



1997 SENATE BILL 486

March 4, 1998 - Introduced by Senators PLACHE, CLAUSING and RISSER, cosponsored by Representatives R. YOUNG, BALDWIN, BOCK, BOYLE, HANSON, KRUG, J. LEHMAN, MURAT, NOTESTEIN, RILEY, DUEHOLM and TURNER. Referred to Joint committee on Finance.

- 1 **AN ACT to create** 13.0975 of the statutes; **relating to:** prison impact assessments
2 and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law prohibits legislative action on most legislative bills until a fiscal estimate is prepared by the appropriate state agency. However, current law exempts a bill containing penalty provisions from this procedure if no other provision of the bill requires a fiscal estimate.

This bill requires the director of state courts to provide a prison impact assessment on any bill that creates a felony (crime punishable by imprisonment in the state prison system) or modifies the period of imprisonment for a felony. The director has 21 days in which to prepare the assessment, beginning with the date on which the director receives a copy of an introduced bill from the legislative reference bureau or the date on which the bill requester asks for the assessment, whichever occurs first. The assessment includes probationer, prisoner and parolee population estimates; a fiscal estimate regarding the impact on prison construction and operation; an analysis of the impact on prosecutors, the state public defender and the courts; and a description of the assumptions and methodologies that were used to prepare the assessment. The bill prohibits legislative action on the bill until the assessment is prepared. In addition, the director must prepare a yearly total prison impact assessment. The department of corrections and the circuit courts must help the director by providing him or her with relevant information.

SENATE BILL 486

For further information see the *state* 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.** 13.0975 of the statutes is created to read:

2 **13.0975 Prison impact assessments. (1)** In this section, “prison” means a
3 state prison described under s. 302.01.

4 **(2)** The director of state courts shall prepare a prison impact assessment for
5 any bill that creates a felony or modifies the period of imprisonment for a felony.
6 Except as otherwise provided by the joint rules of the legislature, the director shall
7 prepare the assessment within 21 calendar days after the date on which the director
8 receives a copy of a bill under sub. (4) or the date on which the director receives a
9 request to prepare the assessment from the bill requester, whichever occurs first.
10 The assessment shall contain all of the following:

11 (a) Projections of the impact on statewide probationer, prisoner and parolee
12 populations.

13 (b) An estimate of the fiscal impact of population changes under par. (a) on state
14 expenditures, including expenditures for the construction and operation of state
15 prisons for the current fiscal year and the 5 succeeding fiscal years.

16 (c) An analysis of any significant factor, not covered in complying with pars. (a)
17 and (b), affecting the cost of the bill and the factor’s impact on prosecutors, the state
18 public defender and courts.

19 (d) A statement of the methodologies and assumptions that the director used
20 in preparing the assessment.

SENATE BILL 486

1 **(3)** The legislature shall reproduce and distribute assessments under sub. (2)
2 in the same manner as it reproduces and distributes amendments.

3 **(4)** A bill that requires an assessment by the director of state courts under this
4 section shall have that requirement noted on its jacket when the jacket is prepared.
5 When a bill that requires an assessment under this section is introduced, the
6 legislative reference bureau shall submit a copy of the bill to the director.

7 **(5)** No public hearing before a standing committee may be held and no
8 committee vote may be taken regarding any bill described in sub. (2) unless the
9 assessment under sub. (2) has been prepared.

10 **(6)** Annually, by March 1, the director of state courts shall submit to the
11 legislature under s. 13.172 (2) a prison impact assessment reflecting the cumulative
12 effect of all relevant changes in the statutes taking effect during the preceding
13 calendar year.

14 **(7)** The department of corrections shall provide the director of state courts with
15 information on current and past admissions and on length of time served as needed
16 by the director in order to prepare assessments under subs. (2) and (6).

17 **(8)** The circuit courts shall provide the director of state courts with information
18 to assist the director in preparing assessments under subs. (2) and (6).

19 **(9)** This section applies to bills introduced or requests for assessments made
20 on or after July 1, 1998.

21 **SECTION 2. Nonstatutory provisions.**

22 (1) **TRANSFER OF RECORDS.** The department of administration shall transfer all
23 records of the sentencing commission to the director of state courts as soon as
24 possible after the effective date of this paragraph.

25 **SECTION 3. Appropriation changes.**

