

1999 SENATE BILL 120

April 21, 1999 – Introduced by Senators RISSER, DECKER, MOORE, ROESSLER, ROBSON, PLACHE and COWLES, cosponsored by Representatives POCAN, BERCEAU, BLACK, JOHNSRUD, BOYLE, TRAVIS, MILLER, COLON, GRONEMUS, BOCK, HUBER, RICHARDS, MUSSER, CARPENTER, RILEY, COGGS, LASSA and GROTHMAN. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

1 **AN ACT to create** 13.0975 of the statutes; **relating to:** prison impact
2 assessments.

Analysis by the Legislative Reference Bureau

Current law provides that a fiscal estimate be prepared for most legislative bills. A fiscal estimate for a bill 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 provides that the director of state courts must provide a prison impact assessment for any bill or bill draft 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 requester of the bill draft asks for the assessment, whichever occurs first. The assessment includes estimates of the population of prisoners, probationers, parolees and persons on extended supervision; 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 provides that no legislative action on the bill or bill draft may be taken until the assessment is prepared. In addition, the director must prepare a yearly total prison impact assessment. The department of corrections, the office of justice assistance in the department of administration and the circuit courts must help the director by providing him or her with relevant information.

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

12 (a) Projections of the impact on statewide populations of prisoners,
13 probationers, parolees and persons on extended supervision.

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

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

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

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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 draft that requires an assessment by the director of state courts under
4 this section shall have that requirement noted on its jacket when the jacket is
5 prepared. When a bill that requires an assessment under this section is introduced,
6 the 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 or bill draft described in sub. (2)
9 unless the 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 and the office of justice assistance in the department of
18 administration shall provide the director of state courts with information to assist
19 the director in preparing assessments under subs. (2) and (6).

20 **(9)** This section applies to bills introduced or requests for assessments for bill
21 drafts made on or after July 1, 2000.

22 **SECTION 2. Nonstatutory provisions.**

