

1999 DRAFTING REQUEST

Bill

Received: **01/17/99**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-2213**

By/Representing: **Percy**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons**

Extra Copies:

Topic:

DOA:.....Percy - Prairie du Chien correctional facility for young adult male offenders

Instructions:

See Attached--extend for another 2 years authority to operate Prairie du Chien facility as correctional facility for young adult male offenders

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>
/?	malaigm 01/17/99	jgeller 01/18/99		_____			State
/1			jfrantze 01/19/99	_____	lrb_docadmin 01/19/99		State
/2	malaigm 01/26/99	wjackson 01/26/99	martykr 01/26/99	_____	lrb_docadmin 01/26/99		

FE Sent For:

<END>

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/?	malaigm 01/17/99	jgeller 01/18/99		_____			State
/1		1 WLj 1/26 1/2 jlg 1/26	jfrantze 01/19/99 dm 1/26	_____	lrb_docadmin 01/19/99		
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1/?	malaigm	1/18 jg	2/1/99	2/6/99 cmb 1/19			

FE Sent For:

<END>

Miller, Steve

From: Percy, Douglas [douglas.percy@doa.state.wi.us]
Sent: Saturday, January 16, 1999 11:02 AM
To: Malaise, Gordon
Cc: Miller, Steve
Subject: FW: PDC draft

Importance: High

Please draft this.

> -----Original Message-----

> From: Archer, Cindy

> Sent: Saturday, January 16, 1999 10:07 AM

> To: Percy, Douglas

> Cc: Coomber, Brett

> Subject: PDC draft

> Importance: High

>

> Doug, I think you should call LRB and have them do a separate draft that

> extends DOC's authority to operate PDC as is (youthful adult males) for an

> additional 2 years. Should be a simple draft -- just changing dates.

> Then we will drop whichever draft does not proceed. thanks

SOON

D>Note

1999 - 2000 LEGISLATURE

(1834/1)

LRB-1834/3
GMM:wj&jlg:ijs
stays

For young adult male offenders

DOA:.....Percy - Prairie du Chien correctional facility

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

extends that authority to September 1, 2001

1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau
CORRECTIONAL SYSTEM
ADULT CORRECTIONAL SYSTEM**

Under current law, the department of corrections (DOC), until July 1, 1999, may operate the juvenile secured correctional facility at Prairie du Chien as a state prison for nonviolent offenders under 21 years of age. This bill permits DOC to operate that facility as a state prison for female prisoners.

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:

2 SECTION 1. 20.410 (1) (ac) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 SECTION 2. 20.410 (3) (hm) of the statutes is amended to read:

4 20.410 (3) (hm) *Juvenile correctional services*. Except as provided in pars. (ho)
5 and (hr), the amounts in the schedule for juvenile correctional services specified in

1 s. 301.26 (4) (c) and (d) ~~and to operate the correctional institution authorized under~~
2 ~~1997 Wisconsin Act 4, section 4 (1) (a).~~ All moneys received from the sale of surplus
3 property, including vehicles, from juvenile correctional institutions operated by the
4 department, all moneys received as payments in restitution of property damaged at
5 juvenile correctional institutions operated by the department, all moneys received
6 from miscellaneous services provided at a juvenile correctional institution operated
7 by the department, all moneys transferred under s. 301.26 (4) (cm), ~~all moneys~~
8 ~~received under 1997 Wisconsin Act 27, section 9111 (2u)~~ and, except as provided in
9 par. (hr), all moneys received in payment for juvenile correctional services specified
10 in s. 301.26 (4) (d) and (dt) shall be credited to this appropriation account. If moneys
11 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year
12 institutional costs, ~~other than the cost of operating the correctional institution~~
13 ~~authorized under 1997 Wisconsin Act 4, section 4 (1) (a),~~ by 2% or more, all moneys
14 in excess of that 2% shall be remitted to the counties during the subsequent calendar
15 year or transferred to the appropriation account under par. (kx) during the
16 subsequent fiscal year. Each county and the department shall receive a
17 proportionate share of the remittance and transfer depending on the total number
18 of days of placement at juvenile correctional institutions including the Mendota
19 Juvenile Treatment Center. Counties shall use the funds for purposes specified in
20 s. 301.26. The department shall deposit in the general fund the amounts transferred
21 under this paragraph to the appropriation account under par. (kx).

22 **SECTION 3.** 46.22 (1) (c) 2. of the statutes is amended to read:

23 46.22 (1) (c) 2. Subdivision 1. does not authorize the county department of
24 social services to make investigations regarding admission to or release from the
25 Waupun correctional institution, the Columbia correctional institution, the Racine

1 correctional institution, the Racine Youthful Offender Correctional Facility, ~~the~~
2 ~~correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the~~
3 correctional institution authorized under s. 301.046 (1), the correctional institution
4 authorized under s. 301.048 (4) (b), the correctional institution authorized under s.
5 301.16 (1n), the Oshkosh correctional institution, the Green Bay correctional
6 institution, the Dodge correctional institution, the Taycheedah correctional
7 institution, the Prairie du Chien correctional institution, county houses of
8 correction, jails, detention homes or reforestation camps.

9 SECTION 4. 301.18 (1) (h) of the statutes is created to read:

10 301.18 (1) (h) Provide the facilities necessary for the Prairie du Chien
11 correctional institution under s. 301.16 (1t).

12 SECTION 5. 302.01 of the statutes is amended to read:

13 **302.01 State prisons named and defined.** The penitentiary at Waupun is
14 named "Waupun Correctional Institution". The correctional treatment center at
15 Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay
16 is named "Green Bay Correctional Institution". The medium/maximum penitentiary
17 at Portage is named "Columbia Correctional Institution". The medium security
18 institution at Oshkosh is named "Oshkosh Correctional Institution". The medium
19 security penitentiary near Fox Lake is named "Fox Lake Correctional Institution".
20 The penitentiary at Taycheedah is named "Taycheedah Correctional Institution".
21 The penitentiary at Prairie du Chien is named "Prairie du Chien Correctional
22 Institution". The medium security penitentiary at Plymouth is named "Kettle
23 Moraine Correctional Institution". The penitentiary at the village of Sturtevant in
24 Racine county is named "Racine Correctional Institution". The medium security
25 penitentiary at Racine is named "Racine Youthful Offender Correctional Facility".

1 The resource facility at Oshkosh is named "Wisconsin Resource Center". The
2 institutions named in this section, the correctional institution authorized under s.
3 301.16 (1n), ~~correctional institution authorized under 1997 Wisconsin Act 4, section~~
4 ~~4 (1) (a)~~, correctional institution authorized under s. 301.046 (1), correctional
5 institution authorized under s. 301.048 (4) (b), minimum security correctional
6 institutions authorized under s. 301.13, and state-local shared correctional facilities
7 when established under s. 301.14, are state prisons.

8 ~~SECTION 6. 973.013 (3) of the statutes is amended to read:~~
9 ~~973.013 (3) Female persons convicted of a felony may be committed to the~~
10 ~~Taycheedah correctional institution or the Prairie du Chien correctional institution~~
11 ~~unless they are subject to sub. (3m).~~

12 SECTION 7. 1997 Wisconsin Act 4, section 4 (1) (title) is repealed.

13 SECTION 8. 1997 Wisconsin Act 4, section 4 (1) (a), as last affected by 1997
14 Wisconsin Act 27, section 5510s, is renumbered 301.16 (1t) of the statutes and
15 amended to read: (plain) September 1, 2001 ✓

16 301.16 (1t) Notwithstanding 1995 Wisconsin Act 27, section 9126 (23) and
17 (26v), in addition to the institutions under sub. (1), the department of corrections
18 may, from July 1, 1997, until July 1, 1999, (plain) operate the juvenile secured correctional
19 facility, as defined in s. 938.02 (15m), authorized under 1995 Wisconsin Act 27,
20 section 9126 (26v), as a state prison named in section s. 302.01 of the statutes, as (plain)
21 affected by this act, for the placement of female prisoners, as defined in section
22 301.01 (2) of the statutes, who are not more than 21 years of age and who are not
23 violent offenders, as determined by the department of corrections. The state prison
24 under this subsection shall be known as the Prairie du Chien correctional institution.

25 SECTION 9. 1997 Wisconsin Act 4, section 4 (1) (b) is repealed.

1 SECTION 10. 1997 Wisconsin Act 27, section 9111 (2u) is repealed.

2 (END)

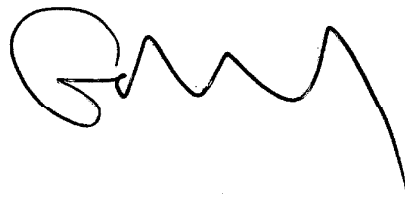
D-Note

Doug:

Please note the following two points about this draft:

#1. ~~That~~ That the draft resembles LRB-1395/3 insofar as the draft renumbers to the statutes the ~~an~~ nonstatutory provision authorizing DOC to operate the Prairie du Chien facility as a correctional facility for young adults. This is necessary because the extension of that authority by this draft extends that authority past July 1 of the even-numbered year of the biennium after the biennium in which the nonstatutory provision was created.

#2. That the draft extends the authority ~~to~~ not just to July 1, 2001, but to September 1, ²⁰⁰¹ ~~2001~~. This change should obviate for next session the retroactivity problem raised in LRB-1395/3 that is created by the budget not ordinarily being enacted until August of the odd-numbered year.



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

LRB-1834/1dn
GMM:wj&jlg:jf

January 19, 1999

Doug:

Please note the following two points about this draft:

1. That the draft resembles LRB-1395/3 insofar as the draft renumbers to the statutes the nonstatutory provision authorizing DOC to operate the Prairie du Chien facility as a correctional facility for young adults. This is necessary because the extension of that authority by this draft extends that authority past July 1 of the even-numbered year of the biennium after the biennium in which the nonstatutory provision was created.
2. That the draft extends the authority not just to July 1, 2001, but to September 1, 2001. This change should obviate for next session the retroactivity problem raised in LRB-1395/3dn that is created by the budget not ordinarily being enacted until August of the odd-numbered year.

Gordon M. Malaise
Senior Legislative Attorney
266-9738



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1834/12
GMM:wlj&jlg:jf RMR

SOON (Dust)

DOA:.....Percy - Prairie du Chien correctional facility for young adult male offenders

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT /... relating to: the budget.

Don't Gen Cat (circled) *July* (circled)

who are not more than (circled)

Analysis by the Legislative Reference Bureau
CORRECTIONAL SYSTEM
ADULT CORRECTIONAL SYSTEM

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21 Juvenile Treatment Center. Counties shall use the funds for purposes specified in
22 s. 301.26. The department shall deposit in the general fund the amounts transferred
23 ~~under this paragraph to the appropriation account under par. (kx)~~.

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9

1 46.22 (1) (c) 2. Subdivision 1. does not authorize the county department of
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 20 at Portage is named "Columbia Correctional Institution". The medium security
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 22 security penitentiary near Fox Lake is named "Fox Lake Correctional Institution".
 23 The penitentiary at Taycheedah is named "Taycheedah Correctional Institution".
 24 The penitentiary at Prairie du Chien is named "Prairie du Chien Correctional
 25 Institution". The medium security penitentiary at Plymouth is named "Kettle

1 SECTION 9. 1997 Wisconsin Act 27, section 9111 (2u) is repealed.

2 (END)

D-Note

12dm

authority to

¶ This redraft emphasizes the temporary nature of the use of the
 = Wisconsin correctional as a prison Facility for young adults by: 1) leaving that authority
 = in the nonstatutory provisions rather than renumbering it to the statutes;
 2) extending that authority for only ^{two} 2 years and no more (although
 the ~~retroactivity~~ ^{retroactivity} problem alluded to in LRB-1395/3dm will arise
 again 2 two years from now); and 3) leaving ^{funding of the} the operation
 of the facility in the juvenile correctional services appropriations

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1834/2dn
GMM:wlj&jlg:km

January 26, 1999

This redraft emphasizes the temporary nature of the authority to use the Prairie du Chien correctional facility as a prison for young adults by: 1) leaving that authority in the nonstatutory provisions rather than renumbering it to the statutes; 2) extending that authority for only two years and no more (although the retroactivity problem alluded to in LRB-1395/3dn will arise again two years from now); and 3) leaving the funding of the operation of the facility in the juvenile correctional services appropriation.

Gordon M. Malaise
Senior Legislative Attorney
266-9738



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1834/2
GMM:wlj&jlg:km

DOA:.....Percy - Prairie du Chien correctional facility for young adult male offenders

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, the department of corrections (DOC), until July 1, 1999, may operate the juvenile secured correctional facility at Prairie du Chien as a state prison for nonviolent offenders who are not more than 21 years of age. This bill extends that authority to July 1, 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:

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4 Wisconsin Act 27, section 5510s, is amended to read:

1 [1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act
2 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
3 until July 1, ~~1999~~ 2001, operate the juvenile secured correctional facility, as defined
4 in section 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27,
5 section 9126 (26v), as a state prison named in section 302.01 of the statutes, as
6 affected by this act, for the placement of prisoners, as defined in section 301.01 (2)
7 of the statutes, who are not more than 21 years of age and who are not violent
8 offenders, as determined by the department of corrections.

9

(END)