

1999 DRAFTING REQUEST

Bill

Received: **08/24/1999**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**

By/Representing: **Sean**

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

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - jails**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Jail processing assessment

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mdsida 10/01/1999	csicilia 10/08/1999	mclark 10/08/1999	_____	lrb_docadmin 10/11/1999		Local
	mdsida 10/11/1999			_____			
/1	mdsida 10/21/1999	ygeller 10/29/1999	mclark 10/29/1999	_____	lrb docadmin 10/29/1999	lrb_docadmin	Local

FE Sent For: **10/29/1999.**

7/1"

<END>

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	mdsida 10/11/1999	1 cs 10/28/99		_____			
		1 jlg 10/29	MRC 10/29	MRC/JF 10/29			
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/P1	mdsida	/P1 cjs 10/7 99	10/8 MRC	MRC/CJS 10/8			

FE Sent For:

<END>

OK to
submit
p-draft
MD

ROBERT L. COWLES

Wisconsin State Senate 2nd Senate District

Mike,

8/24

Enclosed is the newspaper article I was referring to.

Please pursue a bill draft for a one-time processing fee that does not exceed actual costs.

Thanks

—Sean

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Green Bay, WI 54301-2328
414-448-5092

Hotline: 1-800-334-1465 • TDD Hotline: 1-800-228-2115

Jail inmate fees may not require new state laws

The county's jail captain says inmates should do the time — and pay the dime

By Melanie Fonder
The News-Chronicle

Brown County may not have to push for state legislation after all if it wants to charge inmates in the County Jail a one-time processing fee.

Hitting inmates in the pocket-book for services other than basic food, medical and dental costs has been tossed around as a way to increase funds for the new \$36 million Brown County Jail.

Capt. Hugh Janssen attended a conference titled "Fees for Jail Services: Implementation Strategies" in Syracuse, N.Y., last week and said several states were able to charge inmates without a change in their states' laws.

"What I was led to believe was if the statute does not address it specifically — or prohibit it — this may be something enacted by a local ordinance. I'm thinking we may be able to do the processing fee without changing the statute," Janssen said.

The county's Executive Committee voted Aug. 9 to push for a change in state law to allow counties to collect more money from inmates.

Three choices were recommended and will go before

the County Board tonight:

- Increase the current jail assessment fee from 1 to 2 percent of the fine imposed for certain violations or \$30, whichever is more.
- Amend an existing law to allow for a one-time processing fee.
- Create a new law allowing the one-time fee.

Regardless of any statute changes, a \$30 processing fee may be a possibility, Janssen said.

Corporation Counsel Ken Bukowski said current law allows jails to charge a daily fee, but financial disclosure forms must be filled out for each inmate.

"Once these people leave, how are you ever going to collect it? Compare that to a one-time administrative fee that you take from them up front, and then you get away from the collection process," Bukowski said.

Janssen said Brown County is examining its choices at just the right time.

"I think we're probably — as far as the concept of billing inmates is concerned — we've come as far as anybody else has or are ahead."

Janssen said other possibilities for charging inmates could include fees for drug tests if they are positive, substance

abuse treatments and General Equivalency Degree programs.

Jail fees currently imposed are:

- \$13 per day for work-release.
- \$50 per hour for inmate escort services (limited release to attend an event such as a funeral).
- The cost for a second drug test if an inmate requests one.

FYI

BOARD VOTE TONIGHT

The Brown County Board will vote tonight on whether to request state legislation to provide prisoner reimbursements. The meeting is at 7:30 p.m. in the Legislative Room of the Green Bay City Hall, 100 N. Jefferson St.

FYI 2/11/93

Passed
32-0

Sanction?

Fit w/ Huber?

2

Actual costs? Indeterminate?

P/c to Sean -

He will talk w/ Brown Cty D.A +
get back to us

Mtg w/ Sean + Sara

Conf call to Hugh Jensen

banded out

keep ability to get \$ from previous stay

~~XXXXXXXXXX~~
~~XXXXXX~~



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3496/P1

MGD:Y.....

cjs

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert

Soon

get cost

1

AN ACT ...; relating to: prisoner reimbursement to county for ^{booking} intake costs.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the *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:

- 2 SECTION 1. 302.372 (1) (ad) of the statutes is created to read: and
- 3 302.372 (1) (ad) "Booking" includes fingerprinting, photographing, assessing ^{a person} ~~the~~ and
- 4 evaluating and collecting information from ^{a person} ~~the~~ person at the start of the person's
- 5 confinement in the county jail.
- 6 SECTION 2. 302.372 (1) (a) of the statutes is renumbered 302.372 (1) (ay).
- 7 SECTION 3. 302.372 (2) (a) (intro.) of the statutes is amended to read:
- 8 302.372 (2) (a) (intro.) Except as provided in pars. (c) ^{and}, (d) ^{and} (e), a county
- 9 may seek reimbursement for any expenses incurred by the county in relation to the

1 crime for which a person was sentenced to a county jail, or for which the person was
2 placed on probation and confined in jail, as follows:

3 History: 1995 a. 281; 1997 a. 191.

3 SECTION 4. 302.372 (2) (e) of the statutes is created to read:

4 302.372 (2) (e) A county may seek reimbursement for the costs it incurs in
5 booking a person only to the extent that those costs exceed the amount collected
6 under sub. (7).

7 SECTION 5. 302.372 (7) of the statutes is created to read:

8 302.372 (7) JAIL PROCESSING ASSESSMENT. (a) Except as provided in par. (c), a
9 county may collect a jail processing assessment from a person confined in a county
10 jail. The amount of the assessment shall not exceed the county's average booking
11 costs ^{per} ~~for~~ prisoner.

12 (b) If the jailer maintains an institutional account for a prisoner's use for payment
13 for items from canteen, vending or similar services, the jailer may deduct from that
14 account any jail processing assessments levied with respect to the prisoner's current
15 or past periods of confinement.

16 (c) A county may collect all or part of a jail processing assessment from a prisoner
17 under par. (a) only to the extent that the amount it collects under par. (a) plus any
18 amount collected under sub. (2) or s. 303.08 (5) ^(a) for reimbursement of the county's
19 costs in booking the prisoner does not exceed the county's actual costs in booking the
20 prisoner.

21 (d) Money collected under this subsection shall be deposited in the county treasury.

22 (END)

Insert
2-21

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

LRB-3496/P1dn

MGDO.....
~~R~~ 6
CJS

September 30, 1999

Sean and Sarah:

Under this draft, a prisoner who is confined in a county jail, released on bail, convicted and ultimately sentenced to a term of confinement in a county jail may be required to pay two separate jail processing assessments (one for each period of confinement). Is this okay?

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3496/P1ins

MGD. /.....

CJS

1 INSERT 2-21

2 **SECTION 1. Initial applicability.**

3 (1) This act first applies to prisoners whose ~~confinement~~ county jail begins
4 on the effective date of this subsection.

↑ WPD: Leave
as was
it is OK

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

LRB-3496/P1dn
MGD:cjs:mrc

October 8, 1999

Sean and Sarah:

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Michael Dsida
Legislative Attorney
Phone: (608) 266-9867



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3496/Pb

MGD:cjs:mrc

JG

3496/1

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SOON

Regen

1 AN ACT to renumber 302.372 (1) (a); to amend 302.372 (2) (a) (intro.); and to
2 create 302.372 (1) (ad), 302.372 (2) (e) and 302.372 (7) of the statutes; relating
3 to: prisoner reimbursement to county for booking costs.

ANAL ✓
(used) →

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~
For further information see the *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:

4 SECTION 1. 302.372 (1) (a) of the statutes is renumbered 302.372 (1) (ay).

5 SECTION 2. 302.372 (1) (ad) of the statutes is created to read:

6 302.372 (1) (ad) "Booking" includes fingerprinting, photographing, assessing
7 and evaluating a person and collecting information from the person at the start of
8 the person's confinement in the county jail.

9 SECTION 3. 302.372 (2) (a) (intro.) of the statutes is amended to read:

1 302.372 (2) (a) (intro.) Except as provided in pars. (c) ~~and~~, (d) and (e), a county
2 may seek reimbursement for any expenses incurred by the county in relation to the
3 crime for which a person was sentenced to a county jail, or for which the person was
4 placed on probation and confined in jail, as follows:

5 **SECTION 4.** 302.372 (2) (e) of the statutes is created to read:

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8 under sub. (7).

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10 302.372 (7) JAIL PROCESSING ASSESSMENT. (a) Except as provided in par. (c), a
11 county may collect a jail processing assessment from a person confined in a county
12 jail. The amount of the assessment shall not exceed the county's average booking
13 costs per prisoner.

14 (b) If the jailer maintains an institutional account for a prisoner's use for
15 payment for items from canteen, vending or similar services, the jailer may deduct
16 from that account any jail processing assessments levied with respect to the
17 prisoner's current or past periods of confinement.

18 (c) A county may collect all or part of a jail processing assessment from a
19 prisoner under par. (a) only to the extent that the amount it collects under par. (a)
20 plus any amount collected under sub. (2) or s. 303.08 (5) (a) for reimbursement of the
21 county's costs in booking the prisoner does not exceed the county's actual costs in
22 booking the prisoner.

23 (d) Money collected under this subsection shall be deposited in the county
24 treasury.

25 **SECTION 6. Initial applicability.**

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3496/lins

MGD:Y.....

ojs

1

ANALYSIS INSERT

Under current law, a county may obtain reimbursement, payable by a person sentenced to the county jail or confined in the county jail as a condition of probation, for certain expenses it incurs in confining the person. Among these expenses are the actual per-day costs of maintaining the prisoner in the county jail. The county may charge the prisoner for these costs and may make deductions from the prisoner's canteen account to cover the costs while the prisoner is confined. ← stat

This bill authorizes counties to recoup the cost of fingerprinting, photographing, assessing and evaluating a person and collecting information from the person ("booking") at the start of the person's confinement in the county jail. Under the bill, a county may charge each person confined in the county jail a jail processing assessment in an amount not exceeding the county's average booking costs per prisoner. A county may make deductions from a prisoner's canteen account to collect any unpaid jail processing assessment levied with respect to the prisoner's current or past periods of confinement. Money collected under the bill is to be deposited in the county treasury. stat

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

(end ins)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 10/29/1999

To: Senator Cowles

Relating to LRB drafting number: LRB-3496

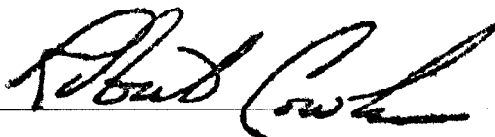
Topic

Jail processing assessment

Subject(s)

Correctional System - jails

1. JACKET the draft for introduction _____

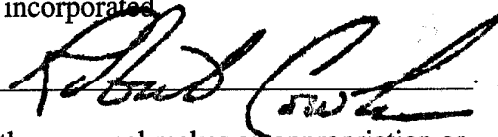


in the Senate or the Assembly _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. REDRAFT. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated

3. Obtain FISCAL ESTIMATE NOW, prior to introduction _____



If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Michael Dsida, Legislative Attorney
Telephone: (608) 266-9867