



1997 ASSEMBLY BILL 153

March 4, 1997 - Introduced by Representatives GOETSCH, WALKER, LADWIG, PORTER and JOHNSRUD. Referred to Joint committee on Finance.

1 **AN ACT to amend** 20.410 (1) (a), 20.410 (1) (ab), 20.410 (3) (hm), 301.46 (2) (e),
2 301.46 (2m) (c), 302.01 and 302.02 (3t); **to repeal and recreate** 303.01 (2) (em);
3 **to create** 301.22 of the statutes; and **to affect** 1995 Wisconsin Act 352, section
4 135 (2) (title) and 1995 Wisconsin Act 352, section 135 (2); **relating to:** the
5 temporary placement of young adult offenders at a juvenile secured
6 correctional facility; notification of the general public concerning sex offenders;
7 increasing the number of private businesses that lease space in state prisons
8 or correctional institutions operated by the department of corrections;
9 contracts with private persons for the transfer and confinement of state
10 prisoners in institutions located in another state; providing an exemption from
11 rule-making procedures; and making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) is authorized to purchase or accept a gift of land and an existing facility for a suitable site selected by the building commission for an additional secured juvenile correctional facility. Currently, the site selected by the building commission for that facility is located at

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Prairie du Chien in Crawford County. This bill authorizes DOC, from July 1, 1997, until July 1, 1998, to operate the secured juvenile correctional facility at Prairie du Chien as a state prison for young adult prisoners. The bill permits the secretary of corrections to direct the division of adult institutions in DOC and the division of juvenile correctional services in DOC to enter into an intra-agency agreement for the use of the Prairie du Chien secured juvenile correctional facility as a state prison and requires the agreement to provide that the division of adult institutions in DOC must reimburse the division of juvenile correctional services in DOC for the full cost of start-up and training in preparation for operating that secured juvenile correctional facility as a state prison and for the full cost, not to exceed \$65 per person per day, of operating that facility as a state prison.

Under current law, DOC is required, until July 1, 1997, to administer the laws relating to juvenile corrections according to policies and procedures established by DOC, but not promulgated as rules. This bill requires DOC to administer those laws according to those policies and procedures until such time as DOC promulgates rules to administer those laws.

Under current law, a person must register as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect or adjudicated delinquent on the basis of certain sex offenses. DOC must maintain a registry of sex offenders that contains specified information concerning persons required to register as a sex offender.

Generally, the information in the sex offender registry is confidential. However, beginning on June 1, 1997, DOC or other state agencies that have custody or control of a sex offender may release information from the registry to certain persons, including local law enforcement agencies, certain community organizations and the general public. In addition, if a local law enforcement agency believes that it is necessary to protect the public, it may provide to community organizations or to a member of the general public who is making a request information that it has received from DOC or another state agency.

This bill provides that if a local law enforcement agency believes that it is necessary to protect the public, the law enforcement agency may provide to the general public information that it has received from DOC or another state agency.

Current law provides that there may be no more than 3 private businesses that lease space in the state prisons or correctional institutions operated by DOC and that employ prison or institution residents to manufacture products or components or to provide services for sale on the open market. This bill increases the number of such private businesses to 11.

Current statutory text provides that “[The department may select a business or enter into a lease under this paragraph only with the approval of the joint committee on finance.]”. The bracketed language is included in a statutory unit that was created in 1995 Wisconsin Act 27, section 6384, but the text in the brackets was vetoed by the governor. However, 1995 Wisconsin Act 27, section 6385, amended the same statutory unit and the language in the brackets was not vetoed by the governor (the text appears in section 6385 as plain text in an amended statutory unit). This bill removes this bracketed language from the statutes.

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Under current law, DOC is authorized to enter into contracts with other states or political subdivisions of other states for the transfer and confinement of Wisconsin prisoners. If the contract involves the transfer of more than 10 prisoners in any fiscal year to any state or to any one political subdivision of another state, DOC may only enter into the contract if it is approved by the legislature by law or by the joint committee on finance.

This bill authorizes DOC to enter into contracts with private persons for the transfer and confinement of Wisconsin prisoners in another state.

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

2 20.410 (1) (a) *General program operations.* The amounts in the schedule to
3 operate institutions and, to provide field services and administrative services and to
4 provide reimbursement under 1997 Wisconsin Act (this act), section 12 (1) (a). No
5 payments may be made under this paragraph for payments in accordance with other
6 states party to the interstate corrections compact under s. 302.25.

7 **SECTION 2.** 20.410 (1) (ab) of the statutes is amended to read:

8 20.410 (1) (ab) (title) *Intergovernmental corrections Corrections agreements.*
9 The amounts in the schedule for payments made in accordance with contracts
10 entered into with other states party to the interstate corrections compact under s.
11 302.25, including payments in accordance with contracts entered into under s.
12 301.21, and for payments for placements in accordance with contracts under s. ss.
13 301.22 and 302.27.

14 **SECTION 3.** 20.410 (3) (hm) of the statutes is amended to read:

15 20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
16 and (hr), the amounts in the schedule for juvenile correctional services specified in
17 s. 301.26 (4) (c) and (d) and for the start-up, training and operating costs of the

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1 correctional institution authorized under 1997 Wisconsin Act ... (this act), section
2 12 (1) (a). All moneys received from the sale of surplus property, including vehicles,
3 from juvenile correctional institutions operated by the department, all moneys
4 received as payments in restitution of property damaged at juvenile correctional
5 institutions operated by the department, all moneys received from miscellaneous
6 services provided at a juvenile correctional institution operated by the department,
7 all moneys transferred under s. 301.26 (4) (cm), all moneys received under 1997
8 Wisconsin Act ... (this act), section 12 (1) (a) and, except as provided in par. (hr), all
9 moneys received in payment for juvenile correctional services specified in s. 301.26
10 (4) (d) and (dt) shall be credited to this appropriation account. If moneys generated
11 by the ~~monthly~~ daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional
12 costs, other than the start-up, training and operating costs of the correctional
13 institution authorized under 1997 Wisconsin Act ... (this act), section 12 (1) (a), by
14 2% or more, all moneys in excess of that 2% shall be remitted to the counties during
15 the subsequent calendar year or transferred to the appropriation account under par.
16 (kx) during the subsequent fiscal year. Each county and the department shall receive
17 a proportionate share of the remittance and transfer depending on the total number
18 of days of placement at juvenile correctional institutions. Counties shall use the
19 funds for purposes specified in s. 301.26. The department shall deposit in the general
20 fund the amounts transferred under this paragraph to the appropriation account
21 under par. (kx).

22 **SECTION 4.** 301.22 of the statutes is created to read:

23 **301.22 Contracts with private persons for the transfer and**
24 **confinement of Wisconsin prisoners in other states. (1)** The department may
25 enter into one or more contracts with a private person for the transfer and

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1 confinement in another state of prisoners who have been committed to the custody
2 of the department. Any such contract shall provide for all of the following:

3 (a) A termination date.

4 (b) Provisions concerning the costs of prisoner maintenance, extraordinary
5 medical and dental expenses and any participation in or receipt by prisoners of
6 rehabilitative or correctional services, facilities, programs or treatment, including
7 those costs not reasonably included as part of normal maintenance.

8 (c) Provisions concerning any participation in programs of prisoner
9 employment, if any, the disposition or crediting of any payments received by
10 prisoners on account of employment, and the crediting of proceeds from or disposal
11 of any products resulting from employment.

12 (d) Delivery and retaking of prisoners.

13 (e) Regular reporting procedures concerning Wisconsin prisoners by the
14 private person with which the department is contracting.

15 (f) Provisions concerning procedures for probation, parole and discharge.

16 (g) The same standards of reasonable and humane care as the prisoners would
17 receive in an appropriate Wisconsin institution.

18 (h) Any other matters as are necessary and appropriate to fix the obligations,
19 responsibilities and rights of Wisconsin and the private person with which the
20 department is contracting.

21 **(2)** While in an institution in another state covered by a contract under this
22 section, Wisconsin prisoners are subject to all provisions of law and regulation
23 concerning the confinement of persons in that institution under the laws of that
24 state.

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1 **(3)** Any hearing to consider parole to which a prisoner confined under a
2 contract under this section may be entitled by the laws of Wisconsin shall be
3 conducted by the Wisconsin parole commission under rules of the department.

4 **(4)** Sections 16.75 and 301.08 (2) do not apply to contracts entered into under
5 this section.

6 **(5)** The provisions of any contract entered into under this section are severable.
7 If any provision of such a contract is invalid, or if the application of a provision of the
8 contract to any person or circumstance is invalid, the invalidity does not affect other
9 provisions or applications that can be given effect without the invalid provision or
10 application.

11 **SECTION 5.** 301.46 (2) (e) of the statutes, as created by 1995 Wisconsin Act 440,
12 is amended to read:

13 301.46 **(2)** (e) A police chief or sheriff may provide any of the information to
14 which he or she has access under this subsection, other than information specified
15 in subs. (4) (ag) and (5) (c), to an entity in the police chief's community or the sheriff's
16 county that is entitled to request information under sub. (4) or to ~~any person~~
17 ~~requesting information under sub. (5)~~ the general public if, in the opinion of the police
18 chief or sheriff, providing that information is necessary to protect the public.

19 **SECTION 6.** 301.46 (2m) (c) of the statutes, as created by 1995 Wisconsin Act
20 440, is amended to read:

21 301.46 **(2m)** (c) A police chief or sheriff who receives a bulletin under this
22 subsection may provide any of the information in the bulletin, other than
23 information specified in subs. (4) (ag) and (5) (c), to an entity in the police chief's
24 community or the sheriff's county that is entitled to request information under sub.
25 (4) or to ~~any person requesting information under sub. (5)~~ the general public if, in the

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1 opinion of the police chief or sheriff, providing that information is necessary to
2 protect the public.

3 **SECTION 7.** 302.01 of the statutes is amended to read:

4 **302.01 State prisons named and defined.** The penitentiary at Waupun is
5 named "Waupun Correctional Institution". The correctional treatment center at
6 Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay
7 is named "Green Bay Correctional Institution". The medium/maximum penitentiary
8 at Portage is named "Columbia Correctional Institution". The medium security
9 institution at Oshkosh is named "Oshkosh Correctional Institution". The medium
10 security penitentiary near Fox Lake is named "Fox Lake Correctional Institution".
11 The penitentiary at Taycheedah is named "Taycheedah Correctional Institution".
12 The medium security penitentiary at Plymouth is named "Kettle Moraine
13 Correctional Institution". The penitentiary at the village of Sturtevant in Racine
14 county is named "Racine Correctional Institution". The resource facility at Oshkosh
15 is named "Wisconsin Resource Center". The institutions named in this section, the
16 correctional institutions authorized under s. 301.16 (1n) or (1o), correctional
17 institution authorized under 1997 Wisconsin Act ... (this act), section 12 (1) (a),
18 correctional institution authorized under s. 301.046 (1), correctional institution
19 authorized under s. 301.048 (4) (b), minimum security correctional institutions
20 authorized under s. 301.13, and state-local shared correctional facilities when
21 established under s. 301.14, are state prisons.

22 **SECTION 8.** 302.02 (3t) of the statutes is amended to read:

23 302.02 (3t) (title) ~~OTHER STATES' INSTITUTIONS~~ INSTITUTIONS LOCATED IN OTHER
24 STATES. For all purposes of discipline and for judicial proceedings, each institution
25 of that is located in another state ~~or of a political subdivision of another state~~ and

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1 authorized for use under s. 301.21 or 301.22 and the precincts ~~thereof~~ of the
2 institution shall be deemed to be in a county in which the institution is physically
3 located, and the courts of that county shall have jurisdiction of any activity, wherever
4 located, conducted by the institution.

5 **SECTION 9.** 303.01 (2) (em) of the statutes is repealed and recreated to read:

6 303.01 (2) (em) Lease space, with or without equipment, within the precincts
7 of state prisons, as specified in s. 302.02, or within the confines of correctional
8 institutions operated by the department for holding in secure custody persons
9 adjudged delinquent, to not more than 11 private businesses to employ prison
10 inmates and institution residents to manufacture products or components or to
11 provide services for sale on the open market. The department shall comply with s.
12 16.75 in selecting businesses under this paragraph. The department shall consult
13 with appropriate trade organizations and labor unions prior to issuing requests for
14 proposals and prior to selecting proposals under this paragraph. Each such private
15 business may conduct its operations as a private business, subject to the wage
16 standards under sub. (4), the disposition of earnings under sub. (8), the requirements
17 for notification and hearing under sub. (1) (c), the requirement for prison industries
18 board approval under s. 303.015 (1) (b) and the authority of the department to
19 maintain security and control in its institutions. The private business and its
20 operations are not a prison industry. Inmates employed by the private business are
21 not subject to the requirements of inmates participating in prison industries, except
22 as provided in this paragraph;

23 **SECTION 10.** 1995 Wisconsin Act 352, section 135 (2) (title) is repealed.

24 **SECTION 11.** 1995 Wisconsin Act 352, section 135 (2) is renumbered 301.03 (11)
25 of the statutes and amended to read:

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1 301.03 (11) ~~Before July 1, 1997, the department of corrections shall administer~~
2 ~~section 301.02 of the statutes, section 301.03 (9) of the statutes, as affected by 1995~~
3 ~~Wisconsin Act 77, section 301.03 (9r) of the statutes, as created by 1995 Wisconsin~~
4 ~~Act 77, section 301.03 (10) of the statutes, as affected by 1995 Wisconsin Acts 27 and~~
5 ~~77, and chapter 938 of the statutes, as created by 1995 Wisconsin Act 77, Administer~~
6 ~~subs. (9), (9r) and (10), s. 301.02 and ch. 938 according to policies and procedures~~
7 ~~established by that the department, but not promulgated as rules, notwithstanding~~
8 ~~the absence of until such time as the department promulgates rules to administer~~
9 ~~those sections and that chapter subs. (9), (9r) and (10), s. 301.02 and ch. 938.~~

SECTION 12. Nonstatutory provisions.

11 (1) TEMPORARY PLACEMENT OF YOUNG ADULT OFFENDERS.

12 (a) Notwithstanding 1995 Wisconsin Act 27, section 9126 (23) and (26v), the
13 department of corrections may, from July 1, 1997, until July 1, 1998, operate the
14 juvenile secured correctional facility authorized under 1995 Wisconsin Act 27,
15 section 9126 (26v) as a state prison named in section 302.01 of the statutes, as
16 affected by this act, for the placement of prisoners, as defined in section 301.01 (2)
17 of the statutes, who are young adults. The secretary of corrections may direct the
18 division of adult institutions in the department of corrections and the division of
19 juvenile correctional services in that department to enter into an intra-agency
20 agreement for the use of that secured correctional facility as a state prison. The
21 agreement shall require the division of adult institutions in the department of
22 corrections to reimburse the division of juvenile correctional services in that
23 department, from the appropriation account under section 20.410 (1) (a) of the
24 statutes, as affected by this act, for the full cost of start-up and training in
25 preparation for operating that secured correctional facility as a state prison and for

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1 the full cost, not to exceed \$65 per person per day, of operating that secured
2 correctional facility as a state prison. The division of juvenile corrections in the
3 department of corrections shall deposit all moneys received under this paragraph in
4 the appropriation account under section 20.410 (3) (hm) of the statutes, as affected
5 by this act, and use those moneys for the start-up, training and operating costs of
6 the state prison authorized under this subsection.

7 (b) For all purposes of discipline and for judicial proceedings, the correctional
8 institution authorized under paragraph (a) and the precincts thereof shall be deemed
9 to be in Crawford County, and the courts of that county shall have jurisdiction of all
10 crimes committed within that county. Every activity conducted under the
11 jurisdiction of and by the institution, wherever located, is a precinct of the
12 institution; and each precinct is part of the institution.

SECTION 13. Appropriation changes.

14 (1) TEMPORARY PLACEMENT OF YOUNG ADULT OFFENDERS. In the schedule under
15 section 20.005 (3) of the statutes for the appropriation to the department of
16 corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995
17 and 1997, the dollar amount is increased by \$1,419,600 for fiscal year 1996-97 to
18 increase funding for reimbursing the division of juvenile correctional services in that
19 department for the cost of start-up and training in preparation for operating the
20 state prison authorized under SECTION 12 (1) (a) of this act.

21 (2) CORRECTIONAL BARRACKS; GENERAL PROGRAM OPERATIONS; POSITION INCREASES.

22 (a) There is transferred from the appropriation account to the department of
23 corrections under section 20.410 (1) (m) of the statutes, as affected by the acts of 1995
24 and 1997, to the appropriation account to the department of corrections under

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1 section 20.410 (1) (a) of the statutes, as affected by the acts of 1995 and 1997,
2 \$1,419,200 in fiscal year 1996-97.

3 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
4 to the department of corrections under section 20.410 (1) (a) of the statutes, as
5 affected by the acts of 1995 and 1997, the dollar amount is increased by \$1,419,200
6 for fiscal year 1996-97 to fund the operation of 4 new correctional barracks to be
7 opened in April 1997, to fund 3 new correctional barracks to be opened on July 1,
8 1997, and to increase the authorized FTE positions for the department by 146.78
9 GPR positions on April 1, 1997.

10 (3) CORRECTIONAL BARRACKS; OPERATIONS. In the schedule under section 20.005
11 (3) of the statutes for the appropriation to the department of corrections under
12 section 20.410 (1) (a) of the statutes, as affected by the acts of 1995 and 1997, the
13 dollar amount is increased by \$1,045,400 for fiscal year 1996-97 to fund the
14 operation of 4 new correctional barracks to be opened in April 1997 and 3 new
15 correctional barracks to be opened on July 1, 1997.

16 (4) CORRECTIONAL BARRACKS; ENERGY COSTS. In the schedule under section 20.005
17 (3) of the statutes for the appropriation to the department of corrections under
18 section 20.410 (1) (f) of the statutes, as affected by the acts of 1995 and 1997, the
19 dollar amount is increased by \$19,600 for fiscal year 1996-97 for the purpose for
20 which the appropriation is made.

21 (5) CORRECTIONAL BARRACKS; REPAIRS AND MAINTENANCE. In the schedule under
22 section 20.005 (3) of the statutes for the appropriation to the department of
23 corrections under section 20.410 (1) (aa) of the statutes, as affected by the acts of 1995
24 and 1997, the dollar amount is increased by \$4,900 for fiscal year 1996-97 for the
25 purpose for which the appropriation is made.

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1 (6) FIELD SUPERVISION; CHALLENGE INCARCERATION PROGRAM.

2 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
3 to the department of corrections under section 20.410 (1) (b) of the statutes, as
4 affected by the acts of 1995 and 1997, the dollar amount is increased by \$15,200 for
5 fiscal year 1996-97 for the purpose for which the appropriation is made and to
6 increase the authorized FTE positions for the department by 1.0 GPR position on
7 April 1, 1997.

8 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
9 to the department of corrections under section 20.410 (1) (b) of the statutes, as
10 affected by the acts of 1997, the dollar amount is increased by \$30,900 for fiscal year
11 1997-98 and the dollar amount is increased by \$30,900 for fiscal year 1998-99 for
12 the purpose for which the appropriation is made.

13 (7) PURCHASE OF SERVICES; CHALLENGE INCARCERATION PROGRAM.

14 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
15 to the department of corrections under section 20.410 (1) (d) of the statutes, as
16 affected by the acts of 1995 and 1997, the dollar amount is increased by \$35,400 for
17 fiscal year 1996-97 for the purpose for which the appropriation is made.

18 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
19 to the department of corrections under section 20.410 (1) (d) of the statutes, as
20 affected by the acts of 1997, the dollar amount is increased by \$141,600 for fiscal year
21 1997-98 and the dollar amount is increased by \$141,600 for fiscal year 1998-99 for
22 the purpose for which the appropriation is made.

23 (8) INTERGOVERNMENTAL CORRECTIONS AGREEMENTS. In the schedule under
24 section 20.005 (3) of the statutes for the appropriation to the department of
25 corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of 1995

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1 and 1997, the dollar amount is decreased by \$2,271,700 for fiscal year 1996-97 to
2 reflect a reduction in the number of prison beds contracted for outside of this state.

3 **SECTION 14. Effective dates.** This act takes effect on the day after
4 publication, except as follows:

5 (1) The treatment of section 301.46 (2) (e) and (2m) (c) of the statutes takes
6 effect on June 1, 1997.

7 (2) SECTION 13 (6) (b) and (7) (b) of this act takes effect on October 1, 1997.

8 (END)