



1997 SENATE BILL 112

March 11, 1997 - Introduced by COMMITTEE ON HEALTH, HUMAN SERVICES, AGING, CORRECTIONS, VETERANS AND MILITARY AFFAIRS. Referred to Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

- 1 **AN ACT to amend** 20.410 (1) (a), 20.410 (3) (hm) and 302.01 of the statutes;
2 **relating to:** the temporary placement of young adult offenders at a juvenile
3 secured correctional facility 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 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.

In addition, the bill provides makes appropriation increases, decreases and transfers to do all of the following:

1. To fund the operation of 4 new correctional barracks to be opened in April, 1997, to fund 3 new correctional barracks to be opened on July 1, 1997, and to

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increase the authorized FTE positions for DOC by 146.78 GPR positions on April 1, 1997.

2. To fund increased costs relating to energy and repairs and maintenance for the correctional barracks.

3. To fund increased costs relating to field supervision of persons in the challenge incarceration program.

4. To fund increased costs relating to the purchase of services in the challenge incarceration 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.** 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 4 (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 (3) (hm) of the statutes is amended to read:

8 20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
9 and (hr), the amounts in the schedule for juvenile correctional services specified in
10 s. 301.26 (4) (c) and (d) and for the start-up, training and operating costs of the
11 correctional institution authorized under 1997 Wisconsin Act (this act), section
12 4 (1) (a). All moneys received from the sale of surplus property, including vehicles,
13 from juvenile correctional institutions operated by the department, all moneys
14 received as payments in restitution of property damaged at juvenile correctional
15 institutions operated by the department, all moneys received from miscellaneous
16 services provided at a juvenile correctional institution operated by the department,
17 all moneys transferred under s. 301.26 (4) (cm), all moneys received under 1997

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

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

16 **302.01 State prisons named and defined.** The penitentiary at Waupun is
17 named "Waupun Correctional Institution". The correctional treatment center at
18 Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay
19 is named "Green Bay Correctional Institution". The medium/maximum penitentiary
20 at Portage is named "Columbia Correctional Institution". The medium security
21 institution at Oshkosh is named "Oshkosh Correctional Institution". The medium
22 security penitentiary near Fox Lake is named "Fox Lake Correctional Institution".
23 The penitentiary at Taycheedah is named "Taycheedah Correctional Institution".
24 The medium security penitentiary at Plymouth is named "Kettle Moraine
25 Correctional Institution". The penitentiary at the village of Sturtevant in Racine

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1 county is named "Racine Correctional Institution". The resource facility at Oshkosh
2 is named "Wisconsin Resource Center". The institutions named in this section, the
3 correctional institutions authorized under s. 301.16 (1n) or (1o), correctional
4 institution authorized under 1997 Wisconsin Act ... (this act), section 4 (1) (a),
5 correctional institution authorized under s. 301.046 (1), correctional institution
6 authorized under s. 301.048 (4) (b), minimum security correctional institutions
7 authorized under s. 301.13, and state-local shared correctional facilities when
8 established under s. 301.14, are state prisons.

SECTION 4. Nonstatutory provisions.

(1) TEMPORARY PLACEMENT OF YOUNG ADULT OFFENDERS.

11 (a) Notwithstanding 1995 Wisconsin Act 27, section 9126 (23) and (26v), the
12 department of corrections may, from July 1, 1997, until July 1, 1998, operate the
13 juvenile secured correctional facility authorized under 1995 Wisconsin Act 27,
14 section 9126 (26v) as a state prison named in section 302.01 of the statutes, as
15 affected by this act, for the placement of prisoners, as defined in section 301.01 (2)
16 of the statutes, who are young adults. The secretary of corrections may direct the
17 division of adult institutions in the department of corrections and the division of
18 juvenile correctional services in that department to enter into an intra-agency
19 agreement for the use of that secured correctional facility as a state prison. The
20 agreement shall require the division of adult institutions in the department of
21 corrections to reimburse the division of juvenile correctional services in that
22 department, from the appropriation account under section 20.410 (1) (a) of the
23 statutes, as affected by this act, for the full cost of start-up and training in
24 preparation for operating that secured correctional facility as a state prison and for
25 the full cost, not to exceed \$65 per person per day, of operating that secured

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1 correctional facility as a state prison. The division of juvenile corrections in the
2 department of corrections shall deposit all moneys received under this paragraph in
3 the appropriation account under section 20.410 (3) (hm) of the statutes, as affected
4 by this act, and use those moneys for the start-up, training and operating costs of
5 the state prison authorized under this subsection.

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

SECTION 5. Appropriation changes.

12 (1) TEMPORARY PLACEMENT OF YOUNG ADULT OFFENDERS. In the schedule under
13 section 20.005 (3) of the statutes for the appropriation to the department of
14 corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995
15 and 1997, the dollar amount is increased by \$1,419,600 for fiscal year 1996-97 to
16 increase funding for reimbursing the division of juvenile correctional services in that
17 department for the cost of start-up and training in preparation for operating the
18 state prison authorized under SECTION 4 (1) (a) of this act.

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

20 (a) There is transferred from the appropriation account to the department of
21 corrections under section 20.410 (1) (m) of the statutes, as affected by the acts of 1995
22 and 1997, to the appropriation account to the department of corrections under
23 section 20.410 (1) (a) of the statutes, as affected by the acts of 1995 and 1997,
24 \$1,419,200 in fiscal year 1996-97.
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1 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
2 to the department of corrections under section 20.410 (1) (a) of the statutes, as
3 affected by the acts of 1995 and 1997, the dollar amount is increased by \$1,419,200
4 for fiscal year 1996-97 to fund the operation of 4 new correctional barracks to be
5 opened in April 1997, to fund 3 new correctional barracks to be opened on July 1,
6 1997, and to increase the authorized FTE positions for the department by 146.78
7 GPR positions on April 1, 1997.

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

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

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

24 (6) FIELD SUPERVISION; CHALLENGE INCARCERATION PROGRAM.

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

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

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

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

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

22 (8) INTERGOVERNMENTAL CORRECTIONS AGREEMENTS. In the schedule under
23 section 20.005 (3) of the statutes for the appropriation to the department of
24 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 6. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) SECTION 5 (6) (b) and (7) (b) of this act takes effect on October 1, 1997.

6 (END)