

1999 ASSEMBLY BILL 595

November 18, 1999 – Introduced by Representatives TURNER, BLACK, BOYLE, POCAN, CARPENTER, RYBA and YOUNG, cosponsored by Senators PLACHE and MOEN. Referred to Committee on Corrections and the Courts.

1 **AN ACT to repeal** 20.410 (1) (hm), 303.01 (2) (em), 303.01 (8) (c), 303.01 (8) (d),
2 303.01 (8) (e) and 303.06 (3); and **to amend** 20.410 (1) (gi), 20.410 (1) (km),
3 20.455 (5) (i), 108.07 (8) (b), 303.01 (8) (b) and 303.21 (1) (b) of the statutes;
4 **relating to:** private business prison employment program.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) may lease space within prisons and correctional institutions for children to not more than six private businesses to employ inmates and residents to manufacture products or components or provide services for sale on the open market. Current law also requires that the earnings of an inmate employed under this program be set aside for compensating victims of crimes, supporting the inmate's dependents and paying for the inmate's room and board, among other things.

This bill eliminates DOC's authorization for the private business prison employment program. The bill also directs DOC to terminate the contracts to which it is a party under this program by June 30, 2001.

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:

ASSEMBLY BILL 595**SECTION 1**

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) shall be credited to this appropriation
7 account.

8 **SECTION 2.** 20.410 (1) (hm) of the statutes is repealed.

9 **SECTION 3.** 20.410 (1) (km) of the statutes is amended to read:

10 20.410 **(1)** (km) *Prison industries.* The amounts in the schedule for the
11 establishment and operation of prison industries, ~~but not including the program~~
12 ~~under s. 303.01 (2) (em).~~ All moneys received from prison industries sales shall be
13 credited to this appropriation. All moneys credited to this appropriation shall be
14 expended first for the purpose under par. (ko). No expenditure may be made from this
15 appropriation for the construction of buildings or purchase of equipment for new
16 prison industries, except upon approval of the joint committee on finance after a
17 determination that the moneys are needed and that no other appropriation is
18 available for that purpose.

19 **SECTION 4.** 20.455 (5) (i) of the statutes is amended to read:

20 20.455 **(5)** (i) *Victim compensation, inmate payments.* All moneys received
21 under s. 303.06 (2) and ~~(3)~~ for the administration of ch. 949 and for crime victim
22 compensation payments or services.

23 **SECTION 5.** 108.07 (8) (b) of the statutes is amended to read:

24 108.07 **(8)** (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,
25 and has employment with an employer other than the department of corrections or

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1 ~~a private business leasing space within a state prison under s. 303.01 (2) (em), and~~
2 the claimant's employment terminates because conditions of incarceration or
3 supervision make it impossible to continue the employment, the department shall
4 charge to the fund's balancing account any benefits based on the terminated
5 employment that are otherwise chargeable to the account of an employer that is
6 subject to the contribution requirements under ss. 108.17 and 108.18.

7 **SECTION 6.** 303.01 (2) (em) of the statutes is repealed.

8 **SECTION 7.** 303.01 (8) (b) of the statutes is amended to read:

9 303.01 **(8)** (b) The department shall distribute earnings of an inmate or
10 resident, ~~other than an inmate or resident employed under sub. (2) (em),~~ for the crime
11 victim and witness assistance surcharge under s. 973.045 (4), for the delinquency
12 victim and witness assistance surcharge under s. 938.34 (8d) (c), for the
13 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance
14 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or
15 resident's dependents and for other obligations either acknowledged by the inmate
16 or resident in writing or which have been reduced to judgment that may be satisfied
17 according to law.

18 **SECTION 8.** 303.01 (8) (c) of the statutes is repealed.

19 **SECTION 9.** 303.01 (8) (d) of the statutes is repealed.

20 **SECTION 10.** 303.01 (8) (e) of the statutes is repealed.

21 **SECTION 11.** 303.06 (3) of the statutes is repealed.

22 **SECTION 12.** 303.21 (1) (b) of the statutes is amended to read:

23 303.21 **(1)** (b) Inmates are included under par. (a) if they are participating in
24 a structured work program away from the institution grounds under s. 302.15 or a
25 secure work program under s. 303.063. Inmates are not included under par. (a) if

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1 they are employed in a prison industry under s. 303.06 (2), participating in a work
2 release program under s. 303.065 (2), ~~participating in employment with a private~~
3 ~~business under s. 303.01 (2) (em)~~ or participating in the transitional employment
4 program, but they are eligible for worker's compensation benefits under ch. 102.
5 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are
6 eligible for worker's compensation benefits under ch. 102.

7 **SECTION 13. Nonstatutory provisions.**

8 (1) In this section, "prison contract" means a contract, under section 303.01 (2)
9 (em), 1997 stats., between the department of corrections and a private business.

10 (2) Notwithstanding section 303.01 (2) (em), 1997 stats., beginning on the
11 effective date of this subsection, the department of corrections may not enter into,
12 renew or extend a prison contract.

13 (3) The department of corrections shall take all steps necessary, consistent with
14 the terms of the contract, to terminate each prison contract no later than June 30,
15 2001.

16 **SECTION 14. Effective date.**

17 (1) This act takes effect on July 1, 2001.

18 (END)