

**1999 DRAFTING REQUEST**

**Bill**

Received: **03/2/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Glenn**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Correctional System - misc  
Legislature - miscellaneous**

Extra Copies: **PJD**

**Pre Topic:**

No specific pre topic given

**Topic:**

Prison impact assessments

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewcd</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 03/8/99	chanaman 03/8/99		_____			State
/P1	olsenje 03/8/99		jfrantze 03/8/99	_____	lrb_docadmin 03/8/99		State
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/1	olsenje 04/6/99	chanaman 04/6/99	hhagen 04/6/99	_____	lrb_docadmin 04/6/99	lrb_docadmin 04/6/99	

4/6/99 4:39:43 PM  
Page 2

FE Sent För:

04-21-99

<END>

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Received: 03/2/99

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Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glenn**

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*Risser*

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			<del>4/16</del>	<del>4/16</del>			

FE Sent For:

<END>

*Jacket "1" for  
SENATE & send  
to RISSER  
JEO*

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Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glenn**

This file may be shown to any legislator: **NO**

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May Contact:

Alt. Drafters:

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Legislature - miscellaneous**

Extra Copies: **PJD**

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1?	olsenje	cmh 1/21 3/9	3/8	3/8			

FE Sent For:

<END>

RAC  
2

**LEGISLATIVE REFERENCE BUREAU**

**BILL REQUEST FORM**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
(608) 266-3561

2377

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.  
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 2/22	Legislator or agency requesting this draft: Rep Rocan
Name/phone number of person submitting request: Glenn → 266-8570	
Persons to contact for questions about this draft (names and phone numbers please): Glenn	
Describe the problem, including any helpful examples. How do you want to solve the problem? Create a 'prison impact statement'	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy. Attached	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

**Requests are confidential unless stated otherwise.**

May we tell others that we are working on this for you?  YES  NO

If yes, anyone who asks?  YES  NO

Any legislator?  YES  NO  ONLY the following persons:

Do you consider this urgent?  YES  NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES  NO If yes, please sign your name here:

Download this document in MS Word 97 format

H.266

Introduced by Representative Emmons of Springfield

Referred to Committee on

Date:

Subject: Crimes; legislative process; corrections

Statement of purpose: This bill proposes to require the joint fiscal office, after consultation with the department of corrections and the Vermont center for justice research, to prepare a prison impact statement for any bill that proposes to add a new crime to the Vermont statutes or to increase the penalty for an existing crime.

AN ACT RELATING TO A LEGISLATIVE PRISON IMPACT STATEMENT

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 2 V.S.A. § 407 is added to read:

§ 407. PRISON IMPACT STATEMENT

For each new legislative bill that proposes to add to the Vermont statutes a new crime or to increase the penalty for an existing crime, the joint fiscal office, in consultation with the department of corrections and the Vermont center for justice research, shall prepare a five-year projection of the number of inmates that will be added to the state prison system.

*3/19*  
*Per Jelma*  
*Follow*  
*Sent 97 AB 692*  
*sent Kalka out*

*DNate*

**1999 BILL**

2377/P1

*redraft maker  
not run*

*refer cat.*

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 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 prohibits legislative action on the bill or bill draft 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.

*the office of justice assistance  
in the department of administration*

**BILL**

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.



**BILL**

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 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 for bill  
20 drafts made on or after July 1, 2000.

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 subsection.

25 ~~SECTION 3. Appropriation changes.~~

and the office of  
justice assistance  
in the department  
of administration

**BILL**

1           (1) DIRECTOR OF STATE COURTS. In the schedule under section 20.005 (3) of the  
2 statutes for the appropriation to the supreme court under section 20.680 (2) (a) of the  
3 statutes, as affected by the acts of 1999, the dollar amount is increased by \$126,700  
4 for fiscal year 1999-00 and the dollar amount is increased by \$127,100 for fiscal year  
5 2000-01 to increase the authorized FTE positions for the supreme court by 2.0  
6 research analyst positions and 0.5 clerical position for services on behalf of the  
7 director of state courts and to provide property, services and supplies for the director  
8 of state courts.

9           **SECTION 4. Effective date.**

10           (1) This act takes effect on October 1, 1999, or on the day after publication,  
11 whichever is later.

12

(END)



DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2081/1dn  
JEO:cmh&jlg:hmh

Monday, February 8, 1999

2377/P1du

> Glenn:

This is a redraft of 1997 Assembly Bill 692. I advanced the date in proposed s. 13.0975 (9) by two years, to July 1, 2000. I also ~~changed the dates in the appropriation changes and in the effective date to take account of the next executive budget act.~~ You may want to check the dollar amounts in the appropriation changes to see whether they need any adjustment. Finally, I made a few minor language changes for the sake of clarity and to take into account the changes made by the "truth in sentencing" act.

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: Jefren.Olsen@legis.state.wi.us

In accordance with our discussion, I removed the appropriation change provisions. When you know the appropriation changes that are needed, the ~~bill~~ draft can be redrafted to include them or I can draft an amendment, whichever is appropriate.

Finally, I included language requiring the office of justice assistance in DDA to provide information to the state courts for purposes of preparing assessment.

Let me know if you have any questions or changes.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2377/P1dn  
JEO:cmh&jlg:jf

March 8, 1999

Glenn:

This is a redraft of 1997 Assembly Bill 692. I advanced the date in proposed s. 13.0975 (9) by two years, to July 1, 2000. I also made a few minor language changes for the sake of clarity and to take into account the changes made by the "truth in sentencing" act.

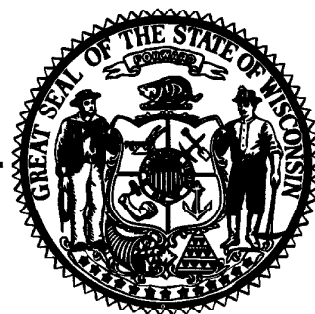
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Finally, I included language requiring the office of justice assistance in DOA to provide information to the state courts for purposes of preparing assessment.

Let me know if you have any questions or changes.

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: Jefren.Olsen@legis.state.wi.us

**FRED A. RISSER**  
President  
Wisconsin State Senate



To: Jeffren Olson  
Legislative Reference Bureau

From: Senate President Fred Risser

Date: April 5, 1999

RE: LRB 2377

*Ok per Glenn  
4/6*

I have received a copy of the draft of LRB 2377 from Representative Pocan. After speaking with him, we decided to have it introduced as a Senate Bill, therefore I am interested in having it jacketed for introduction in the Senate.

Based on the drafting notes that were included, I feel that this bill is ready to be presented to the legislature and the appropriation changes can be made via amendment at a later date.

Please feel free to contact Sarah Bridgeman in my office should you have any questions. (266-1627)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2377/P1

JEO:cmh&jlg:jf

See

D-Note

redraft  
noher run

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

repen cat

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

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A

provides that  
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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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22           **SECTION 2. Nonstatutory provisions.**





**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2377/1dn

JEO:.....

*cmj*

✓  
Proposed s. 13.0975 (5) provides that no public hearing may be held and no committee vote taken on a bill requiring a prison impact assessment until the assessment is prepared. This provision creates a rule of procedure under article IV, section 8, of the constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce the provision. In addition, if legislation is enacted using a procedure that contravenes the provision, the validity of the enactment is not affected.

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
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LRB-2377/1dn  
JEO:cmh:hmh

April 6, 1999

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