the Wisconsin state prisons, a county jail, a county reforestation camp or a county house of correction may be transferred to a shared facility by the department, sheriff or superintendent, respectively, under the agreement covering use of the facility. Any inmate confined in a state-local shared correctional facility shall be deemed to be serving time in the penal institution to which he or she was sentenced and shall be eligible to earn good time credit against his or her sentence as provided under ss. 53.11, 53.12, 53.43, 56.07 and 56.19 for that institution.

(2) Costs of establishment and use of state-local shared correctional facilities shall be borne in accordance with the contract between the department and the cooperating county or counties. The contract shall provide for administration of the facility, establish criteria and a procedure for transfer of inmates to and from the facility and allow for dissolution of the agreement. The contract may exempt inmates at the shared facility from rules governing inmates at other prisons and county correctional facilities and, within statutory authority, establish separate rules for the facility.

(3) Any county jail, reforestation camp established under s. 56.07, county house of correction or rehabilitation facility established under s. 59.07 (76), whether operated by one county or more than one county, may be a state-local shared correctional facility.

(4) The Taycheedah correctional institution may not be used as a state-local shared correctional facility.

SECTION 6. 973.035 of the statutes is created to read:

973.035 Transfer to state-local shared correctional facilities. Any person serving a sentence of imprisonment to the Wisconsin state prisons, a county jail, a county reforestation camp or a county house of correction may be transferred to a state-local shared correctional facility under s. 53.45 (1).
